



# COMPLAINT INVESTIGATION TIER SYSTEM

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# COMPLAINT INVESTIGATIONS

## Introduction

The system below outlines the process by which the Independent Policing Auditor (IPA) reviews and categorizes complaints submitted by members of the public alleging misconduct by an Arlington County Police Officer. Complaints are investigated in collaboration with the Arlington County Police Department's Office of Professional Responsibility (OPR). At the conclusion of the investigation, both the IPA and OPR produce independent reports which are then submitted to the Law Enforcement Community Oversight Board (COB) for an additional independent review.

This document details how complaints are categorized after a preliminary review and includes general guidelines used by the IPA to assign tiers to complaints that result in complete administrative investigations. It is meant to denote the estimated number of hours that the Office of the IPA will dedicate to reviewing, resolving, and reporting the investigations. Please remember that each complaint is uniquely fact-specific, which may impact which tier is assigned to the investigation.

## COMPLAINT INTAKE PROCESS

After a complaint submission is received, a preliminary review is performed in collaboration with the Arlington County Police Department's Office of Professional Responsibility (OPR) to determine which investigative category will be assigned to the complaint (detailed further on page 4).

### COMPLAINT RECEIVED



Complaints may be received in writing (by email or a physical form), through electronic submissions via ACPD's online portal, or through the Sivil intake system featured on the IPA/COB website. Complaints submitted to the IPA or COB verbally or via email will be transcribed/transferred into Sivil to ensure accurate record keeping.

### PRELIMINARY REVIEW WITH IPA & OPR



The IPA and OPR review the complaint and all of the related evidence and interview(s) and then determine how to classify the complaint as well as what next steps are needed to complete the investigation. OPR will conduct an interview with the complainant and/or witnesses when more information is required in order to classify or investigate the complaint. The aforementioned information will be provided to the IPA and the COB for their independent review.

### COMPLAINT CLASSIFIED INTO INVESTIGATIVE CATEGORY



Once the IPA and OPR review all of the related evidence and interview(s), they will determine which of the following three categories the complaint will be classified under: 1) Exonerated/Unfounded by Digital Evidence Management System ("DEMS"); 2) non-investigative after a preliminary review; 3) requires full administrative investigation. More details about these categories can be found on the next page.

## COMPLAINT INVESTIGATION CATEGORIES

Below is a description of the three categories that complaints may be classified into after conducting the preliminary review.



**1) EXONERATED/UNFOUNDED BY DEMS:** The IPA and OPR have reviewed all the preliminary evidence in the digital evidence management system ("DEMS"), which typically includes body-worn camera footage associated with the incident, and have determined that the alleged conduct did not occur (unfounded) or the conduct did occur but was within policy (exonerated).

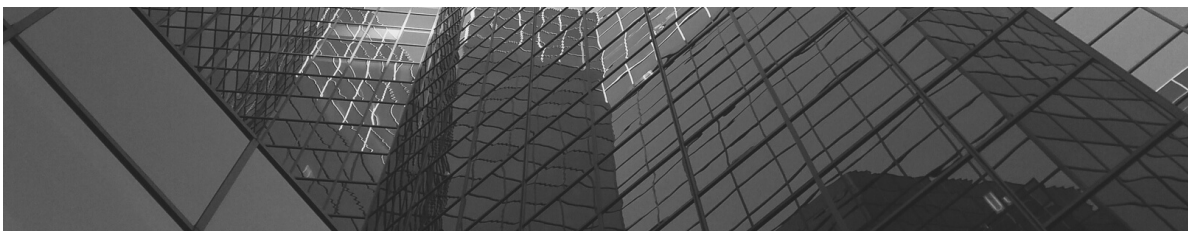
**2) NON-INVESTIGATIVE AFTER PRELIMINARY REVIEW:** The IPA and OPR have reviewed the complaint and associated evidence and determined that the allegation in the complaint does not involve conduct pertaining to an ACPD law enforcement officer. If applicable, these complaints will be referred to the appropriate entity to resolve their complaint.

**3) FULL ADMINISTRATIVE INVESTIGATION:** The IPA and OPR have reviewed the complaint and associated evidence and have determined that the allegation(s) in the complaint warrant additional investigation, including but not limited to administrative interviews of the complainant, witnesses, and the subject officer(s).

