



PATROL GUIDE

Section: Complaints		Procedure No: 207-31	
PROCESSING CIVILIAN COMPLAINTS			
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PURPOSE

To record and initiate investigation of complaints from civilians alleging misconduct by uniformed members of the service.

SCOPE

Complaints against uniformed members of the service may be made at any patrol precinct, police service area, transit district, traffic unit, Internal Affairs Bureau, or any other office of the Department, including the Office of the Police Commissioner or office of a deputy commissioner.

DEFINITIONS

INVESTIGATING SUPERVISOR - for the purpose of this procedure will be:

- a. In a patrol command - the Platoon Commander, Special Operations Lieutenant, or Integrity Control Officer of the command receiving the complaint will conduct investigation.
 - (1) If the Platoon Commander, Special Operations Lieutenant, or the Integrity Control Officer is unavailable, the commanding officer/duty captain will assume charge of the preliminary investigation.
- b. In other than a patrol command - a supervisor or duty captain from the next higher command will perform the investigation.

SUPERVISOR REVIEWING CIVILIAN COMPLAINT - Supervising member of the service who reviews a **CIVILIAN COMPLAINT REPORT (PD313-154)** prepared by a subordinate member. The reviewer must be at least one rank higher than the member receiving the **CIVILIAN COMPLAINT REPORT**.

PROCEDURE

Upon receipt of a complaint from a civilian alleging misconduct by a uniformed member of the service:

MEMBER OF THE SERVICE RECEIVING COMPLAINT

- 1. Report all misconduct complaints (see exceptions in following “NOTE”) including unnecessary use of force, abuse of authority, discourtesy, offensive language, etc., to Civilian Complaint Review Board, Intake Unit at 1-800-341-2272 (24 hours).

NOTE

Complaints of corruption or other misconduct not within the jurisdiction of the Civilian Complaint Review Board will be referred to the Internal Affairs Bureau Command Center (see P.G. 207-21, “Allegations of Corruption and Other Misconduct Against Members of the Service”).

- 2. Process complaints as follows:
 - a. MADE IN PERSON
 - (1) Interview complainant.
 - (2) Give complainant first copy of **CIVILIAN COMPLAINT REPORT (PD313-154)** to be prepared in complainant’s own handwriting.

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**MEMBER OF
THE SERVICE
RECEIVING
COMPLAINT
(continued)**

- (3) Furnish assistance or allow other person to assist in preparing the form. Enter under "Details" reason assistance was given.
 - (4) Have complainant sign form under appropriate caption and have representative or person assisting, if any, sign form under caption "Details."
- b. RECEIVED BY MAIL
- (1) Attach original letter of complaint to first copy of **CIVILIAN COMPLAINT REPORT** ordinarily prepared by civilian complainant.
 - (2) Make photocopy of original letter of complaint and attach to file copy of **CIVILIAN COMPLAINT REPORT**.
 - (3) Enter Civilian Complaint Review Board or Chief of Department serial number, as appropriate, in a conspicuous location at the top of original letter of complaint.
- c. RECEIVED BY TELEPHONE
- (1) Prepare first copy of **CIVILIAN COMPLAINT REPORT** in own handwriting and treat as if prepared by complainant. All captions are to be completed. If requested information is not given, indicate such in appropriate captions on **REPORT**.
 - (2) Advise complainant he/she will receive a written acknowledgement from the Civilian Complaint Review Board.
- d. IN PERSON (DOES NOT WANT TO IMMEDIATELY MAKE COMPLAINT) - When a complainant is present in any police facility and does not want to immediately make a complaint or furnish the member of the service receiving the complaint with details of the incident:
- (1) PROVIDE the complainant with the first copy of **CIVILIAN COMPLAINT REPORT**.
 - (2) Advise complainant that the complaint may be delivered in person, taken over the telephone, or sent by mail to any patrol precinct, police service area, transit district, traffic unit, Internal Affairs Bureau, or any other office of the Department, including the Office of the Police Commissioner or office of a deputy commissioner. IN ADDITION, provide the complainant with the telephone number of the Civilian Complaint Review Board, Intake Unit at 1-800-341-2272 (24 hours).
 - (3) When a member of the service receives a request for a **CIVILIAN COMPLAINT REPORT**, the desk officer/supervisor will be advised and a Command Log entry will immediately be made and shall include the name of the complainant, if provided, physical description, e.g., sex, race, age and any other pertinent information.

