

LIVINGSTON POLICE DEPARTMENT

Information about our Complaint Policy

The Livingston Police Department is committed to receiving and accepting complaints and compliments about the actions and performance of all our personnel. We believe the public is entitled to efficient, fair and impartial service. We investigate the allegations of employee misconduct, respond to inquiries about employee actions or department policy, and document all commendations received from the public.

We formally investigate all allegations and inquiries for the following reasons:

1. To protect citizens from misconduct by an employee.
2. To identify and take appropriate action against employees who violate the law, department policy, or rules and regulations.
3. To protect the department and those employees who conduct themselves appropriately.
4. To identify policies and procedures that may need review or change, and to find ways to improve the quality of service to the community.

As a citizen, you are encouraged to contact the Police Department if you have a complaint about the actions of a police officer, or if you believe his/her conduct was inappropriate or that he/she has violated the law. Department supervisors can answer questions about department policies and procedures, and laws. Any department employee can help you initiate a complaint against an officer.

Although we encourage citizens to report employee misconduct, complaints must be made in good faith. False or highly exaggerated complaints serve no good purpose for either the citizens or the officer and serve only to thwart our complaint-taking process. Anyone who willfully makes any false accusation for the purpose of discrediting a police department employee may be prosecuted under Montana Code Annotated 45-7-201 (Perjury), 45-7-202 (False Swearing) or 45-7-203 (Unsworn Falsification to Authorities).

How to Begin

To initiate a complaint, compliment or inquiry you should contact any member of the police department. You can accomplish this at any time by calling the Communications Center at 222-2050, or coming to the police department at 414 East Callender Street and making the request to the Communications Center located in the law enforcement wing at the rear of the building. You should request to see the shift commander or senior officer on duty. If you would like to meet with a specific officer, the communications center or any on duty officer can advise you when they are working. Complaints may also be made directly to the chief of police during normal business hours, Monday through Friday, 8:00 am – 5:00 pm.

Initial inquiries may be made by phone or in person to any police department employee. If they are unable to satisfy your inquiry, you will be referred to a shift supervisor. If either is able to satisfy your inquiry, the matter will be considered resolved. If not, your inquiry will be considered a complaint and will require written documentation from you to proceed further.

Complaints must be made on the Livingston Police Department Personnel Complaint Form, which can be hand delivered or mailed when completed. Depending on the severity of the complaint, you may be asked to provide additional written or taped statements of the complaint with more details concerning the incident and why you believe the officer's conduct was inappropriate.

Complaints should be made by the person aggrieved/wronged, or who has credible information to substantiate the complaint. Third party or anonymous complaints will be accepted, but please be aware that they can often times be difficult to investigate as an investigator may need additional information and the complainant may be the only source available. For this reason, please provide contact information when submitting your complaint. Complaints received from parents or legal guardians of aggrieved minors will be investigated in the same manner as a complaint received from an aggrieved adult.

Your complaint will be investigated in a timely manner and you may be contacted for an interview by whoever is assigned to investigate the complaint.

If your complaint is an allegation of criminal conduct, the investigation may be referred to an outside agency.

After the investigation is completed, one of the following findings will be used to close the complaint.

1. **Unfounded** – The investigation conclusively proved that the allegations or act complained of did not occur.
2. **Exonerated** – The acts that formed the basis for the complaint or allegation did occur, but were justified, lawful, and proper according to department policy or standard operating procedures.
3. **Not Sustained** – The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made.
4. **Sustained** – The investigation disclosed a preponderance of the evidence to prove the allegation(s) made.
5. **Sustained with Qualifications** - The investigation discloses the action complained of did in fact occur, but not in the manner or to the degree stated.
5. **Unresolved** – The investigation cannot proceed because the complainant failed to disclose promised information to further the investigation; or the complainant wished to withdraw the complaint; or the complainant is no longer available to provide necessary information. This finding may also be used when information provided is not sufficient to determine the identity of the officer(s) involved.

If a complaint is sustained against an employee, appropriate action will be taken. The action may involve counseling, written reprimand, suspension from duty, termination, criminal prosecution, or other action. In accordance with the law and to respect an employee's privacy, we cannot release what specific internal discipline was imposed on the employee. If you are not satisfied with the results, you may contact the Livingston City Manager at 414 East Callender Street.

Complaint Form Instructions

Please fill out the attached Personnel Complaint Form completely and describe in detail the incident that led to this complaint. Please be clear and as specific as you can, and include as much information as possible. If you do not know the name(s) or badge number(s) of the officer(s) involved, please try to describe them to the best of your ability. If you need more space than the form allows, please attach additional sheets as needed. Please type or print neatly and legibly.

Your statement must be accurate and true, and you must sign it under oath before a Notary Public. A notary is available at the Livingston City Offices and at the Livingston Emergency Services Communications Center at no charge. You may hand deliver the form to the Police Department at 414 East Callender Street, or mail it to:

Chief of Police
PO Box 897
Livingston, MT 59047

If you need help or have further questions, you may contact the Chief of Police at 823-6025, Monday through Friday, 8:00 am – 5:00 pm. Should you move or change phone numbers, please forward this information to the Chief of Police. Upon receiving your signed complaint form, you will receive a letter advising you of our receipt of your complaint and an initial status update.

**LIVINGSTON POLICE DEPARTMENT
PERSONNEL COMPLAINT FORM**

Name of Complainant:	Address (Street, Apt #, City, State, etc):	Date of Birth:
Place of Employment and Address:		Home Phone No.
		Work Phone No

Date and Time of Incident:	Location of Incident:
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Employee(s) Named:		
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Witnesses:		
Name	Address	Phone No.

Statement of Complaint

Please state in exact detail what occurred, who was involved, what misconduct occurred, what injuries (if any) you suffered, and all other facts related to the incident. Do not include unsubstantiated information such as gossip or rumor. Attach any reports or documentation, such as photographs, medical records, etc. which relate to the incident. Continue your statement on additional sheets of paper, if needed, and attach pages to this document.

I HEREBY REQUEST the Livingston Police Department investigate the conduct alleged in this complaint and take appropriate action as authorized by law. Having been duly sworn, I hereby state under penalty of Perjury (45-7-201 MCA), False Swearing (45-7-202 MCA) or Unsworn Falsification to Authorities (45-7-203 MCA) that I am the complainant in this complaint, that I have prepared, read and fully understand all matters related to this complaint, that this investigation as an official proceeding is confidential to the degree required by law and that all information provided in this complaint is true and complete, to the best of my knowledge.

Signature of Complainant
Date

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20____
Notary Public for the State of _____
County of _____
My commission expires: _____

DEPARTMENTAL USE ONLY

Received by Chief of Police: Date: _____ Signature _____

Type of Complaint _____
 (force, arrest, discrimination, racial profiling, language, criminal conduct, discourteous, conduct, procedure, service,
 harassment, driving)

Investigator Assigned : _____

Synopsis of complaint, findings, and resolution (May be used for short investigations on minor issues. Complete separate detailed investigative reports for serious issues):

Investigating Officer Signature _____ **Date** _____

Findings: Unfounded _____ Exonerated _____ Not Sustained _____ Sustained _____

Sustained with Qualifications _____ Unresolved _____

Final Action Taken: Policy Review _____ Employee Counseling _____ Letter of Reprimand _____
 Suspension _____ Termination _____
 Other (specify) _____

Resolution letter sent to complainant: Date: _____ If not, why? _____

Chief of Police Signature _____ Date _____