



## **A Guide To The Citizen Complaint Process**

### **A Message from the Chief of Police...**

The mission of the Corning Police Department is to work in partnership with all citizens to preserve life, maintain human rights, protect property and promote individual responsibility and community commitment. Our officers are sworn to protect the rights of all citizens regardless of race, age, sex, nationality, religion or political preference. We take this duty to our citizens seriously, and for that reason we have adopted internal safeguards to discourage abuses of authority by police employees. Complaints regarding such abuses are vigorously investigated.

If you feel that an employee of this department has acted in an abusive or unprofessional manner toward you or others, I encourage you to report that employee to a police supervisor. The information in this brochure is provided to explain our complaint process to you. Our goal is to provide you with quality police service in a spirit of community cooperation. You help all of us when you report incidents that you consider to be improper police conduct.

**JEFFREY R. SPAULDING**  
Chief of Police

### **OUR POLICY**

It is the policy of the Corning Police Department to investigate all complaints against the Department or its employees. Complaints may be resolved through mediation or internal investigation. This ensures the integrity of the department while protecting the rights and interests of both citizens and Department employees.

### **WHO MAY COMPLAIN?**

Any person, regardless of age, sex or nationality, who witnesses or has direct knowledge of police misconduct, may file a complaint with the Corning Police Department.

### **WHEN SHOULD YOU COMPLAIN?**

You should contact the Department whenever you witness behavior by any Department employee that is a violation of city, state, or federal law, involves the excessive use of force, or involves discourteous or abusive treatment.

### **HOW DO YOU FILE A COMPLAINT?**

Generally, complaints are filed through the supervisor of the employee involved. If the immediate supervisor is unavailable, another supervisor may take the complaint.

## **MEDIATION**

Experience has shown that many complaints we have received are due to a lack of knowledge, or misunderstanding, of police policies and procedures. The supervisor taking the information about your complaint will offer to mediate your complaint, which may include:

- an explanation our policies and procedures;
- discussions with the personnel involved; or
- other efforts to resolve your complaint in a manner that you are satisfied with.

## **WHO INVESTIGATES MY COMPLAINT?**

Department supervisors are responsible for maintaining discipline and overseeing the conduct of employees assigned to them. The Chief of Police has the primary responsibility to see that all reports or accusations made against members of the department are completely investigated. The First Lieutenant shall see that the complaint is forwarded to the officer(s) supervisor for proper investigation.

## **WHAT IS THE COMPLAINT PROCEDURE?**

Once the complaint has been received and fully investigated, the investigating supervisor shall document the actions, conclusions and recommendations on the Personnel Complaint Report and return it to the First Lieutenant. If the complaint cannot be resolved at this level the Chief of Police may order further action to be taken by his designee. The finding will be one of the following:

- **EXONERATED** - The act complained of occurred but was lawful, proper, and justified.
- **UNFOUNDED** - The act complained of did not occur.
- **NOT SUSTAINED** - There is insufficient evidence to prove or disprove the allegation.
- **SUSTAINED** - The act complained of did occur and constituted a violation of policy, procedure, rules, regulations, or statute.
- **WITHDRAWN BY COMPLAINANT**  
The Complainant expresses a desire to terminate the investigation and no longer pursue the complaint.
- **CLOSED WITHOUT INVESTIGATION OR FINDING** - The investigation cannot be completed or a finding cannot be reached.  
This classification will be used in cases where the complainant refuses to cooperate with the investigation or other circumstances in which the investigation cannot be properly completed.
- **POLICY FAILURE** - A flaw in the Department's policies or procedures caused the incident.

## **WHAT IS THE DISCIPLINARY PROCESS?**

If a complaint is sustained, the officer may receive remedial training or disciplinary action may be taken which consists of one of the following measures:

- **ORAL REPRIMAND**
- **WRITTEN REPRIMAND**
- **SUSPENSION**
- **DEMOTION**
- **DISMISSAL**

In addition to any disciplinary action, the employee may receive counseling and, where appropriate, training to correct deficiencies. When an employee faces suspension, demotion or dismissal, there is a review and appeal process.

### **WHAT WILL YOU BE TOLD?**

After a thorough investigation of the complaint, you will be advised of the investigation's finding.

### **RESPONSIBILITY - OURS AND YOURS....**

The Corning Police Department views all citizen complaints against its employees very seriously and actively pursues investigation into misconduct. For this reason, you must ensure that your complaint is based on fact and you have provided us with all of these facts to the best of your ability. If you intentionally make a false report to this Department, criminal and/or civil legal proceedings may be initiated against you.

### **OUR COMMITMENT TO YOU....**

Employees of the Corning Police Department shall at all times strive to be courteous and professional in all dealings with the citizens we serve. It is the hope of the Corning Police Department that all of your contacts with our officers are positive. If not, we will endeavor to resolve your complaint to your satisfaction in a prompt and objective way.

### **How to Contact the Corning Police Department**

#### **Mailing Address:**

Corning Police Department  
500 Civic Center Plaza  
Corning, New York 14830

Web site: [www.cityofcorning.com](http://www.cityofcorning.com)

#### **Emergency calls dial:**

**911**

#### **Non Emergency calls dial:**

(607) 962-0340 Ext. 1500