

COMPLAINT PROCEDURES



RESOLVED COMPLAINTS

Some complaints may be resolved at the time they are received. For example, an explanation that the law requires (or allows) an employee to perform certain acts may satisfy the complainant. Such complaints may be marked resolved if the complainant agrees that no further investigation of the incident is necessary; however, the resolved Complaint Receipt will be forwarded to the Professional Standards Division and maintained on file for one year.



Missouri State
Highway Patrol



PROFESSIONAL
STANDARDS
DIVISION

WITHDRAWING A COMPLAINT

A person may voluntarily withdraw a complaint after a formal investigation has been initiated by signing a Complaint Withdrawal form. The form is available at any troop, service center, or through the assigned investigator. Complaint withdrawal is appropriate in situations such as when additional information is learned which causes the complainant to realize the Patrol employee's actions were proper. The Patrol may, however, elect to continue the investigation if circumstances warrant.

QUESTIONS

Questions about complaint procedures should be directed to:

Missouri State Highway Patrol
Professional Standards Division
P.O. Box 568
Jefferson City, MO 65102
or telephone (573)751-8801

8 a.m. - 5 p.m., Monday - Friday

Or visit the Professional Standards Division via the Patrol's website at www.statepatrol.dps.mo.gov to view answers to frequently asked questions.

EMERGENCY ASSISTANCE

1-800-525-5555 or
cellular *55



Missouri State Highway Patrol
P.O. Box 568 - Jefferson City, MO 65102-0568
(573) 751-3313

www.statepatrol.dps.mo.gov • psdmail@mshp.dps.mo.gov

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PATROL POLICY & RESPONSIBILITIES

Certain responsibilities and authority have been granted to the Missouri State Highway Patrol by the citizens of Missouri. The Patrol recognizes its responsibility to maintain public confidence and trust, and the need to ensure integrity and accountability both by the agency and by each employee. As we recognize the rights of all citizens, citizens should recognize that Patrol employees must be free to exercise their best judgement in taking necessary and reasonable action in the performance of their duties without fear of reprisal. Specific complaint procedures have been adopted by the Patrol to ensure that fair and proper action is taken when an employee is accused of misconduct. This also protects employees from unwarranted or false accusations. Additionally, this system provides a means of identifying and correcting deficiencies in policies, procedures, or training.

COMPLAINT PROCEDURES

Who may make a complaint?

Any citizen or Patrol employee may file a complaint. Normally, the person most directly affected by the alleged conduct should be the complainant. An example of this is: A complaint of rudeness to a driver should be made by the driver, not a passenger in the vehicle. Exceptions to this would include a parent filing a complaint for a minor child or other similar situations.

Can I Make A Complaint Anonymously?

Anonymous complaints are investigated; however, investigations are less likely to reveal all the facts surrounding an alleged incident when the investigator is deprived of the opportunity to contact the complainant. Also, an anonymous complainant cannot be made aware of the results of the investigation. For these reasons, we strongly encourage persons having legitimate concerns to sign the complaint form and fully cooperate with the assigned investigator.

How Should Complaints Be Made?

Complaints may be submitted by visiting the Missouri State Highway Patrol's website and accessing the Professional Standards Division's Commendations and Complaints link, by email at psdmail@mshp.dps.mo.gov, in writing addressed to the Missouri State Highway Patrol, Professional Standards Division, P.O. Box 568, Jefferson City, MO, 65102-0568, or by

telephone at 573-751-8801. Complaints should concisely and specifically describe the conduct of the employee they feel is improper. Rather than say 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, or citing specific acts of rudeness. Identify the employee as much as possible. This can be accomplished by providing the employee's name, badge number, patrol vehicle license number, and the date, time, and location of the incident. Patrol employees are required by policy to properly identify themselves upon request. If available, include the names, addresses, and telephone numbers of all witnesses. Additionally, complaints should be made within a reasonable time after the alleged misconduct occurred to help ensure evidence is still available and recollections of the incident are fresh.

To Whom Should Complaints Be Submitted?

All Patrol employees are required to accept complaints if no supervisor is immediately available to do so. Complaints can be made at any local troop, service center, or at the General Headquarters in Jefferson City. You may also submit your complaint online via the Missouri State Highway Patrol's website (www.statepatrol.dps.mo.gov) under the Professional Standards Division's Commendations and Complaints link, or by email at psdmail@mshp.dps.mo.gov. All complaints are forwarded to the Professional Standards Division at General Headquarters for appropriate action.

Does Making A Complaint Affect Present Or Future Charges Against Me?

Any charges or legal issues must be decided by the appropriate court. The investigation of a complaint will focus on the conduct of the Patrol employee, not the charges against the complainant. Therefore, any charges against the complainant are a separate issue which will have to be adjudicated in court. Employees are prohibited from retaliating against a complainant for reporting truthful information in a complaint against them.

Keep In Mind . . .

The focus of Patrol complaint procedures is on alleged misconduct by a Patrol employee. This encompasses violations of laws or Patrol rules and regulations. A disagreement with a policy or law, or the application of a policy or law, is not considered a "complaint," and will normally be referred to the accused employee's troop commander/division director for a response.



THE INVESTIGATIVE PROCESS

Other than complaints that are resolved, every complaint of misconduct that is by an employee will be investigated.

Upon receipt of a complaint, the Professional Standards Division sends a letter to the complainant acknowledging receipt of the complaint. The Professional Standards Division may conduct a preliminary inquiry by telephone, by mail, or in person to clarify specific issues. If an official Complaint Receipt form has not been signed by the complainant, a form will be sent to the complainant for signature. The complaint form contains an affirmation to the truth of the information provided and a precautionary statement regarding false allegations. This statement is not intended to prevent persons from lodging legitimate, factual complaints, but is intended to forewarn persons making false or malicious statements that Patrol employees, like all persons, have legal recourse for such action, and that action cannot be regulated by the Patrol. If the complainant does not sign and return the form, the action taken by the Patrol may be limited to a preliminary inquiry.

Upon receiving a signed Complaint Receipt (SHP-872) form, the Professional Standards Division will assign the case to an investigator in the Professional Standards Division for a thorough investigation.

Investigators will attempt to contact the complainant, the accused employee, and witnesses, and examine physical evidence, review reports and records, and thoroughly document the facts surrounding the incident. A summary of the investigation will be presented to the superintendent for his review along with any recommendation regarding discipline.

Following the completion of a formal investigation, the superintendent will summarize the classification of the investigation, in writing, to the complainant.