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NOTE

If the complainant appears to have difficulty understanding/communicating in English, the member of the service concerned should comply with P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons." Due to the sensitive nature of corruption/misconduct complaints, the use of the telephonic interpretation service is the preferred interpretation method in these types of cases. If the complainant appears to be hearing impaired, the member of the service receiving the complaint should comply with P.G. 212-104, "Interaction with Hearing Impaired Persons."

To prevent an interruption or delay in vital services, the telephone switchboard operator will refer an allegation of misconduct to the desk officer who will record pertinent details of the allegation.

MEMBER OF THE SERVICE RECEIVING COMPLAINT (continued)

3. Prepare **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET) (PD313-154B)** and include the following under the caption "Additional Comments:"
 - a. If complainant is apparently under the influence of an intoxicant or drug.
 - b. If complainant is apparently suffering from a mental disorder or evidences any condition bearing on his/her credibility.
 - c. Physical condition of complainant, noting any visible marks or injuries relative to the complaint.
 - (1) Take photograph of area of body that was reportedly injured, when possible, with complainant's consent.
4. Inform Civilian Complaint Review Board, Intake Unit, immediately by telephone 1-800-341-2272 (24 hours) of:
 - a. Summary of alleged misconduct
 - b. Time complainant arrived, or letter or call received
 - c. Name and address of complainant. Indicate if anonymous, transient or homeless
 - d. Rank, name, shield number and command of member complained of, if known
 - e. Reporting command
 - f. Name, rank, and command of member transmitting information.

NOTE

*A follow-up notification to the Internal Affairs Bureau Command Center at (212) 741-8401, will also be made to obtain an Internal Affairs Bureau log number. Indicate that number on the top of the **CIVILIAN COMPLAINT REPORT**, under the caption I.A.B. LOG #.*

5. Obtain Civilian Complaint Review Board or Chief of Department serial number and time recorded from Civilian Complaint Review Board, Intake Unit, and enter on **CIVILIAN COMPLAINT REPORT**.
6. Request complainant and/or witnesses to remain if:
 - a. Requested by Civilian Complaint Review Board, Intake Unit, pending telephone and/or in person interview by investigator to clarify complaint allegation(s), etc.
 - b. Complaint has been assigned a Chief of Department serial number and the complainant is a transient or homeless.

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MEMBER OF THE SERVICE RECEIVING COMPLAINT (continued)

7. Notify Investigating Supervisor to initiate investigation of alleged complaint(s) if:
 - a. Doubt exists as to the identity of the member of the service against whom the complaint is being lodged, OR
 - b. Complaint has been assigned a Chief of Department serial number and the complainant is a transient or homeless.
8. Have four typewritten copies of **CIVILIAN COMPLAINT REPORT** and two typewritten copies of **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)** prepared.
9. Review and sign all copies of **CIVILIAN COMPLAINT REPORT** and **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)**.
10. Give one typewritten copy of **CIVILIAN COMPLAINT REPORT**, marked "Complainant Copy," to the complainant as a receipt.

NOTE

DO NOT GIVE COMPLAINANT A COPY OF THE CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET).

