

	PLYMOUTH POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution	General Order Number
		ALL PERSONNEL	4.01
		Original Issue Date	Reissue/Effective Date
		04/08/20	06/28/26
Order Title: CITIZEN COMPLAINTS		Accreditation Standard: POSTC: 1.5.9; 2.8.3 CALEA: 26.2.1; 26.2.2; 26.2.3; 26.2.4; 26.3.4	Section 4
		Rescinds: G.O. 4.01 Issue Date 09/10/23	
Section Title: DISCIPLINARY PROCESS		Karen Krasicky Chief of Police	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this General Order is to provide all Plymouth Police Department (“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 Plymouth 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 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 Plymouth 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, electronically or anonymously or filed by a third party. [CALEA 26.2.1; POSTC 1.5.9(a); 1.5.9(c)] The Chief of Police or designee will maintain a record of all complaints made against the Department or employees and maintain the files in a secure area. [CALEA 26.2.2] The Captain is responsible for administrating the complaint process in conformance with this General Order and relevant state law. [CALEA 26.2.3]

It is the policy of the Plymouth Police Department that there shall be no retaliation, in any form, by any employee of the Department directed at any individual who makes a complaint, or conducts or cooperates with an investigation into employee misconduct. At no time during the complaint intake process, should an officer inquire into the complainant’s immigration status. Finally, Officers who withhold information, fail to cooperate with departmental investigations, or who fail

to report alleged misconduct, malfeasance, misfeasance or nonfeasance of employees to a supervisor shall be subject to disciplinary action.

III. DEFINITIONS

Citizen Concerns: Complaints of low-level concerns or misunderstandings that generally involve dissatisfaction with the service provided or other alleged allegations unrelated to conduct. For example, delay in or slow response, miscommunication or lack of follow-up, perceived rudeness that does not rise to the level of misconduct or unmet service expectations. This level of complaint may be conducted with supervisory review and determination if the situation should rise to an internal affairs or administrative inquiry level. A Citizen Concern will be documented and assigned a tracking number.

Complaint: An allegation by a member of the public regarding Plymouth Police Department services, policy or procedure, employee misconduct, malfeasance, misfeasance or nonfeasance, claims for damages which allege officer misconduct, and any allegation of possible misconduct of a Plymouth Police Department employee.

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

Complaint Control Number: A sequential number used to identify and track citizen complaint investigations, which is assigned by the Captain.

Discipline: Adverse action taken by the Department against any employee as the result of a sustained internal affairs investigation including, but not limited to, a written reprimand, suspension, demotion, or dismissal.

Officers: Any law enforcement officer employed by, or assigned to, the Plymouth Police Department, whether on or off-duty, including supervisors and members authorized to carry Department issued weapons.

Employee: Any person employed by the Plymouth Police Department, whether sworn or non-sworn.

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

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

Captain: The designated person with primary responsibility for conducting investigations of Administrative or Citizen Complaints of Misconduct.

Malfeasance: Illegal or dishonest activity especially by a public official.

Misconduct: Any act or omission by an employee that is illegal or which violates established policy.

Misfeasance: Improper, careless, or negligent performance of a lawful act.

Nonfeasance: Failure to act when there is a duty or an obligation to do so.

Summary Action: Disciplinary action in the form of an oral reprimand, or counseling documented in writing, taken by an officer's supervisor or commander for minor violations of Department rules, policies, or procedures as defined by the Department. Summary actions are the lowest level of disciplinary action or remediation.

Supervisor: Includes those holding the rank of Corporal or higher.

IV. PROCEDURES

A. Internal Affairs [CALEA 26.2.3; POSTC 1.5.9(b)]

The Office of the Chief has primary oversight authority over investigations of allegations of misconduct made against employees. Upon receipt of a complaint, the Chief of Police will assign the Captain to investigate the complaint or refer it to the appropriate unit or designated Supervisor for investigation through the appropriate chain of command. The Captain is responsible for the following:

1. Conducting a thorough, fair, and impartial investigation of every complaint received regardless of the method of receipt;
2. Investigating and determining the nature, facts, and circumstances of every complaint.
3. Investigating and recommending the prosecution of criminal misconduct on the part of Plymouth Police Department member;
4. Preparing suggested revisions of Plymouth Police Department Policy and Procedures where existing deficiencies have been a contributing factor to misconduct;
5. Identifying and recommending for appropriate investigation and prosecution criminal misconduct discovered on the part of any individual during the course of an internal affairs investigation;
6. Recommending prosecution of those who falsely report that a Plymouth Police Department member has committed a crime;

7. Reporting to a supervisor up to and including the Chief of Police, if warranted, the results of the investigation, any recommendations and the resolution of that investigation.

