

200.00 Complaint Intake: Opening and Tracking Procedures

Introduction

The Department of Investigation is authorized, pursuant to Chapter 34, Section 803 of the Charter of the City of New York, "to make any study or investigation which may be in the best interests of the City, including but not limited to investigations of the affairs, functions, accounts, methods, personnel or efficiency of any agency." DOI's jurisdiction "shall extend to any agency, officer, or employee of the City, or any person or entity doing business with the City, or any person or entity who is paid or receives money from or through the City or any agency of the City."

There are many ways and sources through which DOI employees may become aware of potential areas appropriate for investigation. Information may come to DOI's attention from the public, through the media, through informants, by way of a report filed by a City employee, or through a person or corporation doing business with the City. Regardless of the source of the information, it is critical to DOI's mission that the receipt of all complaints, the manner in which they are addressed and their ultimate disposition be recorded and reported in a consistent manner.

This section of the manual sets forth the rules and procedures (along with samples of approved forms to be utilized) to be followed by all DOI employees who are assigned complaint intake duties.

200.10 Complaint Intake

I. Complaint Definition

A complaint is information, usually in the form of an allegation, which concerns an individual or entity that falls within the jurisdiction of the investigative agency. DOI receives complaints by telephone, in writing, or in person.

II. Receipt of Complaint

- A. Upon receipt of information as defined above, the investigator should discuss the allegation with the Inspector General or unit supervisor to determine an appropriate disposition. Following the discussion, the investigator or assigned employee must enter the complaint into the Case Management System (CMS), along with complainant and subject information. All corresponding documents, such as a memorandum detailing conversations with the complainant or the original complaint correspondence, should be uploaded into CMS.
- B. The Complaint Unit forwards any complaints it receives to the appropriate investigative unit, with all corresponding documents including the original complaint. For complaints received via telephone, the Complaint Unit prepares a memo to file and forwards it with the intake package.

200.20 Disposition of Complaints

Every allegation received must be reviewed by the Inspector General, or unit supervisor for a determination of how the complaint will be processed. Within FIVE BUSINESS DAYS of the receipt of the complaint by the investigative unit, one of the following actions must be taken:

- Initiate a preliminary investigation or an investigation;
- Refer complaint to another appropriate authority (i.e., law enforcement agency, Disciplinary Unit, another IG office, etc.); or
- File for intelligence purposes.

I. Preliminary Investigation

A preliminary investigation (PI) is a limited inquiry involving no more than a few basic investigative steps in an effort to develop further information about or confirm details provided in a complaint/allegation.

A. Authorization

If in the course of reviewing a complaint/allegation, an Inspector General, unit supervisor or any member of the Senior Investigative Staff (which includes all Associate Commissioners for Investigations, the Chief of Investigations, and the First Deputy Commissioner; but not the Deputy Commissioner for Administration, the Communications Director, the Director of Intergovernmental Affairs, or the General Counsel) believes it is necessary to gather additional information with respect to the matter to help decide whether an investigation is warranted, a preliminary investigation may be opened.

B. Procedure

The following procedures are to be adhered to with respect to preliminary investigations:

1. If it is determined by any of the authorized individuals listed above that a preliminary investigation be opened, the appropriate supervisor will assign the preliminary investigation to an investigator and provide direction. An Investigation Activity Sheet (See Appendix, [A-12](#)) must be utilized for documenting the progress of the preliminary investigation.
2. Once a preliminary investigation has commenced, an investigation file must be created. The investigation file is the official record for each investigation and all investigative activity must be recorded in the file. (See Section 200.30, *infra*)

3. When a complaint has been received by letter or through a source other than the assigned investigator, after conducting a complete CMS search of the complainant, contact with the complainant, where applicable, should be the first step in all preliminary investigations. This will allow for clarification of the complaint and collection of more information with respect to the allegation.
4. Only a few basic investigative steps should be necessary to determine whether the complaint should be more thoroughly investigated (i.e., interviews, phone calls, background checks, simple surveillance of a site, etc.).
5. Preliminary Investigations must be completed within THIRTY CALENDAR DAYS. If further information is needed, a decision can be made by the Inspector General or unit supervisor to convert the preliminary investigation to a full investigation or with Senior Investigative Staff approval, the PI may be extended for an additional thirty days.
6. At the conclusion of a PI, there are generally three actions that can be taken:
 - a. Initiate an investigation, where the allegations are ultimately substantiated or unsubstantiated;
 - b. Refer findings to the appropriate authority (i.e. Agency's Disciplinary Unit, or other Agency operating unit, or other law enforcement agency); or
 - c. Conclude the PI within 30 or 60 days as unsubstantiated with no further action.
7. If, after review of the preliminary investigation, a decision is made to open an investigation, the preliminary investigation is then converted to a full investigation. The CMS number assigned to the PI remains the same. No closing memorandum is needed in this instance.
8. Original documents accumulated during the course of a preliminary investigation must be maintained in the investigation file. (A more detailed explanation of documents required to be maintained in the investigative file is outlined in Section 200.30.)
9. There must be sufficient documentation of decisions and actions in the preliminary investigative file. Therefore, for each PI that is closed with no further action taken by an office, a closing memorandum must be prepared by the assigned investigator using

