

## COMPLAINT INVESTIGATION PROCESS

Every complaint of misconduct will be processed by the Undersheriff.

Upon receipt of a complaint, the Undersheriff will assign the case for investigation. Generally, complaints of a routine nature will be assigned to the employee's supervisor. More serious or complex matters may be referred to an outside agency.

### Investigators will:

- Attempt to contact the complainant, the accused employee and witnesses;
- Examine physical evidence;
- Review reports and records, and
- Thoroughly document the facts surrounding the incident and allegation.

The investigator's report will be submitted to the Undersheriff where it will be reviewed for completeness and objectivity, then it will be forwarded to the Sheriff for final resolution.

## INVESTIGATIVE PROCEDURES

The standard of proof in an administrative investigation (non- termination) is a preponderance of the evidence. It is less than the standard in a criminal case, which is guilt beyond reasonable doubt.

Police employees have the right to appeal to the State Board of Mediation and Arbitration. If, during the course of the investigation, it is determined that the employee could face significant discipline we may ask you to submit a sworn statement.

In a criminal investigation police employees have the same rights as any citizen, including the right to remain silent. If officers are ordered to answer questions or face discipline, their answers cannot be used against them in a criminal matter (Garrity Rights).

Under state law, complaint investigations are public records. Once completed the investigation is retained and must be made available for review or release upon request.

## SUBMITTING A COMPLAINT/COMMENDATION

The Tompkins County Sheriff's Office is dedicated to providing the highest quality law enforcement services to residents of and visitors of Tompkins County.

Your feedback is important to us and we appreciate you taking the time to communicate with us.

To e-mail a complaint or commendation visit the main Sheriff's Office page to fill out the [online form](#).

To mail a complaint or commendation, please download the form at the same link listed below.

The form is available:

- On the Tompkins County Sheriff's Office website ([tompkinscountyny.gov/sheriff](http://tompkinscountyny.gov/sheriff))
- At the main business office.

The public can file a commendation or complaint in person or by phone at 607-272-2444, to speak to the on-duty supervisor.

## RESULTS

Upon the completion of the administrative/internal affairs investigation, the Undersheriff will notify you by letter of one of the following results:

- **Unfounded:** That there are no credible facts to support that the incident complained of occurred.
- **Exonerated:** The alleged conduct did occur, but the action of the office or of the employee was consistent with office policy or appropriate procedure and techniques/training.
- **Not Sustained:** That there is insufficient fact(s) to decide whether the alleged misconduct occurred.
- **Sustained:** That the allegation(s) is supported by sufficient evidence to determine that the incident occurred and the actions of the offices were improper.

The letter you will receive will not disclose the specifics of any resulting disciplinary action, as this is an employment issue within the county. Corrective actions available to the office include counseling, remedial training, reprimand, suspension, demotion, and when warranted, a recommendation that the employee be terminated from the County and the Sheriff's Office.

# Tompkins County Sheriff's Office

**SHERIFF DEREK OSBORNE**  
**UNDERSHERIFF JENNIFER OLIN**



## PUBLIC COMPLAINT OR COMMENDATION PROCESS

**OFFICE PHONE: 607-257-1345**  
**TOMPKINSCOUNTYNY.GOV/SHERIFF**

# PARTNERSHIP

A partnership between the community of Tompkins County and the Tompkins County Sheriff's Office is essential in maintaining public trust and the highest standard of policing for our citizens.

If you feel you have been treated improperly by a deputy or employee of the office, we strongly encourage you to contact the Tompkins County Sheriff's Office about your complaint so that it may be fully investigated.

We also appreciate and welcome commendations and other comments from members of the public. To ensure excellent service is recognized and modeled, it is important for us to hear about our community's experience.

## T.C.S.O. POLICY:

It is the policy of the Sheriff's Office to respond to compliments or complaints received from the public.

### Commendation letters are:

- Reviewed by the employees first line supervisor,
- Forwarded to the employee,
- Placed in the employees personnel file.

Complaint letters follow a very specific complaint procedure that:

- Ensures fair and proper action is taken when an employee is accused of misconduct,
- Protects employees from unwarranted or false accusations and
- Helps identify and correct deficiencies in policies, procedures and/or training.
- Ensures a thorough, fair and objective investigation.

# PUBLIC COMPLAINT PROTOCOL

## ANYONE CAN SUBMIT A COMPLAINT.

Normally, the person most directly affected by the alleged conduct should be the person to file a complaint.

Exceptions would include a parent filing a complaint for a minor child or similar situations. Under certain circumstances, third party complaints will be accepted.

In order to make sure your accessibility needs are being met, such as sign language interpretation or help to complete this form, please contact the New York Relay Service at 7-1-1 for TTY/Voice communication.

## COMPLAINTS SHOULD BE CONCISE AND SPECIFIC.

Describe the conduct of the employee that was found to be improper, rather than saying the employee was rude. Explain how the employee was rude by:

- Providing the specific words or phrases used.
- Describing the employee's tone of voice.
- Citing particular acts of rudeness.

Identify the employee as much as possible by providing the:

- Employee's name, badge number and patrol vehicle, license number.
- Date, time and location of the incident.
- Note: Sheriff's Office employees are required by policy to properly identify themselves, upon request.
- If available, include the names, addresses and telephone numbers of all witnesses.

## COMPLAINTS MAY BE MADE:

- By e-mail: the link to the complaint or commendation form can be found on the main Sheriff's Office website.
- By mail: The form is available on the Tompkins County Sheriff's Office website: ([tompkinscountyny.gov/sheriff](http://tompkinscountyny.gov/sheriff)) for download. Please print the PDF form off, fill out, and return to:  
**Tompkins County Sheriff's Office, 779 Warren Road, Ithaca, NY 14850**
- At the main business office in person.
- By phone at 607-272-2444, to speak to the on-duty supervisor.

## COMPLAINTS CAN BE MADE AT ANY TIME.

To help ensure evidence is still available and recollections of the incident are fresh, complaints should be made within a reasonable time after the alleged misconduct occurred.

### **The subject of the complaint should involve alleged misconduct by an employee.**

The focus of the Sheriff's Office complaint procedures is on alleged misconduct by a Sheriff's Office employee which encompasses violations of laws or Sheriff's Office policies, procedures and tactics.

Complaints regarding guilt or innocence of charged offenses or crimes are matters for the court system. The complaint process exists to report issues of conduct and attitude, policy and procedure, application of force, discrimination, or that are a criminal nature.

### **Anonymous complaints are investigated, but can prove difficult.**

Although anonymous complaints are investigated, the investigations are less likely to reveal all the facts surrounding an alleged incident when the investigator is unable to contact the complainant.

We encourage individuals with allegations of misconduct by our employees to identify themselves and submit to an interview.

### **Making a complaint will not affect actions or charges against the complainant.**

Employees are prohibited from retaliating against you for reporting truthful information in lodging a complaint against them.

Any charges or legal issues (present or future) must be decided by the appropriate court. The investigation of your complaint will focus on the conduct of the employee, not charges against you. Therefore, any charges against you are a separate issue which you will have to resolve in court.