B. Public Information and Access

1. The Plymouth Police Department Chief of Police will:
 - a. Ensure informational materials concerning the process to register a complaint against the Department or a Department member or commend the Department or Department member are made available to the public through police personnel, police department, town hall, and their applicable websites, and if applicable, libraries, community groups/community centers, and at designated public facilities. [CALEA 26.2.4]
 - b. Ensure placards describing the complaint process, including relevant phone numbers and address where complaints can be made, are permanently posted at the Plymouth Police Department.
2. Officers will carry the complaint form provided by the Plymouth Police Department, which explains the complaint process in English, and Spanish in their vehicles at all times while on duty. Officers will inform citizens of their right to make a complaint against an officer if the citizen is displeased with, or objects to, an officer's conduct or performance of his/her duties.
3. The completed complaint forms may be mailed, faxed, emailed, or hand-delivered.
4. The Department will provide a written response to all complainants. At a minimum, complainants will be notified of the following: [POSTC 1.5.9(d)]
 - a. Verification that the complaint has been received; [CALEA 26.3.4(a)]
 - b. Investigative updates every sixty (60) days if the investigation remains open; and [CALEA 26.3.4(b)]
 - c. Notification that the investigation has concluded. [CALEA 26.3.4(c)]
5. The Department will assure that appropriate steps are taken to provide protections that might be afforded to a complainant who fears retaliation associated with filing a complaint. [POSTC 1.5.9(e)]

C. Acceptance/Filing of Complaints

1. General

- a. The Plymouth Police Department encourages citizens to bring forward legitimate complaints regarding possible misconduct by members. Plymouth Police Department officers will not discourage any person from making a complaint, and all employees are required to accept a complaint alleging misconduct or malfeasance by Department personnel.
- b. All employees must courteously inform an individual of his/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 Plymouth Police Department custody and/or a holding cell.
- c. During the complaint process, no questions shall be asked of the complainant related to his/her immigration status.
- d. Employees have a duty to assist any person who wishes to file a citizen's complaint by documenting the information and allegations he/she provides, advising the individual how to proceed, and by promptly putting the complainant in contact with the Shift Supervisor who can assist him/her with filing his/her complaint.
- e. 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;
- f. Officers 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.

D. Complaint Intake Procedure

1. All Citizens will have the right to lodge a complaint against any employees of the Plymouth Police Department:
 - a. The use of a standardized form to record complaints shall be implemented using the standardized form adopted by the Police Officer Standards and Training Council for such documentation, or a standardized form that exceeds the model form adopted. Each complaint shall be assigned a Complaint Control Number (CCN) to track complaints, and a copy of this form shall be filed in a separate Complaint File.

- b. Complaints will be accepted in writing or verbally, in person, by mail, telephone (TDD), facsimile, electronic mail, or by any other means.
 - c. Anonymous and third party complaints will be accepted. *[CALEA 26.2.1; POSTC 1.5.9(c)]*
 - d. 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 against whom the complaint is made) ;
 - b. Explaining the Department's complaint procedures;
 - c. Providing complaint form(s) and/or complaint brochures, or give instructions as to where form(s) and/or brochures could be obtained.
 - d. Ensuring that complainants who are unable to read, write, or understand the English language with sufficient proficiency to fill out the complaint form, or to be interviewed regarding their knowledge of the incident complained of, receive adequate language assistance to permit them to file their complaint and assist, as needed, in the investigation thereof. The name and identifying information of any person providing such language assistance to a complainant shall be recorded on the complaint form or in the body of the report.
- 3. Employees who are approached by a person seeking to make a complaint will, when possible, call for the Shift Supervisor, obtain a brief description of the allegation, record contact information (name, address, date of birth, phone number) from the complainant, obtain a CCN number, and provide the CCN number to the complainant.
- 4. If the Shift Supervisor is not readily available, the employee will inform the complainant and advise him/her that he/she will be contacted by a Supervisor or the Captain by the next business day.
- 5. Every effort shall be made by all members to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. Any member who interferes with, discourages, hinders, or delays the making of complaints shall be subject to disciplinary action.

