

**Oakland County Sheriff's Office  
General Order # 1.19**



<b>SUBJECT:</b> Citizen Complaint Investigations		<b>NUMBER:</b> 1.19
<b>EFFECTIVE DATE:</b> 7/8/2024 <b>REVIEW DATE:</b> Annually		<b>MACP Standard Impact:</b> 1.3.1 a, b, c, d, g
<b>REPLACES AND RESCINDS:</b> Policy & Procedure 023, dated August 28, 2002	<b>DISTRIBUTION:</b> All Personnel	<b>NUMBER OF PAGES:</b> 5

This order replaces and rescinds all previously issued orders, procedures, rules and regulations, notices and/or practices in conflict with this General Order.

**I. PURPOSE**

The purpose of this policy is to ensure the timely reporting and investigation of all citizen complaints and to ensure they are properly maintained and tracked in the Employee Conduct Database.

**II. POLICY**

It shall be the policy of the Oakland County Sheriff's Office to document and investigate all citizen complaints regarding the conduct or performance of members of the Oakland County Sheriff's Office. Citizen complaints shall be reviewed by a Sergeant or Lieutenant to determine if the complaint can be resolved or requires further investigation.

**III. DEFINITIONS**

- A. Citizen Complaint – An allegation of wrongdoing or an allegation of inappropriate action by a member of the Oakland County Sheriff's Office. Inmates currently housed in our jail facilities may file a complaint through a grievance form. For the purposes of this order, the term "member" shall apply to full-time employees, part-time employees, and contracted service employees.
- B. Administrative Complaint – An allegation of an act or omission to act, while on or off duty, in which the complaint may be a violation of department Rules and Regulations and General Orders to exclude criminal complaints.
- C. Administrative Investigation – An investigation conducted based on the allegation of a policy or rule violation.
  - 1. Line Investigation: An administrative investigation conducted based on a minor policy or rule violation conducted by the deputies' first line supervisor.
- D. Criminal Complaint – An allegation of an act or failure to act, while on-duty or off-duty, that may be a violation of Federal law, State law, or Local ordinance. This will be investigated by the Sheriff's Office Special Investigation Unit (SIU).

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**IV. PROCEDURES**

**A. Citizen Complaints**

1. Citizen complaints may be filed in person, by phone, or in writing electronically (email, text, etc.) Complainant's name, address, and telephone number are recommended. Citizen complaints may be made anonymously. **(MACP Standard 1.3.1 b)**
2. Citizen complaints filed with a Non-Commanding Officer shall be referred to the subject member's Commanding Officer. When the subject member's Commanding Officer is not available, members shall refer the citizen to the Command Desk Sergeant.
3. The Command Desk Sergeant or Commanding Officer shall document the complaint in the Employee Conduct Database. Every effort should be made to resolve the complaint at the initial contact. If the citizen accepts and is satisfied with the resolution, the complaint shall be closed with the appropriate documentation. **(MACP Standard 1.3.1 d)**
4. Pursuant to the General Order – Administrative Investigations, any set of circumstances indicating possible criminal law violations or serious violations of policy committed by members of the Sheriff's Office will be documented in a written memo. In such cases, the memo will be electronically forwarded directly to the respective Major who shall forward it to the Undersheriff and Sheriff.
5. When a citizen's complaint cannot be resolved by a Command Officer, the complaint shall remain open, and a summary of the complainant's allegations and preliminary investigation shall be documented on the Employee Conduct Database.
6. All completed citizen complaints shall be forwarded to the Division Commander for review and documented in the Employee Conduct Database.

**B. Administrative Complaint Investigations**

1. The Division Commander shall immediately forward all citizen complaints that are not inherently criminal in nature, to their respective Major to determine if the investigation should be classified and investigated as an administrative investigation. If the Major determines it is appropriate to open an administrative investigation, the Major will advise the Undersheriff and Sheriff.
2. If the Sheriff, Undersheriff or Major determines that an administrative investigation is not appropriate, the Division Commander will be advised. The Division Commander or their designee, shall then conduct a line investigation using the procedures set forth in this order. The investigating command officer shall conduct a thorough investigation by interviewing the complainant and any witnesses (including agency employees) and collecting any relevant evidence (reports, citations and/or video footage). The investigating Command Officer shall notify the Division Commander immediately when an act or omission to act may be criminal. If the Division Commander finds the potential for criminality, a criminal complaint investigation shall be conducted pursuant to this order.
3. The investigating Command Officer shall summarize the investigation's findings in the Employee Conduct Database and classify the findings as detailed in this order.

