

# MEMORANDUM

LOUISVILLE METRO POLICE DEPARTMENT

CRAIG GREENBERG  
MAYOR

JACQUELYN GWINN-VILLAROEL  
CHIEF OF POLICE

**TO:** All Personnel

**FROM:** Jacquelyn Gwinn-Villaroel  
Chief of Police

**DATE:** March 15, 2023

**RE:** SOP 2.10 Complaints—Revised  
General Order #23-002



Pursuant to the Memorandum of Understanding (MOU) between the Office of Inspector General (OIG) and the Louisville Metro Police Department (LMPD), SOP 2.10, Complaints, has been revised by adding a new section regarding the procedures for the Office of Inspector General (OIG) administrative investigations and the roles of members.

In addition, the procedures regarding Professional Standards Unit (PSU) administrative investigations have also been revised.

All members having computer access are responsible for reading, understanding, and acknowledging receipt of the affected SOP(s) listed and this General Order, using the PowerDMS Document Management System. Members without computer access will continue to sign an accountability roster, as they have in the past.

All commanding officers will ensure their personnel are made aware of this information.

This General Order will be posted in each division, section, or unit for a period of ten (10) days. Please refer any questions through the appropriate chain of command.

# Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 2.10
	Effective Date: 02/16/04
	Prv. Rev. Date: 07/02/22
	Revised Date: 03/25/23
Chapter: Personnel	Accreditation Standards: KACP: 10.2, 12.2, 12.4, 12.6, 30.4
Subject: Complaints	

## 2.10 COMPLAINTS

### 2.10.1 COMPLAINTS AGAINST MEMBERS

It is the policy of the Louisville Metro Police Department (LMPD) to investigate all complaints of alleged misconduct or criminal misconduct on the part of all members, and to equitably determine whether the allegations are valid or invalid and to take appropriate action. Anonymous complaints are carefully reviewed for validation before dismissing them for the lack of a credible complainant (KACP 12.6b). Per Kentucky Revised Statute (KRS) 67C.326(1)(a)(3), charges shall be brought against a member only if the investigation can independently substantiate the allegations made in an anonymous complaint.

The Chief of Police has the ultimate authority to determine the disposition of all administrative investigations and to administer discipline based on the facts of the case (KACP 12.6i). In order to retain flexibility in the disciplinary process and to take into account mitigating circumstances, determinate discipline will not be utilized, except in those cases deemed appropriate by the Chief of Police. The Chief of Police will communicate, in writing, to the complainant and the member, his/her findings and what action has been taken (KACP 12.6g).

Annually, the Chief's Office will issue a statistical summary of all complaints and disciplinary action on departmental members. This summary will be available to departmental members and for public dissemination (KACP 12.6j).

The Professional Standards Unit (PSU) conducts administrative investigations of complaints against members of the department and is the central repository of all complaints, administrative investigations, and disciplinary actions taken by supervisors. All investigations are conducted with strict confidentiality (KACP 12.4, 12.6d, k). The PSU enters the complaints into **IAPro**, which captures specific information. The PSU also provides an acknowledgment of the complaint to the person(s) who is initiating the complaint, if known. All investigations are conducted in accordance with federal and state law, contractual guidelines, and departmental policy (KACP 12.2c). Every attempt should be made to complete the investigation within **a reasonable amount of time, not to exceed 180** days; however, extensions may be granted on a case-by-case basis (KACP 12.6e). Periodic status reports will be provided to the complainant, when requested. **After 45 days, the investigator will send a letter to the complainant updating him/her regarding the status of the investigation.**

Members will be notified of a complaint against them by the PSU according to the PSU operating procedures (KACP 12.6f). Members may be placed on administrative leave or administrative reassignment during the investigation, at the discretion of the Chief of Police (KACP 10.2a, 12.6h).

The PSU records all pertinent information of the complainant, information about the specific complaint (e.g. location, date, and time), the person who received the complaint, how the complaint was received, vital information of the member involved, and a summary of the incident (KACP 12.6c).

The Public Integrity Unit (PIU) is responsible for all criminal investigations of members (KACP 12.6d).