11. Have a Command Log entry made consisting of the following information:
 - a. Name and address of complainant
 - b. Time of complainant's arrival and departure or time of receipt of letter or telephone call
 - c. Physical condition of complainant, noting any visible marks or injuries relative to the complaint
 - d. Identity of member complained of, if known
 - e. Civilian Complaint Review Board or Chief of Department serial number assigned.
12. Have two copies of **Typed Letterhead** prepared in a command not maintaining a Command Log, addressed to the commanding officer, and containing the information described in step 11.

INVESTIGATING SUPERVISOR

13. Initiate investigation as indicated in step 7 above.
14. Notify the Civilian Complaint Review Board, Intake Unit at (800) 341-2272 (24 hours) of the results of the investigation.
15. Record the results of the investigation on the **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY WORKSHEET)** under the caption "Additional Comments" and return to the member of the service receiving complaint for distribution.
16. Record results of investigation in Command Log.
 - a. Commands not maintaining a Command Log will record the results of the investigation as per step 12 above.
17. Notify the commanding officer/duty captain if unable to ascertain the identity of the member against whom the complaint is being lodged.

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**SUPERVISOR
REVIEWING
CIVILIAN
COMPLAINT
REPORT**

18. Review **CIVILIAN COMPLAINT REPORT** prepared by member of the service receiving complaint.
- If a civilian complaint is made in person or by telephone and it involves member(s) of the reporting command, ensure that all related Department documents are included with the **REPORT** (See *NOTE* following step 20).
 - Complete following captions: “Title, Tax Registry Number and Signature of Reviewing Supervisor, Name Printed, and Date”.
 - Submit entire package to commanding officer.

**COMMANDING
OFFICER OF
MEMBER
RECEIVING
COMPLAINT**

19. Endorse and forward original **Typed Letterhead** to next higher command maintaining a Command Log.
- Have duplicate filed.
20. Distribute copies of **CIVILIAN COMPLAINT REPORT** and **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)** as follows:
- Complaints within Civilian Complaint Review Board jurisdiction:
 - Forward original typewritten **CIVILIAN COMPLAINT REPORT**, handwritten complaint and “Investigating Entity” copy of the **STATISTICAL SUMMARY SHEET**, with photograph, if taken, to Internal Affairs Bureau, Civilian Complaint Review Board Liaison, in a sealed envelope, DIRECT
 - Distribute remaining copies of **CIVILIAN COMPLAINT REPORT** and **STATISTICAL SUMMARY SHEET** as indicated at bottom of each form.
 - Complaints within the Chief of Department jurisdiction:
 - Forward original typewritten **CIVILIAN COMPLAINT REPORT**, handwritten complaint and “Investigating Entity” copy of the **STATISTICAL SUMMARY SHEET**, to Investigation Review Section, Office of the Chief of Department, in a sealed envelope, DIRECT.
 - Distribute remaining copies of **CIVILIAN COMPLAINT REPORT** and **STATISTICAL SUMMARY SHEET** as indicated at bottom of each form.

NOTE

*When a complaint is made in person or by telephone and involves a member of the service assigned to the reporting command, attach to the **CIVILIAN COMPLAINT REPORT**:*

- All Department related documents (e.g., **COMPLAINT REPORT WORKSHEET (PD313-152A)**, Command Log entries, **ACTIVITY LOG (PD112-145)** entries, ICAD Event Information, **ROLL CALL**, etc.).*

The completed package will then be forwarded to the Internal Affairs Bureau, Civilian Complaint Review Board Liaison Unit in Department mail. Department records will not be forwarded direct to the Civilian Complaint Review Board.

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ADDITIONAL DATA

Complaints made against uniformed members of the service involving unnecessary use of force, abuse of authority, discourtesy or offensive language will be directed to the Civilian Complaint Review Board, Intake Unit, and be assigned a Civilian Complaint Review Board serial number. Additionally, complaints against uniformed members alleging other acts of misconduct, i.e., fail to properly perform duty, unwarranted traffic summons, etc., will be directed to the Civilian Complaint Review Board, Intake Unit, and be assigned a Chief of Department serial number.

