



**Government of the United States Virgin Islands  
Virgin Islands Police Department**



# Policy and Procedures Manual

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| <b>Series</b><br>DP                             | <b>Effective Date</b><br>Aug 2, 2011 | <b>Review Date</b><br>Annually | <b>Policy Number</b><br>7.2  |
| <b>Subject</b> Acceptance of Citizen Complaints |                                      |                                |  |
| <b>Chapter 7 – Disciplinary Procedures</b>      |                                      |                                | <input checked="" type="checkbox"/> New Policy<br><br><input type="checkbox"/> Replaces- |
| <b>References</b>                               |                                      |                                |  |

## I. PURPOSE

The purpose of this policy is to provide all Virgin Islands Police Department (“VIPD” or “Department”) employees, and the public, the procedures for accepting, processing, and investigating allegations of Officer Misconduct or citizen complaints. This policy defines provisions applicable only to the receipt and processing of complaints.

## II. POLICY

The VIPD's public image is determined by a professional response to allegations of misconduct against its employees. The establishment of procedures for the acceptance of complaints is crucial to demonstrate and protect VIPD's integrity. This department shall accept, and fairly and impartially investigate, all complaints or allegations of misconduct to determine their validity. The Department shall timely impose any disciplinary or non-disciplinary corrective actions that may be warranted. All complaints against the VIPD and/or employee conduct shall be accepted and documented regardless of whether the complaint filed is in writing, verbally in person, by mail, by telephone (or TDD), by facsimile or electronically, or anonymously.

## III. DEFINITIONS

Complaint: Any allegation by an individual regarding VIPD services, policies, practices or procedure, claims for damages which allege Officer misconduct, or Officer misconduct; and any allegation of possible misconduct made by a VIPD officer.

Complainant: Any person who files a complaint regarding the conduct of any Department employee, or the VIPD's policies, procedures, or actions.

Complaint Control Number: A sequential number used to identify and track citizen complaint investigations.

Critical Firearm Discharge: A discharge of a firearm by a VIPD officer, but does not include range and training discharges and discharges at animals.

Discipline: A written reprimand, suspension, demotion, or dismissal.

Officers: Any law enforcement officer employed by, or assigned to, the VIPD, whether on or off-duty, including supervisors and members authorized to carry department issued weapons, and members of the Police Auxiliary Force.

Employee: Any person employed by the VIPD, whether sworn or non-sworn, part-time or full-time.

External Complaint: A complaint that originates from outside the department.

Internal Complaint: A complaint that originates from within the VIPD. Such complaints may be initiated by other VIPD employees or from supervisors who observed, or were informed by other employees, of possible policy violations.

Internal Affairs Bureau (IAB): The designated Bureau with primary responsibility for conducting investigations of Administrative or Citizen Complaints of Misconduct.

Misconduct: Any conduct by a VIPD employee that violates VIPD policy or the law.

Summary Action: Disciplinary action (oral reprimand or counseling documented in writing), taken by an Officer's supervisor or commander for minor violations of department rules, policies, or procedures as defined by this department. Summary actions are the lowest level of disciplinary action generally handled by first line supervisors.

Supervisor: Includes those holding the rank of Corporal, Sergeant, Lieutenant, Captain, Deputy Chief, Chief, Assistant Commissioner, Commissioner, or anyone acting in those capacities, any other sworn or non-sworn manager authorized to carry department issued weapon(s), or any other individual authorized by the Commissioner.

## **IV. Procedures**

### **A. Internal Affairs Bureau (IAB)**

The IAB has primary oversight authority over administrative inquiries of

allegations of misconduct made against employees whether a result of a citizen complaint(s) or initiated from the Command level. Upon receipt of a complaint, IAB will investigate the complaint, or refer it to the appropriate unit or designated Supervisor for investigation through the appropriate chain of command in accordance with the chart in section IV, subsection C of the Investigating Misconduct and Citizen Complaint Policy.

## **B. Public Information and Access**

1. The VIPD Planning and Research Office will:
  - a. Ensure informational materials are made available to the public through police personnel, all police zones, internet, libraries, community groups/community centers, and at designated public facilities.
  - b. Develop, and cause to be broadcast, regular public service announcements on local radio and television describing the citizen complaint process.
  - c. Ensure placards describing the complaint process, including relevant phone numbers and address where complaints can be made, are permanently posted in each VIPD district station, substation, and mobile substation.
2. Officers will carry the complaint/compliment brochure provided by the VIPD which explains the complaint process in English, Spanish, and French in their vehicles at all times while on duty. Officers will inform citizens of their right to make a complaint against an Officer if the citizen is displeased with, or objects to, an Officer's conduct or performance of his/her duties.
3. Compliment forms will also be provided to citizens who wish to document extraordinary performance by Officers.

## **C. Acceptance/ Filing of Complaints**

1. General
  - a. The VIPD encourages citizens to bring forward legitimate complaints regarding possible misconduct by members. VIPD Officers will not discourage any person from making a complaint.
  - b. All officers must courteously inform an individual of his or her right to make a complaint if the individual objects to a member's conduct. This

- includes any complaints made by an individual who is in VIPD custody and/or a holding cell.
- c. Officers have a duty to assist any person who wishes to file a citizen's complaint by providing them with an informational brochure and a citizen contact form, or by promptly putting the complainant in contact with a supervisor who can assist them with filing their complaint.
  - d. No officer shall refuse to assist any person who wishes to file a citizen complaint or discourage, interfere with, hinder, delay, or obstruct a person from making a citizen complaint;
  - e. Officers who withhold information, fail to cooperate with departmental investigations, or who fail to report the misconduct of members to a supervisor shall be subject to disciplinary action.