Pursuant to KRS 620.030 and Louisville Metro Code of Ordinances (LMCO) 35.200, complaints against members or civilian police volunteers involving the physical or sexual abuse of a minor shall be immediately reported to the PIU, the Chief of Police, the Kentucky Cabinet for Health and Family Services (CHFS), and any one (1) of the following:

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## 2.10.1 COMPLAINTS AGAINST MEMBERS (CONTINUED)

- The Office of the Commonwealth's Attorney
- The Jefferson County Attorney's Office
- The Kentucky State Police (KSP).

Documentation of notification will be retained in the investigative case file. Any failure to report suspected abuse will be subject to discipline, up to, and including, termination. Officers who have special investigative knowledge or experience may be called upon to assist the PIU in a specific investigation (e.g. Traffic Unit, Homicide, Crimes Against Children Squad, etc.). Officers who are assisting the unit will report all findings and conclusions of the investigation directly to the PIU Commander.

Complaints, which are likely to have a serious adverse impact upon the department, will be reported immediately, through the appropriate chain of command, to the Chief of Police.

## 2.10.2 CITIZENS' COMPLAINTS

An administrative investigation may be initiated either by the Chief of Police, a member of the department (refer to SOP 2.10.3 and SOP 2.10.4), or a citizen.

If a citizen with a complaint approaches a member, other than a commanding officer, the member will immediately notify a commanding officer. The commanding officer will fully inform the citizen of the complaint process and determine if the citizen wishes to (KACP 12.6b, e):

- Have the commanding officer attempt to resolve the concern with no affidavit; or
- Give a sworn statement, in affidavit form, to the PSU.

Commanding officers are encouraged to resolve minor concerns if the concern can be resolved to the satisfaction of all parties. However, the commanding officer must advise the citizen that no disciplinary action will result if the concern is resolved in this fashion. If the citizen wishes to file a formal complaint, the commanding officer will advise the citizen to contact the PSU. **Only members of the PSU may take affidavits.** The commanding officer will assist the citizen by providing the working hours, telephone number, and location of the PSU.

After a member is advised of a complaint against him/her, he/she will not knowingly have contact with the complainant or witnesses from outside of the department, except in exigent circumstances, within the scope of his/her duties, or until the case is disposed. If any contact is made, he/she should immediately notify his/her commanding officer.

## 2.10.3 OFFICE OF INSPECTOR GENERAL ADMINISTRATIVE INVESTIGATIONS

LMPD personnel must cooperate with the Office of Inspector General (OIG) investigations conducted pursuant to the Memorandum of Understanding (MOU) between the OIG and the LMPD. Once the Citizen Review and Accountability Board approves an investigation, the OIG will notify the Chief of Police and the LMPD Special

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### **2.10.3 OFFICE OF INSPECTOR GENERAL ADMINISTRATIVE INVESTIGATIONS (CONTINUED)**

Investigations Division (SID) Commander of the initiation of an administrative investigation and provide them with a copy of the complaint (KACP 12.6b-c). Upon receiving this notification and a copy of the complaint, the Chief of Police will order all LMPD members to appear for interviews that have been requested by the OIG and/or in response to a 48-hour notice with respect to all investigations conducted by the OIG, in accordance with the MOU between the OIG and the LMPD (KACP 12.6d-f).

Upon receipt of the complaint from the OIG, the Chief of Police will review the complaint to determine whether an investigation by the PSU should be initiated (KACP 12.6d).

### **2.10.4 INTERNAL ADMINISTRATIVE INVESTIGATIONS**

Supervisors have the responsibility to investigate administrative violations (e.g. sick leave abuse, tardiness, pursuit violations, etc.) (KACP 10.2c, 12.6a, d). The findings of these administrative investigations will be forwarded, through the appropriate chain of command, to the Chief of Police.

