

CIVILIAN COMPLAINT PROCESS
COMMUNITY OVERSIGHT BOARD OF THE SCPD
WORKING DRAFT, 9/8/22

1.0. Overview. The State College Community Oversight Board (COB) was established as a Borough Authority, Board or Commission (ABC) by Borough Ordinance 2164.

1.1. The Ordinance mandates the COB establish a Civilian Complaint Process (CCP). The CCP is an alternate pathway to file a complaint or to voice concern about members of the State College Police Department (SCPD). Some examples of those who may use it are people:

1.1.1. Who are/or may be reluctant to file a complaint directly with the SCPD.

1.1.2. Who have problems accessing/understanding the SCPD complaint process.

1.1.3. Who would like support and/or information on filing a complaint about the SCPD.

1.1.4. Who are unsure about filing a complaint but still want to voice concerns about the SCPD.

1.2. Within the limits imposed by the State College Borough Council on an ABC, the priority of the CCP is to provide support to the complainant. The Borough's COB Ordinance does NOT define the terms *misconduct, investigation or adjudication*. Because of that, the COB chooses not to interpret Ordinance intent regarding these terms. Therefore, as a general principle the COB will support the complainant's ability to make choices during the CCP regarding complaint submission. It should be noted that all complaints submitted to the COB are deemed CONFIDENTIAL. This means the identity of the complainant (if personal information is provided) will not be shared outside of the COB. This provision ensures the complainant maintains the ability to decide how a complaint will be processed and minimizes the potential for retribution.

However, some incidents are required to be reported to the SCPD/Borough Management and outside agencies. In those instances, the complainant will be

informed of this requirement. If the complaint is submitted without personal contact information, the COB will decide if the complaint will be submitted to the SCPD and/or Borough Management. In any case, the complaint shall be retained by the COB.

CCP support will be guided by the following:

1.3. The COB will not make determinations of SCPD employee misconduct. When reviewing a complaint, the COB will seek to guide complainants through the reporting process in a manner that maintains the complainant's ability to decide whether to forward their complaint to the SCPD/Borough Management.

1.4. Complaints received through the CCP shall be provided to the SCPD if:

1.4.1. The complaint involves physical, sexual, or other abuse or harmful neglect of a child by any party.

1.4.2. The complaint reports violence or serious threat of violence against someone.

1.4.3. Other complaints may be provided to the SCPD at the discretion of the complainant and the COB. The COB will center the safety, well-being, and personal agency of the complainant in all decisions made regarding reporting to the police and their own identification in the process.

1.5. The COB through the CCP does not have the capability to investigate complaints. Therefore, complaints will NOT be investigated. Instead, complaint information will be reviewed and interaction with the complainant will be conducted to facilitate complaint resolution.

1.6. Since the CCP does not investigate complaints, the CCP does NOT have an adjudication function.

2.0 Definitions

2.1. Business Day. Monday through Friday, 8 am to 5 pm.

2.2. Complainant. The person or organization submitting a complaint.

2.3. Complaint. An allegation faulting the conduct of an employee of the SCPD or a violation of its policies, tactics, techniques or procedures (TTPs).

2.4. Complaint Coordination Committee. The Compliant Coordination

Committee (CCC) is a permanent sub-committee of the COB. The CCC is responsible for the review of complaints and for interacting with the complainant.

2.5. Complaint Resolution. How a complaint is resolved may be interpreted from different perspectives. To the person/organization submitting the complaint, resolution may encompass changes to SCPD TTPs and/or employee discipline. From the COB perspective, resolution is based on following the CCP process with the intention to satisfy the complainant's expectations and to improve SCPD policies and practices when needed.

2.6. IAS. Internal Affairs Section. IAS is under the direction of the SCPD Chief of Police and serves on an as-needed basis. It is responsible for receiving, investigating and processing complaints against sworn officers. It is charged with receiving and processing formal complaints made against officers or SCPD procedures. These complaints or allegations may originate from inside or outside the SCPD.

2.7. TTPs. Tactics, techniques and procedures are the means/guidelines by which an organization conducts operations.

3.0. CCP Objectives

3.1. Provide a forum for the complainant to be heard and provide a protocol for support.

3.2. Maintain the confidentiality of the complainant.

3.3. Facilitate complaint resolution.

3.4. Establish a complaint process that aids in reducing or eliminating systemic bias.

3.5. To instill confidence within the community that a complaint lodged against the SCPD has been thoroughly reviewed outside the influence sphere of the law enforcement community.

