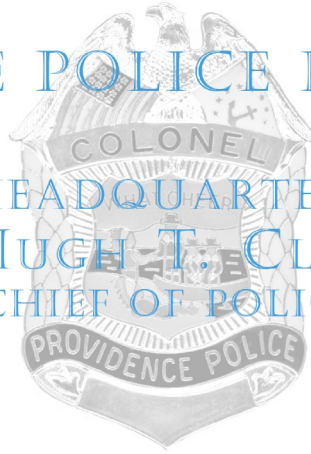


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS

COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	130.01	7/4/2014	7/6/2014
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Internal Investigations		Supersedes G.O. 130.01, "Internal Investigations and Inspections Policy", issued 7/8/2007	
REFERENCE		RE-EVALUATION DATE	
CALEA 52.1.1 – 52.1.3; 52.2.1; 52.2.3		7/4/2017	
SUBJECT AREA		DISTRIBUTION	
Administration		All Personnel	

PURPOSE

The purpose of this policy is to inform all Department members of the procedures for accepting and investigating complaints of alleged misconduct.

POLICY

The Providence Police Department is committed to accepting and investigating complaints about the actions and performance of all our personnel. As an organization, the Department is committed to providing the highest level of quality police service to all our citizens.

As members of the Providence Police Department, we are aware of the important responsibilities and duties that we have as public servants. We must develop and maintain trust in the community. Our Department operates under the constitutional guarantees afforded to everyone and under the Local, State, and Federal laws that govern us. Therefore, the courteous receipt of complaints; thorough and impartial investigation of allegations of misconduct; and just and proper dispositions; are critical in maintaining the confidence of citizens and the integrity of the Department.

DISCUSSION

Due to the nature of our law enforcement duties, obligations, and responsibilities, all of which encompass the exercising of authority in positions of public trust, public criticism and complaints against our personnel will occur from time to time. As a result, the

Department has a responsibility to conduct a prompt, thorough investigation of all allegations and complaints received against the agency or its employees.

Whether an allegation or complaint appears to be valid or baseless, each such allegation or complaint shall be carefully and objectively evaluated, and the investigation shall be well documented should a question arise at a later date.

All information obtained during the investigation of a personnel complaint is considered confidential. Therefore, it is imperative that all documents pertaining to personnel complaints be properly secured to protect all parties involved.

Relating to the conduct of internal investigations, employees may be asked to submit to a chemical test, be photographed, be placed in a physical line-up, and/or submit financial disclosure statements, for cause. The results of this activity must be specifically directed and narrowly related to a particular internal investigation.

PROCEDURE

I. GENERAL RESPONSIBILITIES

- A. To ensure the integrity of its operations and personnel, the Providence Police Department will investigate all complaints made in person, by phone, mail, or email, to include anonymous complaints.
- B. Any complaint of alleged misconduct will be forwarded to the Office of Professional Responsibility (OPR). This includes complaints originating from either outside of the Department (i.e., civilian complaints), or from within the Department (i.e., from Department members such as civilian workers; complaints filed by other officers; or allegations of misconduct that are initiated by supervisors).
- C. The Providence Police Department will provide information regarding the procedures for filing a complaint, available at the following locations:
 1. Central Station.
 2. Sub-stations.
 3. The internet.
- D. When a citizen makes a complaint in person or via telephone, mail, email, or the internet (excluding complaints made to OPR directly):
 1. The officer or civilian member receiving the complaint will immediately notify the Desk Sergeant and/or the Office-In-Charge of the Patrol Bureau (OIC).
 - a. If the Desk Sergeant or OIC is not available, the officer or civilian member receiving the complaint will immediately notify the most available supervisor.