## WHAT GOES INTO A "FULL ADMINISTRATIVE INVESTIGATION"?

Once it is determined that a full administrative investigation is warranted, the IPA will assign a tier level to the investigation. This tier assignment is used internally by the Office of the IPA to denote the level of complexity of the respective investigation, and the anticipated number of project hours it will take to complete the investigation including, but not limited to:

- Reviewing the initial complaint and related documentation.
- Reviewing all body-worn camera footage associated with the incident.
- Updating internal and public-facing data systems with complaint information.
- Conducting meetings with the Office of Professional Responsibility to discuss the investigation (including planning the investigations and discussing outcomes).
- Attending/reviewing all administrative interviews conducted during the course of an investigation.
- Holding initial and closing debriefs with Community Oversight Board members to discuss each investigation.
- Conducting policy and legal research.
- Preparing an IPA investigative memorandum with findings related to the allegations in the complaint, including making training, and policy recommendations.
- In some cases, performing a systemic review of the police department's policies, practices, or procedures related to an investigation.



## **TIER 1** Anticipated maximum number of project hours: 20

- Cases involving less-serious officer-specific misconduct (i.e. personal contacts, duties/responsibilities allegations).
- Cases that require minor, officer-specific training recommendations and/or additional allegations, but no in-depth policy analysis or recommendation.
- Cases that require minor training and tactical recommendations, but no in-depth policy analysis or recommendation.
- Cases involving review of limited body-worn camera footage, usually totaling less than 3 hours.

## **TIER 2** Anticipated maximum number of project hours: 25

- Cases involving less-serious misconduct but involve multiple officers, or involve an officer and a supervisor, triggering a separate employee and supervisor analysis.
- Cases involving more than five (5) allegations against an officer.
- Cases involving training recommendations, disciplinary pattern analysis, and case-specific policy analysis or recommendation.
- Cases involving review of multiple body-worn camera footage.

## **TIER 3** Anticipated maximum number of project hours: 30

- Cases involving severe misconduct including (but not limited to) terminable allegations or criminal offenses.
- Investigations involving training recommendations, disciplinary pattern analysis, and department-wide policy analysis or recommendation.
- Investigations involving extensive body-worn camera footage.

## **TIER 4** Anticipated maximum number of project hours: 40

- Investigations involving high-profile incidents, police-involved actions that result in serious injury/bodily harm, traffic/accidental fatalities, or other serious (non-lethal) use of force.
- Investigations involving extensive research and analysis for training recommendations, tactical analysis, and/or department-wide policy analysis or recommendations.
- Investigations involving extensive body-worn camera footage with multiple parties.

## **TIER 5** Anticipated maximum number of project hours: 50

- Investigations involving police involved actions that result in a fatality.
- Investigations that require in-depth systemic review, in addition to the factors listed in the tiers above, are performed during the standard investigation.

# USE OF FORCE INVESTIGATIONS

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OPR conducts an administrative review of all uses of force within the police department and then prepares a monthly Use of Force Report to be provided to the IPA and the COB. The IPA will review the monthly Use of Force Reports and may elect to conduct an additional review of any number of use of force incidents contained within the monthly report.

The IPA will review each incident according to the defined use of force policy articulated in [Arlington County Police Directive Manual Section 538.04](#) to determine if the conduct was within policy. In some cases, the IPA will request additional information (such as body-worn camera footage) to determine if further investigation is warranted.

Uses of force that are determined to be outside of ACPD policy, and/or otherwise unlawful, will trigger an administrative investigation (and will be subsequently reviewed utilizing the tier system outlined in the pages above). Additionally, while the use of force may be determined to be within existing ACPD policy, a policy or training recommendation may still be warranted.

The IPA will keep a record of how many uses of force are reviewed each month, how many instances in which additional review is conducted (including a total of how many pieces of evidence are reviewed in this process), and how many reviews result in a recommendation for an administrative investigation to be conducted.



# CONTACT US



If you have any questions or concerns about any information contained in this document, please feel free to reach out to the Office of the IPA using the contact information listed below.



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