

3-10/108.00 - Allegation of Misconduct

Allegations of misconduct arising during a use of force investigation include incidents where an application of reportable force may have been unreported or misrepresented, an allegation of unreasonable force, or any other allegation of misconduct alleged to have occurred during a use of force by Department members.

Allegations of misconduct arising from a use of force, whether made by the person upon whom the alleged force was used or by a third party, shall be investigated in a timely manner similar to a force investigation (e.g., interview the complainant and witnesses, collect evidence, gather documents, respond to the scene, take photographs, etc.). The Department member to whom the allegation was reported shall notify a supervisor (with a minimum rank of sergeant) as soon as practical. That supervisor shall ensure that an inquiry is conducted into the allegation. However, if the supervisor who is notified is alleged to have been involved in, or a witness to, the alleged incident, that supervisor shall not conduct the inquiry.

The supervisor conducting the inquiry shall immediately notify the watch commander and initiate a Service Comment Report (SCR). The supervisor conducting the inquiry shall adhere to the investigative guidelines established for Service Comment Reports, (see Service Comment Report Handbook, Section II: *Conducting the Service Review of a Complaint*) which include thoroughly interviewing the complainant and recording the interview, collecting evidence, taking photographs, obtaining medical treatment, and documenting any alleged injuries.

The watch commander assigned to the SCR shall review the use of force inquiry to determine if all allegations have been identified and if the supervisor conducting the use of force inquiry adequately investigated each of those allegations. If so, the watch commander may rely on the use of force inquiry for the SCR review. If not, the watch commander will conduct whatever additional investigation is necessary to adequately investigate each allegation.

Upon receipt of a force related SCR, the unit commander shall handle it as described in MPP 3-04/010.25 – Personnel Complaints.