6. Employees who receive a complaint about their own conduct shall immediately refer the complaint to the Shift Supervisor.
7. All complaints shall be documented to include the date, time, location, and nature of the complaint; complainant's information (name, address, date of birth, telephone number, or other contact information, if provided); date and time the complaint was received; and the name, rank, and/or title of the person receiving the complaint.
8. The withdrawal of a complaint does not prohibit the Department from completing an investigation.
9. Headquarters Requirements:
 - a. Walk-in Complaints
 - (1) Walk-in complaints shall be referred to the on-duty Shift Supervisor who shall receive and properly document the complaint. The Shift Supervisor shall then forward the complaint to the Captain. The complaint will be assigned a Complaint Control Number and forwarded as above.
 - (2) If a Shift Supervisor cannot respond to headquarters within a reasonable period, an officer or support staff personnel will provide the Citizen Complaint Form to the person wishing to file a complaint. Only the Shift Supervisor will accept completed Citizen Complaint Forms.
 - (3) The Shift Supervisor taking the complaint may describe facts that bear upon a complainant's demeanor and physical condition, but will not include his/her opinion regarding the mental competency or veracity of the complainant.
 - (4) The Shift Supervisor taking the complaint will issue the complainant a copy of the Citizen Complaint Form, which he/she will be allowed to review prior to leaving the station. If the Citizen Complaint Form has not been assigned a CCN at the time the complaint is taken, another copy of the form will be mailed to the individual once a CCN has been assigned.
 - (5) The Shift Supervisor taking the complaint will advise the complainant of the investigative process relative to his/her complaint, prior to the complainant leaving the station.

- (6) The Chief of Police shall be notified immediately of any complaints of serious misconduct or of a sensitive nature that could bring discredit to the Department.

b. Telephone Complaints

- (1) Telephone complaints shall be referred to the Shift Supervisor or the Captain. The party who receives the complaint shall obtain the details of the complaint as soon as practicable, dispatch a supervisor to the complainant's location if appropriate, and proceed as described in the walk-in complaint procedure above.

c. Field Complaints

- (1) Complaints from the field in which any member of the Department is approached by a complainant expressing allegations of misconduct or malfeasance shall immediately be reported to the Shift Supervisor. The complainant shall be requested to await the arrival of the Shift Supervisor. If a Shift Supervisor is unavailable, or the complainant is unable to await the arrival of the Shift Supervisor, the complainant should be informed that he/she may respond to Department headquarters to make his/her complaint.

E. Complaints Through Alternative Methods

1. If complaints are received by mail, all correspondence received containing allegations shall be forwarded to the Chief of Police or designee where they will be officially received. These complaints shall be assigned a Complaint Control Number. A letter of acknowledgment must be prepared advising the complainant that the matter is being investigated and that he/she will be contacted by the investigator assigned.
2. Shift Supervisors will ensure that brochures, complaint, and complaint forms are always available at their assigned command, 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 Captain, or in his/her absence the Chief of Police, will assign a CCN, following the same procedures described in this policy for obtaining a control number;

- b. Within three (3) business days of receipt of the complaint, the Captain, or ranking designee will contact the Complainant to acknowledge receipt of the complaint and provide the Complainant with the CCN;
- c. The 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 officer's supervisor through the chain of command for further investigation; and
- d. All complaints shall be investigated in accordance with the policies and procedures of the Plymouth Police Department (Refer to General Order 4.02: Investigating Misconduct and Citizen Complaints, and 3.05: Reporting and Investigating Force.) [POSTC 1.5.9(a)]

F. Validity and Timeliness of Complaints:

- 1. Complaints by Persons Under the Influence of Alcohol or Drugs: When a person who is noticeably intoxicated or impaired wishes to make a complaint, he/she shall be encouraged to wait until the earliest opportunity after he/she has regained sobriety to do so. When the Shift Supervisor determines the circumstances require immediate action, preliminary details of a complaint should be taken by the Shift Supervisor, when available, regardless of the person's sobriety. In that event, the Captain should re-interview the person after he/she has regained sobriety.
- 2. Delayed or Untimely Complaints: Complaints of misconduct or malfeasance shall be accepted regardless of when the alleged misconduct or malfeasance is alleged to have occurred. However, the timing of a complaint is one of the circumstances that the Department may consider in determining whether misconduct or malfeasance can be reliably substantiated and, if so, the nature and extent of discipline to be imposed. Where a delay in reporting alleged misconduct may call into question the veracity of the complainant or has resulted in the loss or destruction of evidence or the inability to locate witnesses due to the passage of time, the facts and circumstances should be detailed in the report.
- 3. Although allegations of criminal behavior may be made past the expiration of the applicable statute of limitations and criminal prosecution may no longer be possible, a criminal violator may still be held accountable administratively.

G. Complainant Who Fears Retaliation Associated with Filing a Complaint: [POSTC 1.5.9(e)]

- 1. If a complainant expresses fears of retaliation as a result of filing a complaint, he/she must be assured that those fears will be taken seriously. Complainants should be asked to provide the basis for their concerns, if possible, and the information provided should be noted in the complaint. This will allow the Shift Supervisor or

Captain to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

H. Training

1. All supervisory personnel will be required to attend training on the Department's Complaint Policy and the responsibilities of supervisors conducting internal investigations.
2. All supervisory personnel will be required to attend periodic refresher training, as determined by the Department, regarding the policies and procedures contained herein and professionally accepted practices related to conducting internal investigations.