3.6. To ensure that the CCP is accessible to all and that there are no barriers to the filing of complaints.

3.7. Ensure an accessible and transparent complaint process.

3.8. Deter police misconduct and encourage respectful treatment of all community members by all SCPD employees.

4.0. The Civilian Complaint Process. The CCP supports the community by providing transparency, accountability and a definitive process for the public to submit complaints about the SCPD.

4.1. People may file complaints through the CCP for many reasons and with different goals in mind. Some reasons may be to:

4.1.1. Receive a Fair Hearing. Filing a complaint means that the incident will be impartially and confidentially reviewed.

4.1.2. Create a Record. By filing a complaint, there is a permanent record of the incident.

4.1.3. Change a SCPD Employee's Behavior. Employees are often cautioned, retrained and/or disciplined when the SCPD finds that there is an issue. This can modify future employee behavior.

4.1.4. Change SCPD Practices. Complaints can alert the SCPD's chain of command about questionable practices. Plus, the COB is mandated by Council to **monitor** complaint activity for patterns of misconduct or evidence of problems with departmental training, policies and to recommend solutions to the Chief of Police and Borough Manager.

4.2. Complaint Review. When a complaint is received by the COB, the COB Complaint Coordination Committee (CCC) will review the complaint. If the complainant has provided contact information, the CCC will contact the complainant and inform them of the status of their complaint and that certain complaints submitted to the COB must be reported to either the District Attorney's Office, the SCPD and/or Borough

Management. The complainant can then decide if/how they would like to proceed. Further review includes assessment of the complaint to determine whether:

4.2.1. Sufficient information was provided.

4.2.2. The COB has jurisdiction over the complaint. The CCC shall determine whether the complaint involves the SCPD or another regional police department.

4.3. Review Findings. Upon completion of the review, the CCC will present its findings to the COB Chair. If the complaint is deemed valid, the COB Chair will instruct the CCC to continue per the following:

4.4. Complaint Submission Criteria. As articulated in section 1.0, the primary role of the CCP is to support the complainant. Because the term misconduct is NOT defined in the Ordinance, the COB will only submit complaints to the SCPD when it is the desire of the complainant to do so. However, complaints received through the CCP must be provided to the SCPD if:

4.4.1. The complaint involves physical, sexual, or other abuse or harmful neglect of a child by any party.

4.4.2. The complaint reports violence or serious threat of violence against someone.

4.4.3. Other complaints may be provided to the SCPD at the discretion of the complainant and the COB. The COB will center the safety, well-being, and personal agency of the complainant in all decisions made regarding reporting to the police and their own identification in the process.

4.5. Course of Action (COA 1). Assuming the complaint was not submitted anonymously, after complaint review and the complainant's decision to continue with the CCP, the CCC will interact with the complainant to:

4.5.1. Determine the level of support desired by the complainant and whether the complainant wants their personal information to remain confidential or is willing to share personal information outside the COB.

4.5.2. Determine whether the complainant wants to file a complaint with the SCPD. If the complainant wants to do this, the CCC will assist the complainant with

its submission. If the complainant does not want to submit the complaint to the SCPD, then one of the following COAs may be appropriate.

4.6. COA 2: The Complainant is Unsure of What to Do. After interaction with the complainant, the CCC will ask if the complainant wants to participate further in the CCP. Complainant participation is beneficial to ensure the complaint is resolved. If the complainant is undecided, does not want to participate further in the CCP or just wants the complaint to be recorded by the COB and not submitted to the SCPD; then the CCC will attempt to bring the complaint process to a close to the satisfaction of the complainant.

4.7. COA 3: Confidential and Anonymous Complainants. All complaint information submitted to the COB is held in the strictest confidence. Based on that fact, there are two types of complaints.

The first type is a complaint where the complainant does not want their personal confidential information shared with anyone other than with the COB. The complainant interacts with the COB to resolve the complaint, but their identity is never shared. Complaint resolution may include one of the following:

4.7.1. The COB functions as an agent of the complainant and submits the complaint to the SCPD while not releasing the identity of the complainant.

4.7.2. The complainant does not want the complaint to be submitted to the SCPD and just wants to submit it for the record.

4.7.3. The COB assists the complainant in accessing the services of a third party or advocacy group.

The second type of complaint is when a complaint is submitted to the COB without the complainant sharing any of their personal information. This is considered an ANONYMOUS complaint. In these cases, the CCC will not be able to contact the complainant if additional information is needed and will not be able to provide complaint feedback. The complaint will be reviewed and depending on the information

provided, it will either be sent to the SCPD as an anonymous complaint for review/investigation and/or retained by the COB in the complaint database.

