

### Things to Keep in Mind

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

The focus of the MCSO complaint procedure is on alleged misconduct by an MCSO employee that encompasses a violation of laws or MCSO Policy and Procedures.

Dissatisfaction with an arrest or ticket is not considered a “complaint” and you will be referred to the court with the appropriate jurisdiction.

#### **Anonymous complaints are investigated but not recommended**

Although anonymous complaints are investigated, the investigations are less likely to reveal all the facts surrounding an incident when the investigator is unable to contact the complainant. MCSO encourages 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. Any charges against you are a separate issue that you will have to resolve at court. Therefore, if you were arrested or issued a ticket or summons during the incident that led to your complaint, you must still follow the direction of the appropriate court in resolving the case.

## Values of the Montgomery County

### Sheriff's Office

- Maintain quality service as our primary goal, while vigorously pursuing those who commit crimes
- Strive to maintain the highest levels of integrity and professionalism in all our members and activities
- Provide courteous police service with respect for the rights and dignity of the people we serve
- Encourage public input regarding the development of strategies that directly affect the quality of neighborhood life
- Remain committed to a shared and open relationship of involvement with all segments of our community
- Encourage cooperative relationships with professionals from all facets of the community.



### Montgomery County Sheriff's Office

200 Clark Drive

PO Box 432

Fultonville, NY 12072

[jsmith@sheriff.montgomery.ny.us](mailto:jsmith@sheriff.montgomery.ny.us)

# Public Compliment and Complaint Process

## MCSO's Responsibility

MCSO recognizes its responsibility to maintain the public confidence and trust, and the need to guarantee integrity and accountability of both the agency and of each employee.

## Responsibility of the Public

We recognize the rights of all citizens, and want the public to recognize that MCSO employees must be able to exercise their best judgment in taking necessary and reasonable action in the performance of their duties without fear of retaliation.

## Montgomery County Sheriff's Office Policy

It is the policy of MCSO to respond to compliments or complaints received from the public.

## Complimentary Letters

Complimentary letters are:

- Reviewed by the Sheriff
- Forwarded to the employee(s)
- Placed in the employee's personnel file

## Complaint Letters or Forms

Complaint letters or forms follow a very specific procedure to:

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

## Anyone can submit a complaint, at any time

The person most directly affected by the alleged conduct should be the person to make the complaint. Under most circumstances, this is the person most likely to provide the best information about the incident. However, third party complaints will be accepted and investigated to the best of our ability.

## Complaints may be made:

- By mail to: The Montgomery County Sheriff's Office  
200 Clark Drive/PO Box 432  
Fultonville, NY 12072
- By calling 518-853-5500
- By email [jsmith@sheriff.montgomery.ny.us](mailto:jsmith@sheriff.montgomery.ny.us)

All complaints received are reviewed by the Sheriff

## Complaints should be concise and specific

Describe the conduct of the employee that you believe to be improper.

- Provide the specific words or phrases used by the Officer
- Describe the employee's tone of voice
- Cite particular acts of rudeness
- Identify the employee as much as possible by providing:
  - Employee's badge number and patrol vehicle number
  - Date, time and location of the incident
  - If available, include the names, addresses and telephone numbers of any witnesses.
  - If your conversation took place over the phone, provide the date and time you called, as well as the phone number you called from.

## Complaint Investigation Process

Every complaint of misconduct will be investigated until it reaches a conclusion.

Upon receipt of a complaint the Sheriff will assign the case for investigation. Generally, complaints will be assigned to the employee's supervisor.

## Investigators will:

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

The investigator's report will be submitted to the Sheriff who will review it for completeness and objectivity.

## Investigative Procedures

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

Sheriff's Office employees have rights protected under New York State Law. If, during the course of the investigation, it is determined that the employee could face significant discipline, we may ask you to submit to a sworn statement.

In a criminal investigation, Sheriff's Office 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.

## Disciplinary Action

The Montgomery County Sheriff's Office Policy and Procedure manual utilizes the principle of progressive discipline. This allows for cumulative increase in penalty considering prior discipline while also allowing for consideration of mitigation circumstances.

Once management has reached a final disposition; appropriate action will be taken. This may involve documented counseling or re-training. It may also involve disciplinary action which includes oral reprimand, written reprimand, suspension or termination.