the Closing Memorandum format. (See Section 700.10, *infra*) This includes summarizing the origin of the PI, nature of the allegation, results of investigation and the conclusions and recommendations of the PI. The Inspector General must sign off on the closing memorandum.

10. CMS must be updated to reflect the final status of the preliminary investigation (See CMS How-To Manual: Change Phase, located on the DOI intranet).

II. Investigation

An investigation is a systematic and thorough attempt to learn the facts about any matter within the jurisdiction of DOI. If appropriate, all the investigative resources of DOI are available for the purpose of gathering the necessary information and evidence to either substantiate the complaint allegation or reach a determination that the complaint is unfounded, or for other reasons cannot be substantiated. For reporting and supervisory purposes, there are three categories of investigations:

- Routine – A general investigation requiring limited resources and commitment of time of DOI staff.
- Significant – An investigation wherein: (a) the subject is a mid-level manager in a City agency; (b) COIB has referred the investigation; (c) the complaint alleges a violation of the City's Whistleblower Law allegation; or (d) where funds involved exceed \$100,000 and less than \$500,000.
- Major – An investigation wherein funds involved exceed \$500,000 or the subject(s) is either: (a) working in the Mayor's office; (b) an elected official; or (c) an Assistant Commissioner or higher in a City agency.

A. The classification of an investigation into one of the above categories may occur at any stage of the investigation and can be designated as such by the Senior Investigative Staff or the Inspector General or unit supervisor.

B. Upon review of a complaint/allegation, or the completion of a preliminary investigation, if an Inspector General, unit supervisor, or member of the Senior Investigative Staff, determines that sufficient information or evidence exists to warrant a full inquiry, an investigation may be opened.

C. Investigation Opening Forms/ CMS Input Procedures

1. If it is determined by any of the authorized individuals listed above that an investigation be opened, the appropriate supervisor will assign the investigation to an investigator. A meeting should be held to discuss the steps to be taken to commence the investigation, and an Investigation Plan must be utilized to document the planning and progress of the investigation (See Section 300.10, *infra*).
2. Once an Inspector General or a member of the Senior Investigative Staff has approved opening an investigation, a designated employee must process the information in CMS immediately. (See CMS Manual for further instructions)

- D. When a PI or an investigation is opened, the Inspector General or unit supervisor assigns a name to the case. In conversations about the case, it is easiest to refer to "Big Apple," for example, than to, "the HRA car service case," or "CMS number 15-12345." Also, for confidentiality purposes, it is preferable to refer to a case by its name rather than to the subject's name. The case name should be descriptive and inoffensive. Ethnic or other offensive references and sarcasm are inappropriate and are to be avoided. The test is whether the name can be comfortably disclosed, when appropriate, to the public or to a judge and jury.

III. External Complaint Referrals

If an Inspector General, an Associate Commissioner for Investigations, or the Chief of Investigations decides to refer a complaint to an outside agency, one of the four procedures listed below must be followed. The procedure and related forms to be used are based on the nature of the referral. In addition, for all referrals, the information must be entered into CMS with all corresponding documents, including the referral. (See CMS Manual for further instructions)

- A. Service Complaint Referral: A Service Complaint is one in which a person relates dissatisfaction with the quality of services of a City agency (i.e., leaking water pipes, chipping paint, broken street lights, non-payment of public assistance benefits, etc.). Assuming analysis of the complaint results in a finding that there is no reason for DOI to conduct any further inquiry, complaints of this type should be referred to the appropriate agency for action and shall be categorized as Service Referrals.

