



TIVERTON POLICE DEPARTMENT

GENERAL ORDERS

Subject: Citizen Complaints		General Order Number: 230.15	
Section: 200- Administration		Subsection: 30- Internal Operations	
Amends/Supersedes:			
Effective Date: 11/16/2020		Revised Date: 11/16/2020	Review Date: As Needed
Per Order Of: Patrick W. Jones, Chief of Police			
RIPAC: 5.5, 5.6, 5.7			
Distribution: All Department Members			

NOTE: This written directive is for the internal governance of the Tiverton Police Department, and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

I. PURPOSE

The purpose of this policy is to provide all Tiverton Police Department employees, and the public, the procedures for accepting, processing, and investigating allegations of officer misconduct or citizen complaints. This policy defines provisions applicable only to the receipt and processing of complaints.

II. POLICY

The Tiverton Police Department's public image is determined by a professional response to allegations of misconduct against its employees. The establishment of procedures for the acceptance of complaints is crucial to demonstrate and protect the Tiverton Police Department's integrity. This department shall accept, and fairly and impartially investigate, all complaints or allegations of misconduct to determine their validity. The department shall timely impose any disciplinary or non-disciplinary corrective actions that may be warranted. All complaints against the Tiverton Police Department and/or employee conduct shall be accepted and documented regardless of whether the filed complaint is in writing, verbally in person, by mail, by telephone (or TDD), by facsimile or electronically, or anonymously.

III. DEFINITIONS

Complaint: Any allegation by an individual regarding Tiverton Police Department services, policies, practices or procedures, claims for damages, which allege employee misconduct, or employee misconduct; and any allegation of possible misconduct made by a Tiverton Police Department employee.

Complainant: Any person who files a complaint regarding the conduct of any employee, or the Tiverton Police Department's policies, procedures, or action.

Complaint Control Number: A sequential number used to identify and track citizen complaint investigations.

Critical Firearm Discharge: A discharge of a firearm by a Tiverton Police Department officer, but does not include range and training discharges and discharges at animals.

Discipline: A method of training or developing an employee by proper supervision, counseling, instruction, recognition or sanctions. Discipline may be positive (awards) or punitive (sanctions or dismissal).

Officers: Any sworn law enforcement officer employed by or assigned to the Tiverton Police Department, whether on or off duty, including supervisors and members authorized to carry department issued weapons, and members of the Reserve Officer Corps.

Employee: Any person employed by the Tiverton Police Department, whether sworn or non-sworn, part-time or full-time.

External Complaint: A complaint that originates from outside the department.

Internal Complaint: A complaint that originates from within the Tiverton Police Department. Such complaints may be initiated by other Tiverton Police employees or from supervisors who observed, or were informed by other employees, of possible policy violations.

Internal Affairs: The Deputy Chief of Police is responsible for the department's Internal Affairs function. The Deputy Chief of Police is designated with the primary responsibility for coordinating all Administrative and Criminal investigations of Tiverton Police Department Employees and Citizen Complaints of Misconduct. The Deputy Chief of Police reports directly to the Chief of Police on all Internal Affairs matters.

Misconduct: Any conduct by a Tiverton Police Department employee that violates Tiverton Police Department policy or the law.

Summary Action: Disciplinary action (oral reprimand or counseling documented in writing) taken by an employee's supervisor or commander for minor violations of department rules, policies, or procedures as defined by this department. Summary actions are the lowest level of disciplinary action generally handled by first line supervisors.

Supervisor: Includes those holding the rank of Sergeant or above, or anyone acting in those capacities, or any other individual authorized by the Chief of Police.

IV. PROCEDURES

A. Internal Affairs

The Deputy Chief of Police is responsible for coordinating all Administrative and Criminal investigations of Tiverton Police Department employees and Citizen Complaints of Misconduct. The Deputy Chief of Police shall report directly to the Chief of Police on all internal affairs matters.

B. Upon receipt of a complaint, the Deputy Chief of Police will conduct an investigation, assign the appropriate investigator, or refer the complaint to the Chief of Police for transfer of the investigation to an outside law enforcement agency.

C. The Deputy Chief of Police or assigned Investigator is responsible for the following:

1. Investigating and recommending the prosecution of criminal misconduct on the part of a department employee;
2. Preparing suggested revisions of Tiverton Police Department Policy and Procedures where existing deficiencies have been a contributing factor to misconduct;