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4. The investigating Command Officer shall forward the investigation summary memo electronically to the Division Commander.
  5. The person assigned to conduct the investigation into the allegations falling under the administrative investigation criteria shall follow the chain of command except in any instance where doing so would compromise the integrity of the assigned investigation. In that instance, the assigned investigator may exercise "administrative investigations authority" and shall have direct access to any member of their chain of command to include the Sheriff. **(MACP Standard 1.3.1 a)**
  6. The Division Commander shall review the investigation and forward the report to the Division Major when appropriate for discipline. Disciplinary action shall be a progressive and in conformance with agency Rules and Regulations and General Orders.
  7. The investigating Command Officer shall advise the complaining citizen of the disposition of the investigation. When a citizen requests a written notification, a copy of the Citizen Complaint will be provided. **Under no circumstances shall line or administrative investigation reports, audio, video, non-public documents, or employee information be given to citizens without the express permission of the Sheriff or their designee.**
  8. The Sheriff's Office member who is the subject of citizen complaint shall not contact the complaining citizen or witnesses unless approved by the Division Commander. Should any contact with the complaining citizen or witness occur during the normal course of duties, the agency member shall notify their Command Officer immediately and advise the nature of the contact and document such contact in writing.
  9. The investigating Command Officer shall advise the agency member of the disposition of the complaint and may allow the agency member to review the completed investigation.
- C. Criminal Complaint Investigations
1. When a potential criminal complaint against a member of the Sheriff's Office is identified, the Division Commander shall notify the respective Division Major. The Major will notify the Undersheriff and Sheriff of the potential criminal complaint. **ONLY** the Sheriff, Undersheriff or Major may authorize a criminal investigation to be conducted.
  2. All criminal complaints made against Sheriff's Office personnel will be investigated by the Special Investigations Unit.
  3. All citizen complaints alleging excessive force by a member of the Sheriff's Office shall be treated as criminal complaints unless designated otherwise by the Division Commander, Major, Undersheriff, or Sheriff.
    - a. Where a citizen wishes to make an in-person complaint of excessive force, the complaint should be taken by a Command Officer, and the complaint shall be documented in a formal Case Report. This in person complaint should be video recorded.
    - b. The Special Investigations Unit shall investigate all complaints of excessive force.

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- c. Complainants of excessive force shall be requested to submit to an immediate examination by a physician, or qualified medical personnel if that person is complaining about or exhibiting signs of ongoing physical injury.
  - d. Complainants of excessive force (or their guardian) shall be requested to sign a medical records release form if they have been medically treated.
  - e. Investigators shall request permission from the complainant (or their guardian) to photograph the alleged injuries. If the complainant is under the age of 18, a parent, legal guardian, or medical professional must be present while photographing.
  - f. The refusal of the complainant to cooperate with these requests or to be formally interviewed shall be noted in the Case Report.
4. The respective Division Major shall notify the Division Commander of the final disposition of the criminal investigation. The Division Commander shall indicate the disposition in the Employee Conduct Database and close the complaint.
  5. Agency members will not be notified of a pending criminal investigation unless directed by the respective Division Major. Once approved by the Major, notification will be made to the agency member during the course of the investigation, at the investigator's discretion.
  6. Where probable cause is established that a crime was committed by a member of the Sheriff's Office, the investigation shall be forwarded to the Prosecutor's Office for review.
- D. Disposition Of Complaints (MACP Standard 1.3.1 c)**
1. Upon the conclusion of complaint investigation, whether investigated by the employees commanding officer or other Oakland County Sheriff's Office personnel, the complaint shall be classified into one of the following categories after a review:
    - a. Complaint Resolution - Resolved at the initial contact with an explanation of policy/court process or when an employee counseling session is accepted as a resolution.
    - b. Not Involved – The member was not present at the time the alleged misconduct occurred or was present but did not participate.
    - c. Unfounded – The allegation is false or not factual.
    - d. Not Sustained - Insufficient evidence exists to either prove or disprove the allegation.
    - e. Exonerated/Proper Conduct – The incident occurred but was lawful and proper.
    - f. Sustained/Improper Conduct – The allegation is supported by sufficient evidence to justify a reasonable conclusion that the allegation is factual.
    - g. Other – The disposition does not fit into any of the above categories.
    - h. Policy Failure – The allegation is true, or the actions taken were not within Sheriff's Office policy but were proper under the circumstances or the actions were proper under current policy, but the policy is faulty and requires revision.
- E. Retention and Review of Citizen Complaints**
1. The Division Commander shall review and ensure all existing Citizen Complaint information is entered into the Employee Conduct Database.
  2. The Citizen Complaint information and related documentation shall be maintained in the Employee Conduct Database for a period of 42 months from the date of the original complaint, even if an administrative or line investigation is not opened.

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3. Any digital media evidence which can be used as evidence in a line, administrative or criminal complaint investigation (taken from in-car cameras, body-worn cameras or other image capturing devices) must be kept for a minimum of 42 months.
4. The Sheriff's Office shall retain a copy of Citizen Complaint for 42 months from all the date of complaint, even if an internal investigation is not opened. The Homeland Security Wellness Professional Development (HSWPD) Captain, or their designee, shall notify the appropriate Major if a deputy receives more than two (2) substantiated complaints within one (1) year, or more than three (3) unsubstantiated complaints within a four (4) year period.
5. The Homeland Security Wellness Professional Development (HSWPD) Captain, or their designee, will review the Employee Conduct Database monthly for purposes of developing and providing training to deputies when applicable.
6. The Sheriff or their designee shall complete a written annual analysis of all employee misconduct complaints and dispositions. **(MACP Standard 1.3.1 g)**



**ISSUED BY:** Sheriff Michael J. Bouchard