



## CITIZEN COMPLAINTS, SUPERVISOR REVIEWS, ADMINISTRATIVE REVIEWS & INTERNAL INVESTIGATIONS



### INTERNAL COMPLAINT

Performance issues or improper conduct observed by coworkers or supervisors; also guided by [DD43 External and Internal Complaints, Reviews, Investigations & Discipline](#)

### EXTERNAL CITIZEN COMPLAINT

[Anyone can make a complaint](#), to be filed via the [online portal](#), in person, or on paper, or referred by local stakeholders (City Council, Police Commission, etc.)

Does it refer to the wrong Burlington (e.g., Iowa) or the wrong agency or wrong city department? And/or is it clearly mental-health related? And/or is it a crime complaint? And/or is it prima facie false?

NO

YES

Respond if possible; close as "Invalid Complaint."

Is there a use-of-force with Injury? And/or is there reasonable suspicion of a criminal violation? And/or is there a referral to an outside agency such as the Vermont State Police or Attorney General's office?

NO

YES

### SUPERVISOR REVIEW

Assigned to a supervisor

Does the supervisor need to notice and formally interview the subject employee(s)? And/or is there a possible violation of [DD03](#) or [DD05](#)?

NO

YES

Complete the SR

### ADMINISTRATIVE REVIEW

Assigned to a Lieutenant or DC

Does the misconduct indicate a pattern of behavior? And/or is it likely that there will be a substantial penalty involving suspension or termination?

NO

YES

Complete the AR

### INTERNAL AFFAIRS INVESTIGATION

Assigned to a Lieutenant or DC

Complete the BIA.

Refer to Chief of Police for review.

The Chief reviews with H/R, City Attorney, and Mayor as necessary.

Does the Chief need to interview the subject or afford the subject an opportunity to explain or rebut? Is discipline likely to include suspension or termination?

NO

YES

Loudermill Hearing

From "[Role of the Burlington Police Commission in Reviewing Complaints Against BPD Employees](#)" (August 2020) and DD40: "For lower- and mid-level complaints, the Chief will provide a verbal or written summary of the complaints and their status *or* disposition in Executive Session. For higher-level complaints, such as those involving an allegation of excessive use of force, dishonesty, discrimination, harassment, or other serious misconduct; or for any lower- or mid-level complaint that results in discipline beyond a written reprimand; or for any other conduct for which suspension or termination is recommended, the Chief will provide the Police Commission with a full verbal briefing of the allegations and the recommended disposition of the case in executive session."

The Chief finalizes the disposition [as per DD40](#) and offers discipline if appropriate. For sworn officers, this is also guided by the "Agreement between City of Burlington and the BPOA," specifically §15, and for professional employees it is also guided by the City's [Personnel Policy Manual](#).

As per DD40 and the August 2020 "Role of the Burlington Police Commission in Reviewing Complaints Against BPD Employees" agreement, the Police Commission may disagree with the Chief's determination and refer that disagreement to the Mayor.

The Chief follows [Act 56 of 2017](#) and, if applicable, refers to the [Vermont Criminal Justice Council](#).

The subject employee may grieve and appeal the Chief's decision to the Police Commission, as per [City Charter 24 App. V.S.A. ch. 3, § 190](#).

If the subject employee is an officer, he/she may grieve and appeal the Police Commission's decision to arbitration, in accordance with the Agreement between City of Burlington and the BPOA §16.7(C).