*Complaints made against civilian members of the service, including traffic enforcement agents, which would normally be within the jurisdiction of the Civilian Complaint Review Board (i.e., unnecessary use of force, abuse of authority, discourtesy, or offensive language), will be directed to the Internal Affairs Bureau for screening at (212) 741-8401, 8402, 8403 or 8404. One typewritten copy of the **CIVILIAN COMPLAINT REPORT** will be given to the complainant as a receipt. The handwritten copy and the "Investigating Entity" copy of the **CIVILIAN COMPLAINT REPORT** and the "Investigating Entity" copy of the **STATISTICAL SUMMARY SHEET** will be forwarded to the Internal Affairs Bureau direct in a sealed envelope. The remaining copies of the **CIVILIAN COMPLAINT REPORT** and **STATISTICAL SUMMARY SHEET** will be distributed as indicated at the bottom of each form. It should be noted that NO portion of either the **CIVILIAN COMPLAINT REPORT** or the **STATISTICAL SUMMARY SHEET** is to be forwarded to the Civilian Complaint Review Board for complaints made against civilian members of the service. Steps 1, 4, 5 and 19 of this procedure do not apply to complaints involving civilian members of the service.*

Complaints alleging corruption or other misconduct against any uniformed or civilian member of the service, including traffic enforcement agents, will be directed to the Internal Affairs Bureau Command Center (see P.G. 207-21, "Allegations of Corruption and Other Misconduct Against Members of the Service").

*If a civilian complaint originates at a precinct stationhouse, transit district or PSA and is the result of a radio run within the last twenty-four hours, the member of the service receiving the complaint will attach a copy of the ICAD Event Information to the **CIVILIAN COMPLAINT REPORT** prior to forwarding the paperwork to the Internal Affairs Bureau or the Investigation Review Section, Office of the Chief of Department.*

Any request for Department records made by representatives of the Civilian Complaint Review Board will be referred to the Internal Affairs Bureau, Civilian Complaint Review Board Liaison, for necessary attention. Department records will not be forwarded direct to the Civilian Complaint Review Board.

Complaints against federal, state, or city employees, other than members of the New York City Police Department, involving allegations of corruption or serious misconduct, will be processed in accordance with P.G. 207-22, "Allegations of Corruption Against City Employees (Other than Members of the New York City Police Department)." Any other complaint will be processed in accordance with P.G. 207-01, "Complaint Reporting System."

A complainant seeking to register a complaint, which does not affect this Department or a federal, state, or city agency as described above, will be referred to the non-governmental entity concerned. The desk officer will explain the reason for the referral to the complainant, and will assist the complainant in lodging the complaint in any way possible with the proper agency.

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**ADDITIONAL
DATA
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A member of the service may prefer a civilian complaint against another member of the service. Investigation of such complaint will be conducted by the commanding officer(s) assigned by the Commanding Officer, Investigation Review Section, Office of the Chief of Department.

*Whenever a member of the service is a victim of disparaging remarks relative to his/her ethnicity, race, religion, gender, or sexual orientation, made by another member of the service, he/she may register a complaint with the Civilian Complaint Review Board. The Civilian Complaint Review Board will record the complaint and forward a summary of the allegation to the Deputy Commissioner - Equal Employment Opportunity for investigation. The commanding officer of the member complained of will receive a copy of the **CIVILIAN COMPLAINT REPORT** from the Office of Equal Employment Opportunity.*

**RELATED
PROCEDURES**

*Complaint Reporting System (P.G. 207-01)
Civilian Complaints – Witness Statement (P.G. 207-30)
Allegations of Corruption and other Misconduct against Members of the Service (P.G. 207-21)
Allegations of Corruption against City Employees (Other than Members of the New York City Police Department) (P.G. 207-22)*

**FORMS AND
REPORTS**

CIVILIAN COMPLAINT REPORT (PD313-154)
CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET) (PD313-154B)
Typed Letterhead