Procedures for processing service referrals are as follows:

1. If such a determination is made, a service referral must be made within FIVE BUSINESS DAYS from receipt of the complaint. (See Appendix, [A-25](#)).
 2. Where appropriate, the Complaint Acknowledgement Letter (See Appendix, [A-2](#)) may be sent to the complainant advising him/her of the disposition of the complaint and the name of the individual or unit to contact in the agency for appropriate follow-up. A copy of the letter sent to the complainant should be forwarded to the effected agency/office.
- B. Disciplinary Referral: If an office receives a complaint alleging employee misconduct, and after careful review decides to take no action, the complaint shall be referred to the appropriate agency's Disciplinary Unit utilizing the External Complaint Referral Memorandum (See Appendix, [A-9](#)).
- C. Other Referrals: Other potential referrals may include, but are not limited to: referrals

regarding agency operations, referrals to other law enforcement agencies for investigation (allegations that do not fall within jurisdiction of DOI); referrals for civil recovery action to the Law Department (information brought to DOI's attention wherein the City may be entitled to damages); referrals to non-mayoral Inspectors General, and other state agencies for appropriate action. DOI also makes referrals for criminal charges to state and federal prosecutors, with approval from the Chief of Investigations and the First Deputy Commissioner (See Section 700.10, *infra*).

Procedures for processing other referrals are as follows:

1. If such a determination is made, the referral must be made within FIVE BUSINESS DAYS from receipt of the complaint, utilizing the External Complaint Referral Memorandum (See Appendix, [A-9](#))
2. Where appropriate, the Complaint Acknowledgement Letter (See Appendix, [A-2](#)) may be sent to the complainant advising him/her of the disposition of the complaint and the name of the individual or unit to contact in the agency for appropriate follow-up. A copy of the letter sent to the complainant should be forwarded to the effected agency/office.

IV. Filed for Intelligence

After review of a complaint, if it is determined that the complaint is not appropriate for referral and is not sufficient to warrant a preliminary investigation or investigation, *or* that DOI does not have sufficient resources to pursue an investigation, then an intelligence file is created. Dispositions of this nature are referred to as Filed for Intelligence or FFI.

Procedures for processing FFI complaints are as follows:

1. The complaint information in CMS should clearly indicate that the complaint will be filed for intelligence and include an explanation, which should also be entered into CMS. Further, a copy of the complaint, if applicable, should be retained in the office's intelligence files.
2. Where appropriate, the No Action Acknowledgement Letter (See Appendix, [A-15](#)) may be sent to the complainant advising him/her of the disposition of the complaint.

V. Procedures Following Review and Disposition of Complaint

- A. After the complaint has been reviewed and the disposition determined by the Inspector General, or unit supervisor, the information is given to the appropriate individual for entry into CMS.

- B. For those complaints reviewed directly by the Senior Investigative Staff, the Complaint Unit will have the responsibility of entering these items into CMS, unless otherwise determined by Senior Investigative Staff.
- C. The procedures for CMS entry and subsequent administrative steps are as follows:
1. The information is entered directly into CMS as described in the CMS Manual.
 2. All original complaint correspondence or supplemental information should be maintained in the file as part of the permanent record.
 3. Whether information is directly entered into CMS from an investigative unit or the Complaint Unit, the system will automatically assign an identifying CMS number to the complaint at the time of entry. This number becomes the ONLY official DOI number for the complaint, and is maintained as the official number regardless of the disposition of the complaint. The CMS Number becomes the investigation number for the life of the investigation.

200.30 Investigation File

Once an investigation has commenced, an investigation file must be created. The investigation file is the official record for each investigation and all investigative activity must be recorded in the file. The following are the procedures to be followed in establishing this file.

I. Form and Content

- A. The assigned CMS number must be affixed to the investigation file.
- B. Copies of all initiating documents (i.e., original complaint documents) are to be attached to the right side of the investigation file.
- C. Subsequent documents, notes, work product, etc., must be attached to the right side of the file in reverse chronological order (most recent documents on top), with the closing memorandum being the final document, on top.
- D. Administrative documents, such as CMS documents, Investigation Activity Sheet (which should always be on top), and if necessary, the Evidence Log, are to be attached to the left side of the folder.
- E. Materials that do not fit into the investigation file (e.g., evidence gathered during the course of the investigation) should be stored in appropriate storage boxes, binders, and the like, that are labelled with the assigned CMS number. The investigation file must contain an inventory list of all items not stored in the file itself, along with a detailed description of where those items are stored.
- F. CMS checks and background checks should be completed for all subject names. During the course of the investigation, if additional subjects are identified, the information must be entered into CMS. Additionally, CMS and background checks should be run on these individuals. Name and criminal check procedures are addressed in Section 300.20 of this manual.