

Complaint Defined

A complaint is defined as:

1. An allegation of circumstance(s) amounting to a specific act of omission which, if proven true, would amount to employee misconduct;

OR

2. An expression of dissatisfaction with a policy, procedure, practice, philosophy, service level, or legal standard of the agency.

A disagreement over the validity of a traffic infraction or criminal citation is not a complaint. Such disagreements should be directed to the proper court having jurisdiction in the matter.

The Investigation

Once a complaint is received, it will be forwarded to the Idaho State Police Office of Professional Standards for review. The Office of Professional Standards will assign a case number and designate an investigator. The investigator will arrange an interview with you to discuss, in detail, your allegation against the employee. The interview will take place at the Idaho State Police facility or a location of your own choosing.

During the interview, the following may occur:

- You may be recorded or videotaped.
- You will be asked for names of witnesses and other employees that may know facts about your complaint.
- Photographs may be taken of any injuries you think are related to your complaint.

Sometimes during the initial interview, the investigator may be able to explain the employee's actions to your satisfaction. However, if this does not occur, the investigation will continue.

All employees whom you have accused or persons named as witnesses will be interviewed.

At any time during the investigation, you may withdraw your complaint by notifying the investigator.

The Review of the Investigation

The manager of the accused employee(s) will classify each allegation into one of the following categories:

1. **Sustained** - The investigation disclosed a preponderance of evidence to support the allegations made in the complaint.
2. **Not sustained** - The investigation failed to discover sufficient evidence to clearly prove or disprove the allegation(s) made in the complaint.
3. **Unfounded** - The investigation revealed that the alleged act or acts complained of did not occur, or the individual named in the complaint was not involved.
4. **Exonerated** - The investigation revealed that the alleged act or acts did occur, but were justified, lawful and proper as either:

Proper conduct - The action was consistent with Department policy and the complainant(s) was not wronged.

OR

Policy failure - The action was consistent with Department policy, but the complainant(s) was wronged.

If your complaint is found to be sustained, the employee may face administrative discipline. If this occurs, the accused employee may be given a hearing where you may be asked to testify. If, at the conclusion of the hearing, the employee is found to have committed the violation, he/she may face discipline ranging from a reprimand to termination of employment (depending on the seriousness of the violation).

At the conclusion of the internal investigation, you will be notified of the final outcome by letter.

The Importance of Your Complaint

The complaint process is designed to deal with each case factually and fairly. Persons filing complaints are treated respectfully and accusations against employees are taken seriously. All complaints are investigated thoroughly and all findings are based upon the impartial evidence gained during the investigation.

However, if it is determined that a complainant has knowingly made a false accusation against an employee, the Idaho State Police may consider seeking criminal prosecution, and the employee has the right to pursue civil litigation against their accuser.