

GENEVA POLICE DEPARTMENT

Citizens Complaint Form



Chief Michael Passalacqua

Public Safety Building
255 Exchange Street
Geneva, New York 14456
315.828.6771

Summary of Complaint Process

- The complaint can be downloaded from the City of Geneva website: www.cityofgenevany.com (type in “Complaint” in the Search Box) or picked up at Geneva Police Department, 255 Exchange Street, Geneva, New York or the City Clerk’s Office, 47 Castle St., Geneva, New York.
- After completion of the form it should be signed in front of a Sergeant or Lieutenant of the Geneva Police Department or the City Clerk or Deputy City Clerk at City Hall.
- After your complaint has been filed, it is assigned and investigated and given a Case Number. All available witnesses will be contacted, and any physical or other relevant evidence including records, reports, recordings and computer data will be collected and reviewed. You will be personally contacted by a Lieutenant or another person designated by the Chief of Police.
- Once the investigation is completed, the investigation and its report will be forwarded to the Chief of Police for final disposition of the case. When a complaint is sustained, the Chief shall determine and administer appropriate corrective and/or disciplinary action.
- Department policy requires that the complaint investigation to be completed within 45-60 days; however, the Chief of Police can waive the time frame depending on the complexity and sensitivity of the investigation.
- After the investigation has been completed and the Chief of Police has made a final decision on the case, you will be notified of the results by mail.

Most Often Asked Questions

- **HOW DO I FILE A COMPLAINT?** We would prefer to talk with you about your complaint in person; however complaints will be accepted by mail or in person at the Police Department or City Hall.
- **WHAT IS A COMPLAINT?** A complaint is a belief that a member of the Geneva Police Department has violated a Department Rule or Procedure, a federal or state law, an ordinance of the City of Geneva, or dissatisfaction with a policy or procedure of the Geneva Police Department.
- **WHAT DOES THIS PROCESS NOT HANDLE?** This process does not litigate or decide the outcome of any parking, traffic, criminal or non-criminal offense. These questions should be directed to the court of jurisdiction or your own legal counsel.
- **WHO CAN MAKE A COMPLAINT?** Anyone can file a complaint if they truly and honestly believe a police employee has acted improperly.
- **WHO INVESTIGATES A CITIZEN COMPLAINT?** Complaints of alleged misconduct are investigated by members of the Department who are certified to conduct Internal Affairs Investigations. The investigation is then reviewed by the Chief of Police and Personnel Office if needed.

- **WHAT WILL HAPPEN TO THE EMPLOYEE?** That will depend on the results of the investigation. If the employee is found to be at fault the complaint will be SUSTAINED and the appropriate corrective and/or disciplinary action will be taken. If they acted properly, they will be EXONERATED. If the facts show that the complaint is false, the complaint will be unfounded. In those cases where the department is unable to determine the validity of the complaint and cannot arrive at any other conclusion, the complaint will be NOT SUSTAINED. If the investigation concludes that the involved employee's conduct was not misconduct but rather an issue of department service or procedure, your complaint will be satisfied as such. In cases of department service or procedure, Geneva Police Department will attempt to clarify or correct the issue.
- **WHAT IF MY COMPLAINT INVOLVES CRIMINAL BEHAVIOR?** The Ontario County District Attorney's Office may be consulted on any complaint that alleges criminal investigation while the internal investigation is pending.
- **WILL I BE TOLD THE RESULTS OF THE INVESTIGATION?** YES – At the conclusion of the investigation and review by the Chief of Police, you will be notified of the results by mail. Due to contractual and legal restrictions, you will be only be given the finding of the investigation of whether your complaint was SUSTAINED, UNFOUNDED, EXONERATED, NOT SUSTAINED, OR IS ONE OF DEPARTMENT SERVICE OR PROCEDURE. The department is prohibited from revealing specific personnel actions taken against the employee.
- **CAN I GET IN TROUBLE FOR MAKING A COMPLAINT?** NO – Every citizen has the right to file a complaint, if it is done in good faith, with an honest belief that an employee of the acted improperly. If a false statement is made you may be charged under the NYS Penal Law Section 210.45.
- **ABOUT THE COMPLAINT FORM.** The attached form should be used to file your complaint. You can attach as many additional pages as necessary, along with any supporting evidence you may have. After you complete the form bring it to the Geneva Police Department or the City Clerk's Office or mail it to:

