

# LEXINGTON POLICE



## INFORMAL COMPLAINT PROCESS

When a member of the public (complainant) contacts the Lexington Police Department with a concern about an officer's conduct, a supervisor in the officer's bureau will communicate with the complainant.

Generally, the complaint will first be investigated as an informal complaint (which does not require a signed affidavit) by a supervisor in the officer's bureau.

1. During the investigation, the supervisor will notify the complainant, by telephone or by letter, every thirty (30) days to advise them of the status of the investigation until resolved.
2. At the conclusion of the investigation, complainants shall be notified by the investigating supervisor of the investigation's results.
3. If the complaint can be resolved at the bureau level and to the satisfaction of the complainant, the complaint will be closed and action taken will be documented.
4. Informal complaints may be escalated to **formal complaints** if the investigation finds significant officer misconduct and sufficient evidence to substantiate a complaint independent of the original allegation, or if the person chooses to change their complaint to a formal process.

## FORMAL COMPLAINT PROCESS

A member of the public may file a formal complaint alleging misconduct on the part of any officer as follows:

- The person goes to the Public Integrity Unit and completes Form #111, as prescribed by KRS 15.520.
- The person goes to the LFUCG Council Clerk and files a written charge against the officer.
- The person goes to LFUCG's Citizens' Advocate for assistance with filing a complaint.



LEXINGTON

## **FORMAL COMPLAINT PROCESS (continued)**

1. If a member of the public alleges criminal activity by an officer, the allegations may be investigated without a signed, sworn complaint.
2. The Public Integrity Unit (PIU) shall investigate all formal complaints and shall notify the member of the public who initiated the formal complaint, in writing and every thirty (30) days, to update them of the status of the investigation.
3. All formal complaints, unless an extension is granted by the Chief of Police, shall be investigated and submitted to the Chief of Police within 60 days.
4. At the conclusion of the investigation, the member of the public who initiated the formal complaint shall be notified by the Public Integrity Unit, in writing, of the results of the investigation.
5. When a member of the public declines to file a formal complaint against an officer, the complaint may be recorded as an informal complaint or information only report and may be investigated at the bureau level. Only if the bureau level investigation can independently substantiate the allegations, absent the sworn statement of the member of the public, shall a formal complaint (Form #111) be signed by a supervisor and investigated by the PIU.
6. After the investigation is completed, the Chief reviews the written summary and determines whether or not the results of PIU's formal complaint investigation support the allegation of improper conduct by the officer.
  - A. If the Chief determines that the findings of the PIU investigation do not support the allegation of improper conduct by the officer, the Chief of Police will direct PIU to close the formal complaint to conclude the disciplinary process and to instead proceed, as appropriate, with standard department non-disciplinary alternatives.
  - B. If the Chief determines that findings of the PIU investigation support the allegation of improper conduct by the officer, within 30 days, the Chief of Police has the option to either:
    - i. Meet with the officer via the Chief's Discretionary Meeting, or
    - ii. Direct PIU to prepare the investigative file and to schedule presentation of the formal complaint investigation to the Disciplinary Review Board.

## **FORMAL COMPLAINT PROCESS (continued)**

7. The Disciplinary Review Board (DRB) consists of assistant chiefs and commanders selected by the Chief of Police. The number and ranks of members assigned to the DRB is based on the current collective bargaining agreement pertaining to the officer's disciplinary case.
8. If a current collective bargaining agreement applies to the officer being reviewed, the DRB will also include a voting representative appointed by the president of the Fraternal Order of Police, in accordance with the current collective bargaining agreement.
  - In the event a commander or assistant chief appears before the DRB, the voting representative appointed by the FOP president must be of equal rank to the commander's or assistant chief's permanent rank (e.g. a commander or assistant chief appearing before the Disciplinary Review Board will have a permanent rank of lieutenant).
9. Officers not covered by a current collective bargaining agreement will appear before a board comprised of assistant chiefs and commanders selected by the Chief of Police.
10. The DRB will consider all available evidence and will make written recommendations to the Chief concerning disciplinary actions. The Board's recommendations will be recorded on the Form #111 by the chairperson of the DRB.
11. The Chief of Police may accept, reject, or alter the DRB's recommendations within thirty (30) days of the conclusion of the DRB meeting.
12. During this period, the Chief of Police may, at their sole discretion, meet with the officer before making a final discipline recommendation to the officer. Disciplinary recommendations include termination, demotion, a decrease in pay or grade, suspension without pay, or a written reprimand.
13. If the officer agrees with and accepts the Chief's disciplinary recommendation, the Office of the Chief will instruct PIU to prepare the Agreement of Conformity for signatures.
  - A. The Office of the Chief will forward the Chief's discipline recommendation, along with the entire investigative file, to the Commissioner of Public Safety.

## **FORMAL COMPLAINT PROCESS (continued)**

- B. The Commissioner of Public Safety will forward the entire investigative file for disposition by the Urban County Council per its procedures.
  - C. The Chief's disciplinary recommendation will be presented to the urban county council for approval. The council may accept the Chief's recommendation or schedule a hearing to be presented the facts of the investigation for final discipline.
14. If the officer does not agree to the recommended disciplinary action, the Office of the Chief will forward the Chief's discipline recommendation, along with the entire investigative file, to the Department of Law for preparation of charges to be filed with the Urban County Council Clerk.
- A. Such charges shall be filed within sixty (60) days of receipt by the Department of Law.
  - B. A hearing will then be scheduled for the facts of the investigation to be presented to the Urban County Council for final discipline.