



COMPLAINTS BY MEMBERS OF THE PUBLIC GENERAL ORDER #14.00

Adopted: 08/04/2006

Replaces: Sheriff's G.O. #2512, Stanford G.O. #6.1.3, Stanford Procedure #13-400

POLICY

The *Stanford University Department of Public Safety* shall receive, document, and investigate as required all allegations of misconduct or neglect of duty involving its personnel brought by members of the public *or other employees*. The investigation of complaints will include those which are anonymous or are brought through a representative of the complainant. However, if an anonymous complaint cannot be verified by other evidence, or the representative refuses to identify the complainant, the complaint will not result in a sustained finding unless there is independent evidence to support such a finding.

PROCEDURE

A. TYPES OF COMPLAINTS

1. Internal Affairs Complaints:

a. *The following types of complaints, that may lead to formal discipline, shall be investigated as formal Internal Affairs matters. "Formal discipline" means any disciplinary action resulting in a letter of reprimand, suspension, demotion, reduction in base pay, or termination.*

- 1).** *Any alleged violation of the law.*
- 2).** *Excessive or unnecessary use of force.*
- 3).** *Racial, religious, or sexual harassment.*

4). Employee misconduct, e.g., general order violations, abuse of authority, false arrest or other behavior that can discredit the department.

b. The SUDPS Field Services or Administrative Lieutenant shall consult with the Director of Public Safety, the SUDPS Field Services Commander, and the Sheriff's Office – Stanford Liaison Captain in determining whether the initial course of investigation shall be formal (Internal Affairs) or informal (administrative), based upon the nature of the complaint and the performance/disciplinary history of the involved employee(s).

2. Division Complaints:

a. Absent prior incidents or ongoing progressive discipline involving the named employee(s), the following complaints may be investigated as informal administrative matters, usually conducted at the divisional level by the employee's supervisor or manager, or person assigned by the Director:

1). Matters of Policy or Law: e.g., complaints about the manner and/or method of enforcing laws, rules, regulations, or procedures, where there is no evidence of employee misconduct.

2). Lack of adequate service: e.g., failure of the employee to perform duties such as returning telephone calls, taking reports, responding to call for service, conducting follow-up investigations, etc.

3). Demeanor/Courtesy: e.g., rude, abusive, or profane conduct.

b. Should the complaint be of such a minor nature that the supervisor can rectify the situation to the mutual satisfaction of both parties (e.g., misunderstanding of the law), no further action need be taken.

c. Should a Patrol Sergeant receive a complaint that involves an employee under his or her direct supervision and the nature of the complaint is of a minor nature requiring corrective action at most, the supervisor may investigate and take appropriate action at the supervisory level. The complainant shall be advised of the disposition and informed that they may contact the SUDPS Field Services or Administrative Lieutenant if they have further concerns. The nature of such a complaint, the names of the involved employee(s), and the action taken must be documented in an e-mail and forwarded to the Administrative Lieutenant and Chief.

B. RECEIVING AND REPORTING COMPLAINTS - Complaints by members of the public involving *Stanford University Department of Public Safety* personnel may be made at any time, in person, by mail, e-mail, or by phone.

1. *Employee Complaint* forms for members of the public to make written complaints involving personnel of the *Stanford University Department of Public Safety* will be available during business hours at the *Records Division, Stanford University Department of Public Safety*. **Employee Complaint forms can also be downloaded from the department's website (<http://police.stanford.edu>) or forms will be mailed to persons wishing to file a complaint if the complainant so desires.**

2. During normal business hours, all complaints by members of the public alleging misconduct on the part of *SUDPS* personnel should be referred directly to either the *SUDPS Field Services or Administrative Lieutenant*. *If both lieutenants are unavailable, the complainant shall be referred to the on-duty patrol supervisor.*

3. During other than normal business hours, all complaints by members of the public will be referred to *the on-duty patrol supervisor or the highest-ranking officer on duty at the time (i.e., during special events, etc)*. The supervisor must evaluate whether the complaint alleges misconduct or whether the complaint is actually regarding a procedural matter. Once it is determined that the complaint involves possible employee misconduct, the supervisor should then determine if the complaint is of a major or minor nature.

a. If the complaint does not require immediate action, the *on-duty patrol supervisor* will ask the complainant, *if appearing in person*, to complete a *Employee Complaint* form, obtaining the significant details from the complainant. *If the complaint is received via telephone, the on-duty patrol supervisor shall obtain the significant details from the complainant and thereafter prepare a memo to the Director of Public Safety via the chain of command, outlining the allegations and details of the complainant.* The *on-duty patrol supervisor* will, in both cases of in person or telephonic contact, advise the complainant that he or she will be contacted by the *a member of the SUDPS command staff* on the next business day.

b. If the complaint is of such a serious nature that immediate action is required, the *on-duty patrol supervisor* will contact *the SUDPS Field Services Commander* via the chain of command. *The Field Services Commander* will notify the *Director of Public Safety* and will initiate an investigation into the allegation.

C. *The Stanford University Department of Public Safety* will document, and will assign a tracking number, to all complaints by members of the public except where:

1. the complaint does not involve an employee or volunteer of the *SUDPS*,

2. the complaint is frivolous on its face and appears to be the product of mental disease or disorder and no additional action is justified,
3. the complaint does not on its face allege misconduct or neglect of duty which violates law or procedure and no additional action is justified,
4. the complainant disagrees with existing *SUDPS* policy only and no additional action is justified.

D. *The Stanford University Department of Public Safety shall investigate allegations of misconduct or neglect of duty from members of the public as set forth in these General Orders. All investigations of complaints shall be completed no later than one year from the date filed except in any of the following circumstances:*

1. *If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.*
2. *If the public safety officer waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver.*
3. *If the investigation is a multi-jurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.*
4. *If the investigation involves more than one employee and requires a reasonable extension.*
5. *If the investigation involves an employee who is incapacitated or otherwise unavailable.*
6. *If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year time period shall be tolled while that civil action is pending.*
7. *If the investigation involves a matter in criminal litigation where the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution.*
8. *If the investigation involves an allegation of workers' compensation fraud on the part of the public safety officer.*

E. In all cases when a complaint by a member of the public is received, the complainant shall be notified by mail by the *Stanford University Department of Public Safety* of the

final disposition of the complaint *within thirty days of the findings*, unless the complainant did not provide a mailing address. If the complainant cannot be notified by mail and the complainant provided a phone number, the *Stanford University Department of Public Safety* will attempt to notify the complainant by phone of the final disposition of the complaint. Those complainants whose complaints were not documented and investigated will be notified that their complaint resulted in “no finding.”

A handwritten signature in black ink that reads "Laura Wilson". The signature is written in a cursive, flowing style.

**LAURA WILSON
DIRECTOR**