**City of Geneva Police Department
Office of the Chief of Police
Public Safety Building
255 Exchange St.
Geneva, NY 14456**

**City of Geneva
Office of the City Clerk
City Hall
47 Castle St.
Geneva, NY 14456**

City Hall tiene personal disponible si no hablas inglés.

GENEVA POLICE DEPARTMENT

Complaint Action Form

This form is to be completed in full by the complaining citizen, *then brought to and signed in the presence of* either a Sergeant or Lieutenant of the Geneva Police Department or the City Clerk or Deputy City Clerk. **WARNING: False Statements made herein are punishable as a Class A Misdemeanor crime pursuant to Section 210.45 of the Penal Law of the State of New York. Please type or Print.**

COMPLAINANT

Name: _____	Phone Number _____
Address: _____	(H) _____
Occupation: _____	(W) _____
Work Address: _____	DOB _____
Email Address: _____	

ACCUSED OFFICER(S)

Name: _____	Badge Number _____
Name: _____	Badge Number _____

INCIDENT

Time/Date: _____	Location: _____
Nature of Complaint: _____	

WITNESS(ES)

Name: _____	Phone Number _____
Address: _____	(H) _____ (W) _____
Name: _____	
Address: _____	(H) _____ (W) _____

1. Are you making this complaint of your own free will: Yes No
2. Were you arrested as a result of this incident: Yes No

If yes, what charge?: _____ Date: _____

Disposition (fine, imprisonment, etc.): _____

**** If necessary, additional sheets may be attached hereto and made a part hereof.**

I understand that this statement of complaint will be submitted to the Geneva Police Department and may be the basis for an investigation. Further, I declare the facts contained herein are accurate and true to the best of my knowledge and belief. Further, I declare that my statement has been made by me voluntarily without persuasion, coercion or promise of any kind. **False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.** Accordingly and with notice of the foregoing I hereby affirm that the foregoing statements are true.

Signature of Complainant: _____
Date: _____

MUST be signed in the presence of a Supervisor of the Geneva Police Department, City Clerk or Deputy City Clerk.

Person Receiving Complaint: _____
Title: _____ Date: _____ Time: _____

ADMINISTRATIVE USE ONLY

Reviewed By: _____ Name & Rank	<input type="checkbox"/> NO FURTHER ACTION <input type="checkbox"/> INVESTIGATION ASSIGNED TO: _____
Date Reviewed: _____ GPD CR No.: _____	

COMPLAINT RESOURCE ASSISTANT

The *Complaint Resource Assistant* is an independent individual who has knowledge of the departmental operations and the complaint process and can provide assistance to those individuals wishing to make a complaint. Duties include:

- Be available for any complainant to contact.
- In a timely manner (24 hours), respond to individual wishing to report a personnel issue with members of the Geneva Police Department.
- Maintain an inventory of complaint forms and support materials to make available to complainants.
- Provide educational and administrative support related to the filing of a personnel complaint against a member of the Geneva Police Department.
- Maintain complainant confidentiality relative to personal information and nature of the complaint.
- Serve as a continued point-of-contact between the complainant and the department to support follow up investigation and status inquiries

The following are approved *Complaint Resource Assistants*:

<u>Name</u>	<u>Contact Information</u>
Paul Barrett	pmbpub@aol.com
Joe Commesso	315-521-3010
Peggy Focarino	571-541-9054
Mike McDermott	585-305-3842
Montrose Streeter	315-781-4450