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Chief of Police

ALBANY, NEW YORK
POLICE DEPARTMENT
165 HENRY JOHNSON BOULEVARD
ALBANY, NY 12210



1789

OFFICE OF PROFESSIONAL STANDARDS: COMPLAINT PROCEDURES
GENERAL ORDER NO: 2.4.05

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PURPOSE: The purpose of this policy is to establish procedures for the proper receiving, reporting, and investigating of all complaints and allegations of misconduct by the department or its employees.

POLICY: It is the policy of the Albany Police Department to promptly, competently, professionally, and impartially investigate all complaints and allegations of misconduct by the department or its employees.

DEFINITIONS: **Albany Community Citizens' Police Review Board (CPRB)** – The Albany Citizens'ommunity Police Review Board (CPRB) is an independent body established by the City of Albany in 2000 to improve communication between the Police Department and the community, to increase police accountability and credibility with the public, and to create a complaint review process that is free from bias and informed of actual police practice.

I. COMPLAINTS

A. Complaint Procedures:

1. ~~The department recognizes that its personnel are often subject to intense pressures in the discharge of their duties.~~ Employees must remain neutral under circumstances that are likely to generate tension, excitement, pressure and emotion. In such situations, words, actions, or events ~~frequently can~~ result in misunderstandings and confusion.
2. It is to the advantage of all employees and ~~citizens~~community members to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved taking into account the complicated pressures of law enforcement services.
3. The image of the department depends on the personal integrity and discipline of all department employees. To a large degree, the public image of this department is determined by the professional response to allegations of misconduct by the department or its employees. Therefore, the department shall be responsible for the following:

- a. Promptly, competently, professionally, and impartially investigating

all complaints relative to the department or its employees response to community needs;

b. Take appropriate disciplinary action in all cases where an investigation substantiates a violation of law, orders, rules, regulations, policies, or procedures; and

~~c. Seek appropriate remedy for false allegations; and~~

~~d.c.~~ Establish rules, regulations, policies, or procedures in order to direct and control the means by which law enforcement services are delivered in the most efficient and effective manner.

4. ~~C~~Community members~~citizens~~ who seek to file a complaint against the department or its employees shall be directed to an on-duty supervisor to record the complaint, ~~and the supervisor shall file the complaint and explaining the complaint process to citizens~~ community members in a professional manner meaning in a courteous, non-argumentative manner which is not defensive and does not question the validity of the complaint. This step is meant to inform the complainant not investigate the complaint.

a. Complaints against the department or its employees shall be documented as outlined in this policy and forwarded to the Office of Professional Standards (OPS). The OPS Commander shall be responsible for notifying the Chief of Police when a complaint of this nature is received.

5. Discretion shall be exercised by the supervisor as to which ~~citizens'~~ community complaints shall be handled at the supervisor level and which complaints shall be forwarded to the Office of Professional Standards (OPS). If the complaint is forwarded to OPS, then OPS shall complete a grievance report and forward that report to the Administrative Agency that administers the Community Police Review Board. If a complaint is handled at the supervisory level the grievance report completed as a result of that complaint shall also be forwarded to the Administrative Agency that administers the CPRB. Regardless, all complaints will be documented by IDC (Inter-Departmental Correspondence) from the supervisor handling it to the Chief of Police.

a. Complaints handled at the supervisory level include, but are not limited to the following:

- i. Attitude, character, or rudeness;
- ii. A misunderstanding of the law;
- iii. Tardiness;
- iv. The complainant does not wish to further register a formal complaint; or
- v. The complaint is not related to a violation of policy/procedure.

b. Complaints that shall be forwarded to OPS include, but are not limited to the following:

- i.** Complaints whereby an employee may face disciplinary or criminal action must be forwarded to OPS, such as misuse of force, corruption, criminal misconduct, or civil rights violations; or
- ii.** Incidents where the complainant refuses to file the complaint with the supervisor, than the complainant shall be referred to the OPS.
 - a)** Complaints of this nature shall immediately be brought to the attention of the Chief of Police through the chain of command.

6. If the complaint is handled at the supervisor level, then the supervisor shall be responsible for completing an Albany Police Department Supervisor Inquiry Report and entering it into IDC, APD Form # 423 shown on page 8 of this order, and forwarding the report to OPS. When the Supervisory Inquiry Report is forwarded to OPS, then OPS shall forward the Supervisory Inquiry Report to the Administrative Agency that administers the Community Police Review Board.
 - a. Supervisory officers are not relieved of their responsibilities to investigate complaints concerning investigations of ~~citizen~~community complaints against personnel under their command, and shall not automatically refer the complainant to OPS without gathering further information.

