

# Utica Police Department

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## **Public Compliment and Complaint Process**

## **UPD's Responsibility**

The UPD recognizes its responsibility to maintain the public confidence and trust, and the need to ensure integrity and accountability of both the agency and of each employee.

## **The Public's Responsibility**

As we recognize the rights of all citizens, the public should recognize that UPD employees must be able to exercise their best judgment in taking necessary and reasonable action in the performance of their duties without fear of reprisal.

## **Utica Police Policy**

It is the policy of the UPD to respond to compliments or complaints received from the public.

Complimentary letters are:

- Reviewed by the employee's first line supervisor,
- Forwarded to the employee,
- Placed in the employee's personnel file.

Complaint letters or forms follow a very specific procedure to:

- Ensure fair and proper action is taken when an employee is accused of misconduct,
- Protect employees from unwarranted or false accusations,
- Ensure a thorough, fair and objective investigation and
- Help identify and correct deficiencies in policies, procedures and/or training.

## **Anyone can submit a complaint**

The person most directly affected by the alleged conduct should be the person to make the complaint. Under most circumstances, this is the person most likely to provide the best information about the incident. However, third party complaints will be accepted and investigated to the best of our ability.

## **Complaints can be made at any time**

To help ensure evidence is still available and recollections of the incident are fresh, complaints should be made as soon as possible after the alleged misconduct occurred.

## **Complaints may be made:**

- By mail to: Professional Standards  
Utica Police Department,  
413 Oriskany Street West  
Utica, N.Y. 13502
- In person at UPD Headquarters
- By telephoning UPD at 315-223-3405
- By email to [professionalstandards@uticapd.com](mailto:professionalstandards@uticapd.com)
- Online at [uticapd.com](http://uticapd.com)

All complaints received by the UPD are forwarded to the Office of Professional Standards where they are logged in and assigned a tracking number.

## **Complaints should be concise and specific**

Describe the conduct of the employee that you believe to be improper, and

- Provide the specific words or phrases used by the Officer
- Describe the employee's tone of voice
- Cite particular acts of rudeness

Identify the employee as much as possible by providing the:

- Employee's badge number and patrol vehicle number
- Date, time and location of the incident
- If available, include the names, addresses and telephone numbers of any witnesses

(Note: UPD officers are required by policy to properly identify themselves upon request.)

## **The subject of the complaint should involve alleged misconduct by an employee**

The focus of the UPD complaint procedure is on alleged misconduct by a UPD employee that encompasses violation of laws or UPD policies and procedures. Dissatisfaction with an arrest or ticket is not considered a "complaint" and you will be referred to the court with the appropriate jurisdiction.

## **Anonymous complaints are investigated but not recommended**

Although anonymous complaints are investigated, the investigations are less likely to reveal all the facts surrounding an incident when the investigator is unable to contact the complainant. UPD encourages individuals with allegations of misconduct by our employees to identify themselves and submit to an interview.

## **Making a complaint will not affect actions or charges against the complainant**

Employees are prohibited from retaliating against you for reporting truthful information in lodging a complaint against them.

Any charges or legal issues (present or future) must be decided by the appropriate court. The investigation of your complaint will focus on the conduct of the employee, not charges against you. Any charges against you are a separate issue that you will have to resolve at court. Therefore, if you were arrested or issued a ticket or summons during the incident that led to your complaint, you must still follow the direction of the appropriate court in resolving the case.

## **Values of the Utica Police Department**

- Maintain service as our primary goal, while vigorously pursuing those who commit crimes
- Ensure that community responsiveness and the prevention and deterrence of crime are always a priority of this agency
- Strive to maintain the highest levels of integrity and professionalism in all our members and activities
- Provide courteous police service with respect for the rights and dignity of the people we serve
- Encourage public input regarding the development of strategies that directly affect the quality of neighborhood life
- Manage our resources carefully and effectively
- Seek the input of employees into matters that affect job satisfaction and effectiveness
- Remain committed to a shared and open relationship of involvement with all segments of our community
- Encourage cooperative relationships with professionals from all facets of the law enforcement community

## **Complaint Investigation Process**

Every complaint of misconduct will be investigated until it reaches a conclusion.

Upon receipt of a complaint, the Chief will assign the case for investigation. Generally, complaints will be assigned to the employee's supervisor or commander.

Investigators will:

- Attempt to interview the complainant, the accused employee and all witnesses;
- Examine physical evidence;
- Review reports and records;
- Thoroughly document the facts surrounding the incident and allegation.

The investigator's report will be submitted to the Deputy Chief who will review it for completeness and objectivity and then forward it to the Chief of Police for final resolution.

## **Investigative Procedures**

The standard of proof in an administrative investigation is a preponderance of the evidence. It is less than the standard in a criminal case, which is guilt beyond a reasonable doubt.

Police employees have rights protected under New York State Law. If, during the course of the investigation, it is determined that the employee could face significant discipline, we may ask you to submit to a sworn statement.

In a criminal investigation, police employees have the same rights as any citizen, including the right to remain silent. If officers are ordered to answer questions or face discipline, their answers cannot be used against them in a criminal matter. Under state law, complaint investigations are public records. Once completed, the investigation is retained and must be made available for review or release upon request.

### **Submitting a Compliment/Complaint Form**

The Utica Police Department (UPD) is dedicated to providing the highest quality police services to residents of, and visitors to, the City of Utica.

Your compliments and complaints are important to the UPD and we appreciate you taking the time to communicate with us.

Compliments or complaints may be filed with the police department 24 hours a day/7 days a week.

Forms can be obtained:

- On our website: [uticapd.com](http://uticapd.com)
- At Police Headquarters
- At Utica City Hall

Your compliments or complaints may be submitted by mail, email, in person or by telephone at the addresses and phone number provided at the bottom of the page.

Your compliment/complaint will be accepted even if it is not on our form.

### **Disciplinary Action**

The UPD's Policy and Procedure manual utilizes the principle of progressive discipline. This allows for cumulative increase in penalty considering prior discipline while also allowing for consideration of mitigating circumstances.

Once management has reached a final disposition, appropriate action will be taken. This may involve documented counseling or re-training. It may also involve disciplinary action which includes oral reprimand, written reprimand, suspension or termination.

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