

should be handled formally or informally.

5. In the event that the complainant does NOT wish to pursue the charges, the matter will be considered by the IA Officer as to whether internal charges should be brought and investigated. The Chief of Police will have the final decision on this matter.

6. Should the citizen complaint be formally assigned, the complainant will be notified in writing that the complaint is being investigated and of the approximate time necessary to complete the inquiry. The employee will receive a copy of this notification.

7. Upon completion of the investigation the IA Officer will present his findings to the Chief of Police who will determine if substantive allegations of criminal wrong doing are evident, thereby necessitating the District Attorney's or Attorney General's involvement.

8. Upon adjudication of the charges, and before any detrimental entry is placed in the employees personnel file, a meeting will held between the Chief of Police, the citizen making the complaint and the employee(s) involved.

9. The employee will be entitled to representation throughout this procedure and all opportunities for due process will be afforded.

## DISPOSITION OF COMPLAINTS

Disposition of complaints are classified as follows:

|                  |   |
|------------------|---|
| UNFOUNDED-       | Incident did not occur or officer not involved.                   |
| EXONERATED-      | Incident occurred but officer acted lawfully and properly.        |
| UNSUBSTANTIATED- | Insufficient evidence exists to prove or disprove the allegation. |
| SUSTAINED-       | Allegation is supported by substantive evidence.                  |

## SANCTIONS FOR SUSTAINED COMPLAINTS

The following sanctions may be imposed for sustained complaints:

1. Verbal Reprimand
2. Written Reprimand
3. Suspension
4. Dismissal
5. Criminal Charges

## SUMMARY OF COMPLAINT PROCEDURES

1. Present complaint to Shift Commander, preferably in person.
2. Meet with Internal Affairs Officer (IA Officer).
3. Make sworn, written statement to IA Officer.
4. Internal investigation is initiated.
5. Completed report is submitted to Chief of Police who determines future of procedure.
6. Meeting is held between the parties and the Chief of Police in matters of sustained complaints of internal misconduct.
7. Employee is adjudicated on charges.
8. Complainant is notified of disposition of charges.

## CITIZEN COMPLAINT PROCEDURE



## CAPE ELIZABETH POLICE DEPARTMENT

325 Ocean House Road  
Cape Elizabeth, ME 04107  
(207) 767-3323

## **WHO MAY COMPLAIN AND HOW**

Any citizen who feels that they have knowledge of police corruption or misconduct is encouraged to use the Cape Elizabeth Police Department complaint procedure.

The procedure set forth is designed to inform and assist the citizen through each step of the process and ensures the fair treatment and due process of the employee.

A complaint should be made as soon as practicable after the incident to the officer-in-charge either by phone or in person. After giving a brief summary to the officer-in-charge a date and time will be confirmed for you to speak with the Captain of the Department.  
(Internal Affairs Officer)

Every complaint, regardless of its nature, is assigned for investigation.

## **INTERNAL AFFAIRS**

The duty of the Internal Affairs Officer is to provide citizens with a fair and effective avenue for redress of substantive grievances against police department employees and to protect employees from false charges of

misconduct or wrong doing by providing those accused with due process safeguards. The Cape Elizabeth Police Department wishes to maintain its professional reputation and the integrity of its employees. Therefore, the Department shall not hesitate to impose disciplinary actions on irresponsible officers or remove from employment any officer who proves to be unfit for police work.

Conversely, in the course of the investigation, sworn statements may be required. It is important to note that MRSA Title 17-A, Chapter 19, provides criminal penalties for anyone making a false report. It will be the policy of the Cape Elizabeth Police Department to pursue criminal charges against any individual that contrives charges or makes a false statement under oath against any employee.

The department will accept and investigate all complaints of employee misconduct or wrong doing from any citizen. Following a thorough and impartial investigation the employee will be adjudicated by the Chief of Police or, in the case of criminal allegations, by the district attorney or attorney general's office who will make a judgement as to whether criminal charges should be brought.

Employees that are judged to have committed a violation of departmental rules and regulations will be disciplined according to departmental policy or, in the case of a criminal violation, by the courts.

Employees exonerated of the charges will have the incident expunged from their personnel record. A record of all complaints and subsequent investigations, however, will be maintained indefinitely by the Internal Affairs Officer. All records shall remain confidential.

## **COMPLAINT PROCEDURE**

Report any complaint as soon as possible to the Shift Commander on duty.

1. Shift Commander will record all pertinent information from the complainant.
2. Complainant will be scheduled to meet with the Internal Affairs Officer (IA Officer).
3. Complainant will be asked to make a sworn, written statement to the IA Officer.
4. IA Officer will seek input from the complainant as to whether the matter