7. If the complainant desires further action and the matter warrants further investigation, the supervisor shall then advise the complainant that they should file a written complaint via a Community Complaint Form~~Citizen-CComplaint Form~~, shown on pages 9 through 12 of this order, or the complainant may submit a written letter detailing the incident. The supervisor shall be responsible for offering the complainant a ~~Citizen~~Community Complaint Form.
 - a. The department shall make information available to the public regarding the procedures for registering complaints against the department or its employees.
 - b. This information shall be accessible at the following locations/sites:
 - i. Albany Community Development Agency;
 - ii. Albany Housing Authority;
 - iii. Capital District Gay and Lesbian Community Council;
 - iv. Center for Law and Justice;
 - v. New York Civil Liberties Union;
 - vi. One Hundred Black Men of the Capital Region;
 - vii. Any Albany Police Station;
 - ~~vii-viii.~~ City Hall;
 - ~~viii-ix.~~ Government Law Center of Albany Law School;
 - ~~ix-x.~~ Albany High School; and
 - ~~x-xi.~~ University at Albany.
 - ~~c.~~ Also located at the above locations are Civilian – Employee Commendation Forms, APD Form # 456A shown on page 13 of this order. This form allows a civilian to submit a commendation for an employee of this department.
 - ~~d-c.~~ If a complaint is taken by telephone and not in person, the supervisor shall interview the complainant and determine if the complaint should be handled at the supervisor level or forwarded to OPS. If warranted, a Supervisor Inquiry Report shall be completed. If the supervisor makes the determination that a formal complaint is warranted or the ~~citizen~~community member desires to initiate a formal complaint, the supervisor shall explain to the

~~citizencommunity member~~ how to obtain a ~~Citizen-Community~~ Complaint Form and shall memorialize the initial conversation with the complainant via an IDC, recording, at a minimum, the following information:

- i. Complainant's name, address, and telephone number;

- ii. Date, time, and place of incident;
- iii. Name of involved employee(s), shield number, if applicable;
- iv. Description of involved employee(s), if name(s) is unknown;
- v. Name(s), address, and telephone numbers of any witnesses;
- vi. Details of the complaint; and
- vii. Upon completion, this information shall be forwarded in a manner agreeable with the complainant (mail, email, phone or in-person);

~~e.d.~~ All written complaints shall be addressed to the Chief of Police or the Citizens' Community Police Review Board (CPRB).

~~f.e.~~ Written complaints delivered in person to any department facility shall be placed in a sealed envelope and addressed to the Chief of Police.

- i. Upon receipt of the pre-printed complaint form, there is a section marked "Official Use Only," which shall be utilized for providing the complainant a receipt.
- ii. This section shall be completed by the receiving officer before placing the form in a sealed envelope.

~~g.f.~~ Citizens Community members shall receive a letter from the CPRB notifying the complainant that their complaint has been received and that the complaint will be investigated according to department policy. ~~and administratively handled.~~

~~h.g.~~ When a Citizen Community Complaint Form is issued or a complainant chooses to submit a letter addressing their complaint, the supervisor shall complete an Intra-Department Correspondence (IDC) to the Chief of Police detailing the allegation(s) made by the complainant. The IDC shall include, but not be limited to the following information:

- ~~i.h.~~ Time and date the complaint was received;
- ii. Name, address, and telephone number of the complainant;
- iii. Name, any identification number(s), and assignment of the alleged employee;
- iv. Nature of the allegation;
- v. Time, date, and location of the alleged incident; and
- vi. ~~Comments as to the complainant's or witnesses' mental or physical condition.~~ Any additional applicable information.

- 8. If the complainant appears under the influence of an intoxicant or drug, or is apparently suffering from a mental disorder, or displays any other trait or condition bearing on his/her credibility, this information shall be noted on the Supervisor Inquiry Report or the IDC. Any visible marks or injuries relative to the allegation shall be noted and photographed.
- 9. Complaints, regardless of their nature, can be lodged in person, by mail, or by phone, at any time. As part of the follow up investigative activity, persons making complaints by mail or phone normally will be interviewed and a written signed complaint prepared by OPS.

- a. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of ~~citizen~~community complaints.

10. Prisoners or arrestees may also make complaints. Circumstances may require a department representative to meet the complainant at a jail or prison for an interview. If appropriate, the police representative will have photographs taken of any injuries.
11. Department employees receiving a citizen-community complaint through U.S. mail shall forward the complaint to OPS who will determine investigative responsibility.