3. Gathering evidence and recommending the prosecution of cases in which criminals have attempted to bribe department employees and/or other public officials;
 4. Recommending prosecution of those who falsely report that a department employee has committed a crime.
- D. Public Information and Access
1. The Uniform Division Commander (Captain) will:
 - a. Ensure informational materials are made available to the public through police personnel, police department, internet, libraries, community groups/community centers, and at designated public facilities.
 - b. Ensure placards describing the complaint process, including relevant phone numbers and address where complaints can be made, are permanently posted at the Tiverton Police Department.
 2. Officers will carry the Public Compliment or Complaint Process Pamphlet provided by the Tiverton Police Department, which explains the complaint process, in their vehicles at all times while on duty. Employees will inform citizens of their right to make a complaint against an employee if the citizen is displeased with, or objects to, an employee's conduct or performance of his/her duties.
 3. Compliment/Complaint Forms will also be provided to citizens who wish to document an employee's extraordinary performance. The completed forms may be faxed, mailed, emailed, or hand-delivered to the department.
- E. Acceptance/ Filing of Complaints
1. General
 - a. The Tiverton Police Department encourages citizens to bring forward legitimate complaints regarding possible misconduct by employees. Tiverton Police Department employees will not discourage any person from making a complaint.
 - b. All employees must courteously inform an individual of his or her right to make a complaint if the individual objects to an employee's conduct. This includes any complaints made by an individual who is in Tiverton Police custody and/or a holding cell.
 - c. Employees have a duty to assist any person who wishes to file a citizen's complaint by providing them with a Public Compliment or Complaint Process Pamphlet and a Compliment/Complaint Form or by promptly putting the complainant in contact with a supervisor who can assist them with filing their complaint.
 - d. No employee shall refuse to assist any person who wishes to file a citizen complaint or discourage, interfere with, hinder, delay, or obstruct a person from making a citizen complaint;
 - e. Employees, who withhold information, fail to cooperate with departmental investigations, or who fail to report the misconduct of members to a supervisor shall be subject to disciplinary action.

F. Complaint Intake Procedure

1. All Citizens will have the right to lodge a complaint against any employees of the Tiverton Police Department:
 - a. Complaints may be received in writing or verbally, in person, by mail, telephone (TDD), facsimile, electronic mail, or by any other means.
 - b. Anonymous and third party complaints will be accepted.
 - c. Employees will maintain professional decorum both on and off duty, and will refrain from using abusive language to citizens wishing to file complaints or inquire about the complaint process.
2. Employees will assist those who express the desire to lodge complaints against any employee. This includes, but is not limited to:
 - a. Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint (for example, summoning the supervisor of the officer or employee against whom the complaint is made);
 - b. Explaining the department's complaint procedures;
 - c. Providing a Compliment/Complaint Form and a Public Compliment or Complaint Process Pamphlet, or give instructions as to where form(s) and/or pamphlets can be obtained.
3. Employees who are approached by a person seeking to make a complaint will, when possible, call for a supervisor; obtain a brief description of the allegation, and record contact information (name, address, phone number) from the complainant.
4. If a supervisor is not readily available, the employee will inform the complainant that they will be contacted by a supervisor or the Deputy Chief of Police by the next business day.
5. Every effort shall be made by all employees to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. Any employee who interferes with, discourages, hinders, or delays the making of complaints shall be subject to disciplinary action.
6. Headquarters Requirements:
 - a. When Control Center Operators (Dispatch) or Records Division staff are approached by a person seeking to make a complaint they will immediately notify an on-duty supervisor, who will then respond to headquarters to conduct a preliminary inquiry of the complaint.
 - b. If a supervisor cannot respond to headquarters within a reasonable period, the Control Center (Dispatch) or Records Division staff will provide a Compliment/Complaint Form and a Public Compliment or Complaint Process Pamphlet to the person wishing to file a complaint.
 - c. The person taking the complaint may describe facts that bear upon a complainant's demeanor and physical condition, but will not include his or her opinion regarding the mental competency or veracity of the complainant.

- d. The person taking the complaint will issue the complainant a copy of the Compliment/Complaint Form which they will be allowed to review prior to leaving the station.
 - e. The person taking the complaint will advise the complainant of the investigative process relative to their complaint, prior to the complainant leaving the station.
 - 7. A Control Number will be assigned to all complaints lodged against the department or employees.
 - 8. All complaints against the department or employees shall be securely maintained to safeguard the confidentiality of all parties to a complaint.
 - a. Internal affairs records shall be secured and maintained separately from central records in accordance with state records requirements.
- G. Complaints Through Alternative Methods
- 1. If a complaint is received at the office of the Chief of Police the Deputy Chief of Police will be immediately notified. The Deputy Chief of Police will attempt to contact the complainant as soon as possible, but no more than twenty-four (24) hours after being notified, to complete the Compliment/Complaint Form and initiate the investigation.
 - 2. Shift Supervisors will ensure that Public Compliment or Complaint Process Pamphlet and Compliment/Complaint Forms are always available, conspicuously displayed, and accessible to the public.
 - 3. Complaints received in writing, or by mail, telephone (TDD), facsimile, electronic mail, or by any other means will be processed as follows:
 - a. The investigating officer will obtain a Control Number;
 - b. Within three (3) business days of receipt of the complaint, the investigating officer will contact the Complainant to acknowledge receipt of the complaint and provide the Complainant with the Control Number and/or the Internal Affairs (IA) Investigation number, if applicable;
 - c. The Deputy Chief of Police will determine, based on the complaint, whether the matter will be investigated, or whether the matter will be referred to the subject employee's supervisor for further investigation; and
 - d. All complaints shall be investigated in accordance with the policies and procedures of the Tiverton Police Department. (Refer to General Order 230.10, Employee Misconduct).