4.8. CCP Milestones

4.8.1. Two (2) working days after receipt of a complaint, the COB will contact the complainant (if contact information is provided), to inform them of the status of their complaint.

4.8.2. Within five (5) working days after receipt of the complaint, the COB will determine:

- A. Whether more information is needed.
- B. The complaint has merit or does not involve the SCPD.
- C. The complaint is valid and warrants COB further review with the complainant.

4.8.3. If a complaint is submitted to the SCPD, at the conclusion of the SCPD complaint review, the COB will review it and render a finding. Within five (5) working days after the COB completes its review, the COB will inform the complainant of the results. The COB will not publish its finding to the public until after the complainant has been informed.

5.0 Civilian Complaint Process Administration

5.1. The Complainant. Complaints will be accepted from:

5.1.1. Aggrieved parties

- A. Anyone 18 years of age or older can file a complaint.
- B. Complainants under 18 years of age may file a complaint:
 - (1). with assistance from the COB or
 - (2). through the Borough's Office of Diversity and Equity or
 - (3). through an adult third party or organization
- C. Anyone can file a complaint even if you do not speak English. The COB can access outside translation services as needed.
- D. Incarcerated individuals may file a complaint.

E. You can file a complaint if you are not a citizen and regardless of your immigration status. The COB does not ask complainants, victims or witnesses questions about their citizenship status.

5.1.2. Witnesses

5.1.3. Family members, friends/associates of a complainant who is a minor, disabled, or otherwise incapable of filing the complaint themselves.

5.1.4. Sources possessing first-hand knowledge of the complaint or incident.

5.1.5. Third-party organizations that may have an interest or provide advocacy for aggrieved parties.

5.2. Complaint Submission. Complaints may be received by the Borough's Office of Equity and Inclusion or when submitted through the following means:

5.2.1. Filling-out/submitting a Complaint Form (xxx.xxx/form) on-line.

5.2.2. Printing-out a Complaint Form and mailing/dropping-off the form to the:
Borough of State College Office of Equity and Inclusion
243 S. Allen Street
State College, PA 16801

5.2.3. Coming to the Borough of State College Office of Equity and Inclusion and personally providing the information concerning the complaint.

5.2.4. Calling the Borough of State College Office of Equity and Inclusion at 814-234-7100.

5.2.5. Mailing via e-mail the ccp@statecollegepa.us

5.2.6. Send the complaint via fax (814-123-3082).

5.2.7. Anonymous Complaints. Anonymous complaints are accepted and will be reviewed by the COB.

5.3. Assignment of a Complaint Case Number

5.3.1. Upon receipt of a complaint, a complaint case number will be assigned to the complaint. It will consist of the year and the alphabetized letter in order of receipt (e.g. 2022-A).

5.3.2. In order to maintain confidentiality, the complainant will also be assigned the complaint case number (e.g. 2022-A1). Witnesses will be assigned sequential alphabetized numbers (e.g. 2022-A2, 2202 A-3, etc.)

5.4. Case Management System. The COB has created a case management system that houses all complaint information.

5.4.1. Data Protection. When a complaint is filed through the COB, any personal information provided will be kept confidential.

A. If an e-mail address is provided, a complaint receipt will be e-mailed.

B. The complaint will be entered into a COB complaint database.

C. Complaint data will be used to find trends and patterns and make policy and training recommendations to the SCPD.

5.5. Process Review and Coordination. All complaints will be reviewed to the extent possible based on the information provided. The results of the complaint review will have personal information redacted and be shared with the community (website, newsletter, periodic updates, annual report). COB complaint recommendations will be forwarded to the SCPD/Borough Manager/Council.

6.0 Complaint Resolution

6.1. Any complaint submitted to the SCPD will be reviewed by the COB. The COB also monitors the results of the SCPD chain of command review and/or IAS investigations. Upon review of the results of these actions/investigations the COB will:

6.1.1. Review the results and provide recommendations as appropriate.

6.1.2. If the COB does not concur with the SCPD chain of command review/adjudication and/or IAS investigation, the COB will submit a dissenting opinion along with appropriate recommendations to the Chief of Police and the Borough Manager.

6.2. All complaints submitted through the COB will be retained indefinitely in a redacted data base and used for research and trending analysis.

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