II. COMPLAINT PROCESSING

- A. Investigations involving complaints against department personnel shall follow the procedures outlined in the employee's respective Agreement, if applicable.
 1. This shall include when employees are notified that they have become the subject of an internal investigation; and
 2. That the department issues the employee a written statement of the allegations and the employee's rights and responsibilities in regards to the investigation.
- B. Investigation of complaints shall generally be completed within sixty (60) days of the complaint investigation being assigned to an OPS detective. The detective may request extensions of the time period from the Chief of Police when extenuating circumstances exist.
 1. OPS shall be responsible for notifying all complainants as to the status of their complaints and the expected completion date.
 2. Should an administrative investigation take longer than expected, OPS will notify the complainant and the subject employee of the delay and reason.
- ~~2.C.~~ Given the possibility of misunderstanding, following an investigation which fails to find wrongdoing on the part of the officer, the department should NOT seek any remedy for false allegations filed as a citizen's community members complaint, which could deter other complainants.

III. CATEGORY OF FINDINGS/CONCLUSION OF FACT

- A. The Office of Professional Standards (OPS) shall classify all completed internal investigations according to the following:
 1. Exonerated:
 - a. Where the facts, which provide the basis for the complaint occurred, but the review shows that such acts were proper.
 2. Unfounded:
 - a. Where the review shows that the act or acts complained did not occur or were misconstrued.
 3. Not Sustained:

- a. Where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.

4. Ineffective Policy or Training:

- a. Where the matter does not involve guilt or lack thereof, but rather ineffective department policy or training to address the situation.

5. Sustained:

- a. Where the review discloses sufficient facts to prove the allegations made in the complaint.

6. No Finding:

- a. Where, for example, the complainant failed to produce information to further the investigation;
- b. Where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency;
- c. Where the complainant is unavailable to clarify the complaint; or
- d. Where the officer is no longer employed by the City.

7. Mediated:

- a. Where the complaint is resolved by mediation.

B. The Office of Professional Standards shall be responsible for the following:

1. Maintaining a record of all complaints against the department or its employees.
 - a. All sustained complaints shall be maintained in the employee's personnel file, as well as in OPS files.
 - b. Completed investigations classified by all other adjudications shall be maintained solely in OPS files.
 - c. OPS shall protect the confidentiality of these records and maintain them in a secure area, in accordance with legal requirements.
2. The employee shall be notified of the results of the investigation.
3. Upon completion of an administrative investigation of a citizen's community members grievance, the complainant shall be notified of the finding by OPS.
4. Upon completion of a citizen's community complaint, the complainant shall be notified by the CPRB of the finding.
5. No employee of this department shall be permitted to review any file regarding an active ongoing investigation maintained by OPS, without the approval of the Chief of Police.

IV. LIAISON WITH DISTRICT ATTORNEY'S OFFICE

A. The Albany Police Department promotes the well-being of its employees by maintaining high standards of work performance and professional conduct.

1. The department will not tolerate employee criminal behavior that negatively impact's the department's interests, property, security, reputation, employee safety, or the confidence of the public.
2. This applies to both on-duty and off-duty conducts, as they both affect the

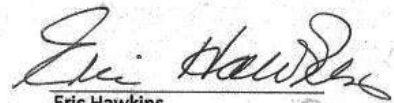
ability for the department to function within the confines of the confidence

of the public.

B. If the criminal investigation is being conducted by the Albany Police Department it will be bifurcated from the administrative case.

1. The investigators assigned to the criminal case will make appropriate notifications to the District Attorney's office, when appropriate.
2. Upon the commencement of a criminal proceeding, the investigators will continue as liaisons with the District Attorney's office until conclusion of the case.

C. If the criminal conduct is being investigated by an outside agency or the offense occurred outside of the department's jurisdiction, OPS will act as a liaison to the appropriate law enforcement agency(s) involved and as a liaison to the appropriate prosecuting agency(s) involved.



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SUPERVISOR'S INQUIRY REPORT

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Date Received	Time Received	Taken By	Case Number

Person's Name

Address

Phone (H) (W) (O)

Officer(s) Name

Officer(s) Shield Unit/Div.

Type of Incident

Date/Time of Incident

Brief Summary of Events:

Date Assigned To By

Date Handled By

Disposition

Supervisor's Recommendation: Follow Up Review Office Case Close

Please return to Office of Professional Standards upon completion.



**Albany Police Department
&
Citizens' Police Review Board**



CITIZEN COMPLAINT FORM

The Albany Citizens' Review Board (CPRB) encourages any persons who believe that they have a legitimately founded complaint of police misconduct to lodge such complaint with the Albany Police Department (APD) or with the CPRB. Such alleged misconduct includes but is not limited to complaints of excessive use of force or violation of civil rights (the definition of which shall include complaints pertaining to sexual orientation).

