

A. Wilmington Police Department Directive 3.01 describes the manner in which complaints related to employee conduct are received and investigated.

B. The Wilmington Police Department shall receive and investigate complaints to:

1. Ensure the community and the Department of prompt corrective action
2. Protect Departmental personnel from unwarranted allegations arising from the lawful discharge of their official duties.

C. Professional Standards has the assigned responsibility that complaints made against Departmental personnel and activities are investigated in a timely and thorough manner.

D. Complaints or commendations may be taken in person at the Wilmington Police Department, by telephone, or via the internet on the Police Department's website.

E. Assignment of Complaint Investigations

1. *Less Serious Allegations* - Those that warrant an investigation but do not rise to the level of a serious allegation. Examples of less serious allegations include performance related issues, rudeness, or other acts, which would not result in serious disciplinary action. The investigation of such a complaint will be handled by the employee's immediate supervisor.
2. *Serious Allegations* - Those that have the potential of damaging the reputation of the Wilmington Police Department or its personnel. Such complaints include, but are not limited to the following:
 - Improper or excessive force
 - Bias based profiling
 - Illegal conduct
 - Breaches of an individual's civil rights
 - Failure of an employee to follow Departmental directives
 - f. All serious allegations made against the Department and/or any of its personnel shall be investigated by a Professional Standards investigator. All such investigations fall under the oversight of the Professional Standards Lieutenant.
3. Time Frame of Investigation of Complaints - An internal complaint is typically investigated within thirty working days upon receipt of the complaint. However, there may be extenuating circumstances where the Chief of Police may grant additional time to investigate the complaint.

F. Investigative Findings

1. Once an investigation is complete, a finding will be established whether a violation has occurred according to the evidence. The final disposition status will be determined as follows:
 - *Sustained* - The allegation is true and indicates improper conduct on the part of the employee investigated.
 - *Unfounded* - The allegation is false. The incident that was the basis of the complaint did not occur or that either the Department or its personnel were involved in the incident.
 - *Not Sustained* - There is insufficient evidence to confirm or refute the allegation.
 - *Exonerated* - The allegation is true, but the employee's action was justified, lawful, and proper.
 - *Policy Failure* - The employee acted in accordance with existing Departmental policy, however, there is a flaw in the policy or there is not a policy to address the circumstances.
2. The Professional Standards investigator will forward complete investigations to the Lieutenant in-charge of Professional Standards for approval. The findings are then forwarded to the appropriate Division Commander for review. The findings are then forwarded to the Bureau Deputy Chief and the Chief of Police for final consideration.
3. Citizens filing complaints shall receive a written notification of the investigative findings.