CITIZEN COMPLAINT PROCEDURE

The Indiana State Police Department is committed to maintaining the integrity of its employees and accountability to the public. Each year the department receives hundreds of letters, telephone calls, faxes, e-mails and personal visits from citizens who wish to commend the actions of many officers and civilian employees. There are, however, occasions when a citizen contacts the department for the purpose of registering a complaint concerning the conduct of an employee. The policy of the Indiana State Police Department is to accept and resolve citizen complaints in a manner which will demonstrate the department's commitment to professionalism.

HOW TO FILE A COMPLAINT!

The Indiana State Police Department accepts complaints in person, by U.S. Mail, by telephone, fax, e-mail (to a member of the department), or anonymously from any person who alleges misconduct by a department employee. The complaint should be made by the person involved, his or her attorney or, in the case of a juvenile, a parent or guardian.

WHEN AND WHERE MAY A COMPLAINT BE FILED?

A complaint may be filed at any time; however, those filed in close proximity to the time of an incident improve the investigator's chance of gathering factual information. Complaints may be filed at any state police district, the headquarters operations desk or the Executive Office. District facilities and headquarters operations desk are available 24 hours a day. Hours of the Executive Office are 8:00 a.m. to 4:30 p.m., Monday through Friday.

WHAT DOES THE DEPARTMENT DO WITH COMPLAINTS?

The commander of an employee involved will review a complaint to determine the department's response. The commander may decide to resolve the complaint by informal means if the complaint is such that the employee involved would not likely be disciplined. If the complaint is more serious in nature, a formal investigation will be conducted. Action taken by the employee's commander is reviewed by the Executive Office.

WHAT ARE INFORMAL AND FORMAL INVESTIGATIONS?

Complaints investigated informally involve a supervisor talking to the person making the complaint, any witnesses and the employee involved. The supervisor summarizes the incident and gives the results of the inquiry to the responsible commander. In cases where it is determined the complaint is substantiated (a violation of department rules has occurred), the commander has the authority to issue written or verbal reprimands, order re-training or counsel an employee. The commander can also make a determination that the complaint is unsubstantiated. The department considers a complaint to be unsubstantiated in situations where taking action against an employee cannot be justified. Examples of unsubstantiated complaints are: an employee and a citizen have conflicting statements where no witnesses exist who can corroborate either version; the complaint involves the issuance of a traffic citation or a criminal arrest (these matters must be resolved by the court); the complainant asks to withdraw the complaint or the complaint is proven; however, no rule violation has occurred. If the informal inquiry reveals the complaint is of a more serious nature than

originally reported, the commander may choose to have a formal investigation conducted. Formal investigations are more detailed in nature in that they involve tape recorded statements, the collection of pertinent records and/or the use of forensic tools (polygraph, handwriting or other types of laboratory examinations, etc.). Completed formal investigations are reviewed by a commander who makes a recommendation to the Superintendent concerning the appropriate outcome. The Superintendent makes a final determination as to how each investigation is resolved. Investigations are categorized by the Superintendent as:

UNSUBSTANTIATED:
The facts available are insufficient to prove or disprove the complaint;

UNFOUNDED:
the facts prove the misconduct complained of did not occur or employees were not involved;

EXONERATED:
the conduct complained of did occur, but under the circumstances was not in violation of departmental regulations, rules or standard operating procedures;

SUBSTANTIATED:
the allegation is proved to be true and a decision is made to impose discipline or supervisory action.

WHAT IS DISCIPLINARY ACTION?
Pursuant to Indiana Code 10-1-1-6 the Superintendent is authorized to demote, discharge or temporarily suspend an employee of the department after preferring charges in writing. Under the authority of the Superintendent, subordinate commanders are allowed to impose discipline up to a ten-day suspension. Suspension in excess of ten days, demotions or terminations may be imposed by the Superintendent. Employees may appeal disciplinary penalties to the Indiana State Police Board or may seek judicial review in a civil court.

WILL I BE INFORMED OF THE OUTCOME?
Unless the person who registers the complaint specifies otherwise, the department will notify that person in writing at the conclusion of the investigation. The complainant will be informed if the complaint was investigated formally or informally and how the matter was resolved. Access to investigative reports is restricted and are released outside the department in response to valid legal process, i.e., a subpoena or court order.

WHAT IF I DISAGREE WITH THE OUTCOME?
The department strives to treat citizens and its employees with fundamental fairness. The majority of complaints are resolved amicably; however, there are times when the department's response does not satisfy the complainant. Should that occur, the complainant may seek and follow the advice of legal counsel with regard to what remedy may exist of his or her particular situation.