The goals of the CPRB are to improve communication between the Police Department and the community, to increase accountability and credibility with the public and to create a complaint review process that is free from bias and informed of actual police practices. Because of the important public trust exercised by all members of the Albany Police Department and the importance of maintaining that trust and the integrity of the Department, it is the responsibility of the Department to investigate promptly and thoroughly every complaint and accusation made against a police officer in order to protect that officer, the Department and the residents of the City of Albany. The CPRB will review every complaint investigation from beginning to end.

The Board recognizes that completing the complaint form and submitting or filing such complaint can be intimidating and stressful. The Board, therefore, has arranged with supportive civic groups and organizations to provide assistance in filling out the complaint form and in following up the complaint process. The Board believes that these good faith offers of assistance to individuals who wish to lodge a complaint will serve not only the individual but also the community at large and the Albany Police Department.

On the attached sheet is a list agencies that have agreed to be of assistance to those filing complaints in completing the complaint form and, if requested, will provide assistance in being present during the course of the investigation of the complaint.

Please note: The complaint form must be signed by the complainant himself/herself.

The completed form may be filed at any station of the Albany Police Department or submitted to the Albany Citizens' Police Review Board at the Government Law Center, Albany Law School, 80 New Scotland Ave. Albany, NY 12208-3494. The person lodging a complaint may submit the form by mail.

Organizations Offering Assistance in Completing Complaint Forms

Albany Community Development Agency

200 Henry Johnson Blvd.
Albany, NY 12210
Phone: 434-5240

Albany Housing Authority

4 Lincoln Square
Albany, NY 12202
Phone: 445-0755

Capital District Gay & Lesbian Community Council

332 Hudson Ave.
Albany, NY 12210
Phone: 462-6138

Center for Law & Justice

524 Broadway
Albany, NY 12207
Phone: 427-8361

New York Civil Liberties Union

90 State St. Suite 518
Albany, NY 12207
Phone: 436-8594

One Hundred Black Men of the Capital Region

388 Clinton Ave.
Albany, NY 12206
Phone: 443-6929

Additional Locations Where Complaint Forms are Available

Government Law Center

Albany Law School
2 Notre Dame Drive
Albany, NY 12208
Phone: 445-2329

Albany High School

700 Washington Avenue
Albany, New York 12203
Phone: 454-3987

University at Albany

1400 Washington Avenue
Albany, New York 12222
Phone: 437-4900



**Albany Police Department
&
Citizens' Police Review Board**



CITIZEN COMPLAINT FORM

See accompanying cover page for guidance in completing this Complaint Form.

Name of individual filing complaint: _____

Address: _____ **City/State/Zip** _____ **Phone No.** _____

Optional Information

The following information is being collected for statistical purposes and is entirely optional. The completion or not of this information will not in any way affect the outcome of the investigation.

Gender _____ **Race/Ethnicity** _____ **Occupation** _____

Identification of Police Department Employee(s) involved in incident, if known:

Name _____ **Shield No.** _____ **Vehicle No.** _____

Description of Employee: Gender: ___ **Race/Ethnicity** _____ **Uniformed? Y or N**

Name _____ **Shield No.** _____ **Vehicle No.** _____

Description of Employee: Gender: ___ **Race/Ethnicity** _____ **Uniformed? Y or N**

Witnesses to the incident and or individuals with relevant knowledge. Provide Names, Addresses and Phone Nos.

Person assisting in completing this complaint:

Name: _____ **Agency/Affiliation** _____

Address _____ **Phone#** _____

Details of the Complaint, include circumstances of Police contact (Attach additional pages if needed):

I realize that it may be necessary in the investigation of this complaint for me to meet with Officials of the City of Albany and/or the Citizens' Police Review Board to discuss this complaint. I understand that if my complaint results in a legal proceeding my testimony at such proceeding may be needed and I hereby agree to make myself available if required to do so.

I hereby affirm that the foregoing information is true and complete to the best of my knowledge and belief.

Signed: _____ Date _____



ALBANY POLICE DEPARTMENT

CIVILIAN FORM – EMPLOYEE COMMENDATION

Employee's Name: _____

Date & Time of Occurrence: _____

Location: _____

Details of the incident that you like to commend the employee for (Attach additional page if necessary):

[Large greyed-out area for incident details]

Person Submitting commendation: _____

Contact Number: _____

This form should be submitted to:

165 Henry Johnson Blvd.

Albany, NY 12210

Or:

OfficeoftheChief@albany-ny.org