#### **D. Complaint Intake Procedure**

1. All Citizens will have the right to lodge a complaint against any employees of the VIPD:
  - a. Complaints or Compliments may be received in writing or verbally, in person, by mail, telephone (TDD), facsimile, electronic mail, in a drop box, or by any other means.
  - b. Anonymous and third party complaints will be accepted.
  - c. Employees will maintain professional decorum both on and off duty, and will refrain from using abusive language to Citizens wishing to file complaints or inquire about the complaint process.
2. Employees will assist those who express the desire to lodge complaints against or compliments for any Employee. This includes, but is not limited to:
  - a. calling a Supervisor to the scene to conduct a preliminary inquiry and document the complaint (for example, summoning the supervisor of the Officer against whom the complaint is made) ;
  - b. explaining the department's complaint procedures;
  - c. providing complaint form(s) and/or complaint brochures, or give instructions as to where form(s) and/or brochures could be obtained;
3. Complaints will be received at any Zone, regardless of where the alleged incident occurred. Officers will not redirect any person to

another Zone, or to IAB, to file a complaint on the basis that the complaint originated in another Zone's jurisdiction, or that the complaint could not be taken at the time of the individual's appearance.

4. Officers who are approached by a person seeking to make a complaint will call for a supervisor, obtain a brief description of the allegation, record contact information (name, address, phone number) from the complainant, obtain a CCN number, and provide the CCN number to the complainant.
5. If a supervisor is not readily available, the officer will inform the complainant and advise them that they will be contacted by a supervisor or IAB agent by the next business day.
6. Every effort shall be made by all members to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. Any member who interferes with, discourages, hinders, or delays the making of complaints shall be subject to disciplinary action.
7. Zone Requirments:
  - a. When Desk Officers are approached by a person seeking to make a complaint they will immediately notify an on-duty Supervisor, who will then respond to the zone to conduct a preliminary inquiry of the complaint.
  - b. If a supervisor cannot respond to the Zone within a reasonable period, the Desk Officer will complete the CITIZEN COMPLAINT FORM (form #VIPD2010ccf-1).
  - c. Form #VIPD2010ccf-1 will be completed immediately, no more than one (1) hour after the complaint is received in person.
  - d. The person taking the complaint may describe facts that bear upon a complainant's demeanor and physical condition, but will not include his or her opinion regarding the mental competency or veracity of the complainant.
  - e. The person taking the complaint will obtain a Complaint Control Number (CCN) from 911. The 911 operator will provide the Officer with the control number only after receiving the required information (i.e. nature of complaint, name of complainant (optional), name of subject officer if known, location, time and date of incident, etc...)

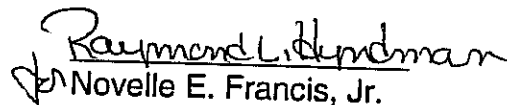
- f. The person taking the complaint will issue the complainant a copy of the Citizen Complaint Form with the CCN, which they will be allowed to review prior to leaving the station.
- g. The person taking the complaint will advise the complainant of the investigative process relative to their complaint, prior to the complainant leaving the station.

## **E. Complaints Through Alternative Methods**

1. If a complaint is received at the office of the Commissioner, Chief, or Deputy Chief, IAB will immediately be notified. IAB will attempt to contact the complainant as soon as possible, but no more than 24 hours after being notified, to complete the CITIZEN COMPLAINT FORM and initiate the investigation.
2. Zone Commanders will ensure that brochures, complaint, and complaint forms are always available at their assigned command, conspicuously displayed and accessible to the public. They will ensure that posters explaining complaint procedures are permanently posted within the public areas and, if damaged in any way, replaced. Ensure that the complaint drop boxes are functional; and, if damaged, cause them to be replaced or repaired.
3. IAB will collect all forms from the drop boxes located throughout the Districts.
4. Complaints received in writing, or by mail, telephone (TDD), facsimile, electronic mail, in a drop box, or by any other means will be processed as follows:
  - a. IAB will obtain a CCN, following the same procedures described in this policy for obtaining a control number;
  - b. Within three (3) business days of receipt of the complaint, IAB will contact the Complainant to acknowledge receipt of the complaint and provide the Complainant with the CCN;
  - c. An IAB supervisor will determine, based on the complaint, whether the matter will be investigated by IAB, or whether the matter will be referred to the subject officer's supervisor through the chain of command for further investigation; and
  - d. All complaints shall be investigated in accordance with the policies and procedures of the VIPD (Refer to Misconduct and Citizen

Complaint Investigations, Use of Force Investigations, and Serious Misconduct Investigations Policies.)

5. If a Complainant elects to complete-and-drop the complaint or compliment form into the provided compliment/complaint drop box located at the Zones, the following shall apply:
  - a. The Complainant will be directed to use the drop box provided at the Zones to deposit the completed complaint/compliment form;
  - b. IAB personnel, the only authorized section to retrieve the forms from the boxes, will retrieve the forms *(the boxes will be check by IAB every business day during normal business hours)*; and
  - c. All complaints will be investigated in accordance with the policies and procedures of the VIPD

  
for Novelle E. Francis, Jr.  
Police Commissioner