- b. In all cases where a complaint is being filed, the OIC will be notified.
2. The Desk Sergeant, OIC, or other ranking member of the Department will speak with the complainant and conduct a preliminary interview to determine the nature of the complaint. In addition, the member will interview any other available witnesses. Whenever possible, these interviews should take place privately.
3. In the event the accused officer's immediate supervisor is on duty at the time of the complaint, that supervisor will be notified and will be required to conduct the preliminary interviews, and will follow the procedures as described in this order.
4. The Desk Sergeant, OIC, or other ranking member of this Department shall provide the complainant with an official Department civilian complaint form and any assistance needed in preparing such form.
 - a. If the complaint is taken over the phone or email, the supervisor handling the complaint will inform the citizen where to obtain a complaint form.
 - b. The complainant may however, take the civilian complaint form with them and return it at a later date if they so desire. The complainant will also be provided with an official Department civilian complaint pamphlet.
5. The complaint form should be filled out in the complainant's own handwriting and shall be signed by the complainant whenever practicable.
6. If, during the course of interviewing the complainant, the Desk Sergeant, OIC, or other ranking supervisor determines the allegation to be one that is serious in nature and thus requires immediate action, that supervisor will immediately contact a member of the Office of Professional Responsibility. Examples of such complaints include, but are not limited to:
 - a. An allegation of misconduct on the part of a Department member which could be criminal in nature, i.e. theft, assault etc.
 - b. Any incident which results in the death of, or an injury requiring immediate medical attention to, a citizen.
 - c. Any incident involving the discharge of a firearm by a Department member.

- d. Any incident involving an allegation against a Department member that is being investigated by an outside agency, and which, if found to be true, would bring discredit to the Providence Police Department.
 7. Whenever the Desk Sergeant, OIC, or other ranking member of this Department receives a complaint regarding a member, he/she must ensure that the information/documentation regarding the complaint is forwarded to the Office of Professional Responsibility.
 8. The Desk Sergeant, OIC, or other ranking member receiving the information must compile a written report describing the allegation and forward it to the Office of Professional Responsibility with copies to the OIC. The report must contain the complainant's contact information to include:
 - a. The name of the complainant, when given.
 - b. The address of the complainant, when given.
 - c. The contact phone number of the complainant, when given.
 - d. Any pertinent information which may assist in the investigation of the alleged complaint.
- E. When a citizen makes a complaint in the field:
1. If an officer is made aware while in the field of a citizen wishing to file a civilian complaint, whether against that officer or another officer, it is that officer's responsibility to immediately contact a supervisor. It becomes that supervisor's responsibility to immediately respond to the scene and interview the complainant.
 2. The supervisor will offer to accompany the complainant to Central Station for the purpose of providing the complainant with the proper civilian complaint forms and any additional resources or assistance that may be necessary.
 3. Whether at Central Station or in the field, a supervisor shall meet with and interview the complainant and determine the nature of the complaint. That supervisor will assess the complaint and determine if immediate action is necessary based on the nature of the complaint.
 - a. If it is determined that immediate action is necessary, that supervisor shall immediately contact OPR.

4. If the supervisor determines that the nature of the complaint does not require immediate action, that supervisor will provide the complainant with a civilian complaint form and a civilian complaint pamphlet, and shall also explain to the complainant the civilian complaint process.
- F. If the supervisor obtains information during his/her initial inquiry that would tend to prove or disprove the allegation made, that supervisor will document and forward the information in writing to OPR.
- G. A civilian complaint log book shall be maintained in Central Station and shall be used to log civilian complaint forms as they are distributed to citizens. The Desk Sergeant, OIC, or any supervisor issuing the complaint form is responsible for making sure that all the information is recorded accurately in the log book.
- H. Civilian complaint forms, civilian complaint pamphlets, and the civilian complaint log book, shall be kept and maintained by the Desk Sergeant.

II. OPR RESPONSIBILITIES

- A. The OPR Commanding Officer is granted the authority to report directly to the Chief of Police.
 1. The Chief of Police shall be notified of all complaints against the agency or its members in a timely manner.
 2. Allegations of criminal conduct will be brought to the immediate attention of the Chief of Police.
3. Upon the receipt of a complaint, an OPR member will be assigned to investigate and/or document the complaint.
 1. OPR members shall ensure that all applicable protocols pertaining to civilian complaint forms and civilian complaint pamphlets, as previously described in this order, are executed.
 2. All complaints of officer misconduct shall be entered by the assigned OPR officer into OPR's IPro™ software application. The software shall be used to document the incident and the steps taken by the Department via the entering all pertinent information in the appropriate data fields and narratives.
 3. In cases when an allegation of misconduct is handled at the supervisory level, such as those handled in accordance with General Order 130.03, entitled "Disciplinary System", copies of all documentation shall be forwarded to OPR for entry into IPro™ and the creation of a physical case file.

