

## Information Item

**Date:** August 28, 2018  
**To:** The City Manager  
**From:** Alan A. Andrews, Deputy City Attorney

**Subject:**  
The Citizen Police Complaint and Appeals Process; Suggestions for Filing Complaints Online

**Strategic Focus Area:** Safe and Secure Community  
**Strategic Objective:** Improve Public Safety Service Quality  
**Strategic Plan Action Item:** No  
**Key Work Item:** No



The City Attorney's Office was asked to review the process for citizens to file complaints against Winston-Salem Police Officers and to appeal decisions regarding those complaints to the Citizen Police Review Board (CPRB). This review involved an analysis of the current process and procedures, with a focus on the role played by the WSPD's Professional Standards Division (PSD) in interacting with citizens and in investigating their concerns and complaints. As a part of this process, staff suggests a mechanism for citizens to file complaints or appeals electronically via an online portal.

### The Citizen Police Complaints and Appeals Process

#### A. Current Process

Citizens currently have a number of options in making a complaint or expressing a concern about a police officer's actions. When a citizen has a complaint against a Winston-Salem Police Officer, the citizen can complete a "Citizen Police Complaint Form." This form can be filed at the City Secretary's Office in City Hall. Complaints may also be made in-person or via phone to the Winston-Salem Police Department's Professional Standards Division, also known as PSD. Citizens may also contact City Link to make a complaint, but will then need to file a complaint form as indicated herein.

Sometimes citizens may want their concerns or complaints addressed more immediately. Citizens always have the option to speak directly with an officer's supervisor. If requested, a supervisor will report to the scene or, if agreeable, speak to the citizen by phone and address any concerns the citizen may have. After speaking with the citizen, the supervisor or any member of the chain of command can refer the matter directly to PSD for investigation. The citizen may also choose to contact PSD themselves. When speaking with PSD, the citizen may get their concern addressed and resolved, but will always have the option to file a formal complaint.

As for completing the citizen complaint form, it requests the citizen's contact information and details of the incident or interaction leading to the complaint. When coming to a city facility, citizens are provided a location to complete the form. If the form is filled out away from a city office, the citizen should not sign it. Instead, the citizen should return to the City Secretary's Office or PSD to sign the form. The form must be sworn to and notarized by a notary public, usually a city employee, who is also witnessing the signing.

After a citizen police complaint is received, it is routed to PSD for investigation and handling. PSD has a highly-trained and professional staff of seasoned investigators who review the complaint and start the investigative process. In addition to ensuring that a thorough investigation is conducted, PSD's goal is to work with a citizen who wishes to register a complaint. Both the assigned PSD investigator and PSD staff will work in consideration of the citizen's needs to schedule any necessary interviews. PSD will conduct a thorough investigation as expeditiously as possible. Once the investigation is complete, it will be reviewed by the PSD Commander who will present the results to the Chief. After her review, the Police Chief will send a letter to the citizen with findings and a disciplinary determination. A citizen who disagrees with the Police Chief's decision may file an appeal to the Citizen Police Review Board (CPRB). The appeal form used is similar to the initial complaint form but seeks the reason for the appeal. The appeal form should be signed, witnessed and notarized the same as the complaint form. All appeals will be routed directly to the CPRB Chair by the designated City Attorney's Office staff member, for review by the CPRB. Appeals will also be forwarded to PSD so that the staff will be prepared to provide any necessary or requested information.

## B. Benefits of the Current Process

The current process of handling citizen complaints and appeals allows for in-person contact and communication early in event cycle and ensures that information captured is complete. If the citizen coming forward was not directly involved in the event leading to the complaint, city staff can then seek out the affected citizen for an accurate first person accounting. A citizen's procedural questions can be answered and any jurisdictional concerns, such as the involved law enforcement officer being a Sheriff's Deputy or from another agency, can be dealt with immediately. If a citizen's concern or complaint regards a matter that does not involve a police rule of conduct violation, then PSD staff can inform the citizen that their concern or complaint might best be handled by the involved officer's chain of command. This might be the case, for instance, for a concern about the number of officers who responded to the scene of a traffic stop or an arrest.

## C. Proposed Online Complaint Intake Process

To address concerns regarding the need to ease access to the citizen police complaint and appeal process, staff proposes a mechanism to file complaints or appeals online. A citizen would be able to access the city's website and navigate to a complaint intake portal to enter their complaint or appeal. While the online form would be an informal complaint, it would capture enough information to allow PSD personnel to contact the citizen and begin the investigative process. While online, the citizen would be prompted to supply all methods of contact, including cell phone numbers and email addresses. Considering the prevalence of photos and audio or video recordings currently being made, citizens would be able to upload such data along with their complaint, if desired. If a citizen has other relevant documentary evidence, that information could perhaps be accepted as well. The online process would contain fields and drop down menu options designed to standardize the provided information to ensure that the complaint can be processed efficiently.

After the complaint has been electronically filed, a verification email will be sent to the citizen. A PSD investigator will follow up by calling the citizen no later than the next business day. PSD staff will provide information and answers to any questions the citizen might have. During this communication, the citizen will be able to elect whether to proceed with a formal complaint. If so, PSD staff will set up an in-person interview with the citizen. At the interview, the PSD investigator will provide the citizen with the information submitted online along with an included notary section. As with complaints filed at City Hall, electronically filed complaints will need to be signed by the citizen and notarized. Once this is complete, the complaint would be considered formal under Commission on Accreditation for Law Enforcement Agencies (CALEA) standards and would be investigated promptly. If a citizen wishes instead to file an appeal to the CPRB, there would be a similar online portal for such to be filed. After signing and notarization, the appeal would be handled with the same thoroughness as occurs currently.

#### D. Benefits of the Proposed Online Complaint Intake Process

Capturing information in an electronic format increases legibility and, at times, clarity over handwritten text. This format reduces or removes space constraints. If English is not the citizen's primary language, perhaps a foreign language option could be made available. Electronic filing also allows for key statistical data to be captured more easily and provides flexibility to adjust the format as needs emerge.

This online process would provide an alternative to citizens who feel uneasy coming, in-person, to City Hall or the Winston-Salem Police Department to file their complaints. Though citizens would still have contact with police, such contact would occur after they have had an opportunity to submit their information and evidence. If a citizen has mobility challenges or another form of disability, this option might reduce their hindrances and provide a beneficial option. The online process would reduce or eliminate many real or perceived barriers to filing a complaint or an appeal. Telephone numbers for both the Professional Standards Division and the City Secretary's Office will be included on the online portal so that a citizen can choose to speak directly to a staff person if they prefer doing so or if they need any assistance.

#### E. Next Steps

Implementation of this online filing option would require the efforts and involvement of Information Services staff and potentially a contractor retained to develop the necessary software. Cost estimates for these services will be provided as requested. Staff seeks your suggestions for improvements to this idea and suggestions for moving forward.