### **2.10.5 HARASSMENT/SEXUAL HARASSMENT/SEXUAL ABUSE AND DISCRIMINATION (KACP 30.4)**

The department is committed to making every reasonable effort to prevent individuals from being subjected to harassment/sexual harassment/sexual abuse and discrimination, or a sexually hostile working environment, by departmental members. Members will refrain from conduct which subjects another person to harassment/sexual harassment/sexual abuse and discrimination, or a sexually hostile working environment. Sexual harassment is considered:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature to constitute sexual harassment when: (1) the submission to such conduct is made, either explicitly or implicitly, as a term or condition of an individual's employment; (2) the submission to, or rejection of, such conduct by an individual is used as the basis for an employment decision affecting such individual; (3) such conduct is so severe or pervasive that it has the purpose, or effect, of unreasonably interfering with an individual's work performance or creating a sexually intimidating, sexually hostile, or sexually offensive working environment; or (4) such condition that may not be sexual in nature, but may lead to a sexually hostile or sexually offensive working environment, thereby creating intolerable working conditions.

Sexual abuse is considered:

Unwanted sexual activity, with perpetrators using force, making threats, or taking advantage of victims who are unable to give consent.

Sexual discrimination is considered:

Treating someone (an applicant or employee) unfavorably because of that person's sex and/or gender identity.

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## 2.10.5 HARASSMENT/SEXUAL HARASSMENT/SEXUAL ABUSE AND DISCRIMINATION (CONTINUED)

Federal law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, and any other term or condition of employment.

Complaints of misconduct, including harassment/sexual harassment/sexual abuse and discrimination, by a departmental member against another individual will be sent, through the appropriate chain of command, to the division commander, who will then forward the information to the SID Commander, the Human Resources (HR) Compliance Manager, or directly to the Chief of Police (KACP 12.6b-c). If the complaint involves sexual harassment and/or sexual abuse, the commander will immediately verify that the member, to whom the allegations are directed, is moved to avoid contact with the complainant. The commander will conduct a preliminary investigation and, based on the information gathered, the Chief of Police may initiate an investigation by the SID (KACP 12.6d).

Members who are inhibited by the chain of command may report instances of harassment/sexual harassment/sexual abuse or discrimination directly to the Chief's Office or the SID Commander (KACP 12.6b).

Members are prohibited from retaliation against any individual because he/she has filed a complaint, has investigated a complaint, or has provided information regarding a complaint. Any member who engages in retaliation against an individual who has filed a complaint or provided information concerning a complaint may be subject to discipline. Any member who feels he/she has been subjected to such retaliation should report this action through the appropriate chain of command, to the division commander, who will then forward the information to the SID Commander, the HR Compliance Manager, or directly to the Chief of Police (KACP 12.6b-c).

## 2.10.6 RACE DISCRIMINATION AND HARASSMENT

The department is committed to providing a work environment that is free of discrimination and harassment based on race. Departmental members will refrain from conduct which subjects another person to discrimination or harassment based on race.

Race discrimination is considered:

Treating a person unfavorably because he/she is of a certain race or possesses personal characteristics, often or commonly associated with a certain race (e.g. skin color, hair texture, facial features, etc.).

Discrimination can occur when the victim and the person who is discriminating are of the same race.

Race discrimination can also involve treating a person unfavorably because the person is married to, in a relationship with, or associated with a person of a certain race.

Federal law forbids the harassment of a person because of his/her race. This type of harassment includes, but is not limited to:

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## 2.10.6 RACE DISCRIMINATION AND HARASSMENT (CONTINUED)

- The written or verbal use of racial slurs;
- The written or verbal use of offensive or derogatory remarks about a person's race; and
- The displaying of racially-offensive symbols.

Complaints of race discrimination or harassment by a departmental member against another individual will be sent, through the appropriate chain of command, to the division commander, who will then forward the information to the SID Commander, the HR Compliance Manager, or directly to the Chief of Police (KACP 12.6b-c). The commander will conduct a preliminary investigation and, based on the information gathered, the Chief of Police may initiate an investigation by the SID (KACP 12.6d).

Members who are inhibited by the chain of command may report instances of discrimination or harassment directly to the Chief's Office or the SID Commander (KACP 12.6b).

Members are prohibited from retaliation against any individual because he/she has filed a complaint, has investigated a complaint, or has provided information regarding a complaint. Any member who engages in retaliation against an individual who has filed a complaint or provided information concerning a complaint may be subject to discipline. Any member who feels he/she has been subjected to such retaliation should report this action through the appropriate chain of command, to the division commander, who will then forward the information to the SID Commander, the HR Compliance Manager, or directly to the Chief of Police (KACP 12.6b-c).