- C. The OPR investigator will assign a number for the case and note the time and date the complaint was received.
- D. The OPR investigator will notify the complainant of receipt of the complaint.
- E. The OPR investigator shall investigate the complaint and interview all persons named in said complaint either as parties, or witnesses having information concerning the complaint.
- F. The investigation shall be completed in thirty (30) days and a written report, including all statements, documents and other evidence, shall be filed with the Commanding Officer of the Human Resources Bureau.
 - 1. For cause shown, the OPR investigator may request an additional thirty (30) days to complete the investigation.
 - 2. The complainant shall be notified if an extension is granted.
- G. The OPR investigator shall make periodic updates to the complainant of the status of the investigation.

III. SPECIAL EXAMINATIONS

- A. An officer under investigation may request the performance of examinations such as a breath test, blood, urine, psychological, or medical examination, if it is believed that any or all such examinations would be beneficial to his/her defense. Also, the Department may require such examinations in accordance with state law.
- B. An on-duty supervisor is required to direct an officer to submit to a breath, blood or urine test when a level of inebriation or drug usage is suspected as the factor directly related to any unlawful on-duty or off-duty conduct or performance, or when the suspected officer is operating a Department vehicle.
- C. If an identification line-up is solely for administrative purposes and criminal prosecution is not anticipated, an officer can be required to participate in a line-up or be photographed for a photo array.
- D. Polygraph examination and voice stress analysis tests are not utilized as normal investigative practice in non-criminal matters.
- E. Disclosure of personal or financial information may be obtained pursuant to the Law Enforcement Officers' Bill of Rights.
- F. Property belonging to the Department is subject to inspection whenever reasonable suspicion that evidence of work-related misconduct will be found therein exists. Such property includes, but is not limited to,

vehicles, desks, work areas, drawers, computers, wired phones, cell phones, voicemails, texts, emails, pictures, electronic and documentary files, and any and all lockers.

- G. A police officer's rights under special examinations will be the same as those afforded under the Law Enforcement Officers' Bill of Rights.
- H. Members of the department will have their names and photographs kept on file.
- I. Uniformed members shall be assigned an identification number and shall wear and display said number in accordance with the uniform requirements.

IV. HEARINGS

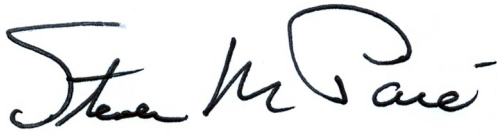
- A. All civilian complaint hearings will be held in accordance with the Consent Agreement entered into before Judge Raymond J. Pettine in U.S. District Court in 1973.
- B. Copies of the hearing officer's findings shall be forwarded to the Chief of Police for his approval. The Chief of Police may approve or reject the decision made, within thirty (30) days of receipt.
- C. A copy of the decision shall be noted in the personnel file of the member(s) against whom the complaint was alleged.
- D. The action of the Chief of Police shall be forwarded to all parties involved by certified mail.

V. RECORDS

- A. Records of all hearings shall be maintained in a secured area located in the Human Resources Bureau office.
- B. Case files pertaining to current investigations or closed/unsubstantiated investigations for all complaints made against the agency and/or its employees shall be maintained within secured areas over which only OPR has access and control.

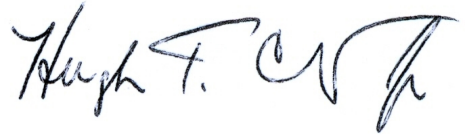
NOTE: This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

APPROVED:



STEVEN M. PARÉ
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

APPROVED:



HUGH T. CLEMENTS, JR.
COLONEL
CHIEF OF POLICE