

## 4. COMPLAINTS (December 2005)

### I. POLICY

To deliver effective law enforcement services, a relationship of mutual trust and confidence must exist between the Prince George's County Police Department and the community. Actions of Departmental employees that conflict with the mission of the Department, can erode this trust and have a negative impact on the Department's standing in the community. The review or investigation of all public complaints of employee misconduct is vital to maintaining the relationship between the Department and the community.

The Department recognizes its obligation to inform the public about its complaint filing procedures and acknowledges each individual's right to file a complaint against an employee.

It is the policy of the Prince George's County Police Department to accept all complaints of employee misconduct at all levels of the Department, determine the validity of the allegation(s), investigate complaints in a fair and impartial manner, and to impose disciplinary action, if necessary, in a uniform and timely fashion.

### II. CHECKLIST (N/A)

### III. DEFINITIONS

**Bias-Based Profiling:** Occurs when a police officer takes enforcement or investigative action against a person based only on that person's race, ethnicity, gender, sexual orientation, religion, economic status, age, culture, or other identifiable factor unrelated to reasonable suspicion or probable cause.

**Office of Professional Responsibility (OPR) investigation:** Completed by Internal Affairs, Professional Compliance, or Special Investigative Response Team personnel.

**Citizen Complaint Oversight Panel (CCOP):** A board of citizens that reviews internal investigations (excluding Departmental Accidents) and submits comments and recommendations to the Chief of Police.

**Complaint:** A statement or communication alleging misconduct by an employee. Complaint sources are either:

*External:* Initiated by individuals not affiliated with the Department.

*Internal:* Initiated within the Department.

**Field Investigation:** Complaints forwarded by the Director, IAD, to a District or Division Commander for investigation.

**Law Enforcement Officers' Bill of Rights (LEOBR):** Maryland Law that provides certain rights to law enforcement officers who are facing internal investigation.

**Unreported Misconduct:** Acts of misconduct not alleged in the original complaint.

**Supervisor:** Personnel holding the rank of Sergeant and above, civilian supervisors, or Corporals formally appointed in writing as the "Officer in Charge" (OIC) of a Departmental component.

**Respondent:** An employee who is the subject of an internal investigation.

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**Witness:** Anyone who was present, has personal knowledge of, observed, or heard something related to an incident.

### IV. FORMS

- ❑ Complaint Procedures Checklist (PGC Form #4552)
- ❑ Complaint Against Police Practices Form (PGC Form #1072)
- ❑ Letter To a Concerned Citizen (PGC Form #3792)
- ❑ Request for Case Numbers Form (PGC Form #5074)

### V. PROCEDURES

#### 1. Department's Responsibilities (County Code 18-186.04)

The Department will ensure that:

- ❑ A placard describing the complaint process, to include all relevant telephone numbers, is permanently displayed in the lobby of each District Station
- ❑ The Prince George's County Police Department Complaint Against Police Practices Form and associated information is available at all District Stations and public libraries. The Complaint Against Police Practices Form is also available on-line

Upon request, the Department will provide complaint materials to community groups and community centers.

At all times, sworn employees shall maintain a supply of Complaint Informational Brochures in their vehicles.

If an individual objects to an officer's conduct, the employee will inform the individual of their right to make a complaint. Employees shall not discourage anyone

from obtaining a complaint form or filing a complaint. The Letter To a Concerned Citizen may be used to encourage an individual to discuss the conduct of a Departmental employee.

If an individual's complaint contests a criminal charge but there is no allegation of employee misconduct, the individual shall be advised to address their concern through the Court System.

The Complaint Procedures Checklist provides a standard method for responding to complaints in accordance with County law and Departmental procedures by eliciting information required for effective supervisory follow-up. Copies of the completed form shall be forwarded through the chain of command to the Office of the Chief of Police.

Complaints, other than use of force, may be initiated in person either verbally or in writing, by telephone or TDD, facsimile, e-mail, or United States mail.

An employee receiving an anonymous complaint shall advise the individual of the complaint procedures and try to obtain the individual's cooperation. If the individual wishes to remain anonymous, the employee shall obtain as much information as possible and summarize it on the Complaint Procedures Checklist. The employee shall then forward the checklist via the chain of command to the Commander/Director of the involved employee. If the identity of the involved employee is unknown, the employee receiving the complaint shall forward the checklist via the chain of command to their Commander/Director.

## 2. Receiving External Complaints in Writing

*(Office of Professional Responsibility, Internal Investigations Guide)*

All written complaints from the public alleging employee misconduct shall be thoroughly investigated.

An employee who first receives a completed Complaint Against Police Practices Form shall indicate the following in the spaces provided at the bottom:

- Date and time complaint form received
- Whether received by mail or in person
- Receiving employee's name and ID number

If the complaint is not on the Complaint Against Police Practices form, the employee shall note the information on the document received. Written complaints not submitted on the County form shall be handled as if received on the County form. The employee will then forward the complaint to their Commander/Director.

Upon receipt of a written complaint, Commanders/Directors shall forward all copies via the chain of command through the Office of the Chief to the Director, OPR.

## 3. Receiving External Complaints in Person

When an individual requests a complaint form, the employee receiving the request shall provide the individual with a Complaint Against Police Practices Form, or ensure that one is mailed to the individual's address.

The desk officer at each District Station shall receive all complaints, including those made by a third party. If a desk officer is

not available, a supervisor shall respond to the station to receive the complaint.

Whenever an individual attempts to file a complaint, the desk officer shall:

- Provide the complainant a Letter To a Concerned Citizen Form
- Complete, at minimum, blocks A, E, and F of the Complaint Procedures Checklist
- Provide the complainant a Complaint Against Police Practices Form

Employees may include written comments describing the complainant's demeanor and physical appearance on the bottom of the Complaint Procedures, but may not include opinions regarding the complainant's mental competency or veracity.

If an individual requests to speak to a supervisor regarding a complaint, the desk officer shall request that one respond to the station immediately. The desk officer will complete Sections A, E, and F of the Complaint Procedures Checklist and provide it to the responding supervisor. The supervisor shall speak with the complainant and attempt to resolve the matter.

If the supervisor resolves the matter, they shall document their actions in Section G of the Complaint Procedures Checklist and forward it via the chain of command through the Office of the Chief to the Director, OPR.

If the supervisor is unable to resolve the matter, they shall provide the individual with a Complaint Against Police Practices Form. All supervisory employees shall have a supply of the forms in their vehicles.

Once the complaint is received in writing, the supervisor will follow the procedures detailed in section 2. Receiving External Complaints in Writing, in this chapter.

Commanders/Directors receiving verbal complaints at their Districts/Divisions shall evaluate the allegation(s), in consultation with their Bureau Chief and in consideration of the provisions of this General Order, to determine if the complaint should be investigated.

#### **4. Complaints of Criminal Misconduct**

All complaints alleging criminal misconduct shall be investigated by OPR. Employees receiving complaints alleging criminal misconduct shall immediately arrange for the individual to speak with a commissioned officer. If a commissioned officer is not available, a supervisor shall be contacted.

The interviewing commissioned officer/supervisor shall immediately contact OPR, document the allegations and their actions on a confidential CIR, and forward it to OPR. The commissioned officer/supervisor shall not copy the CIR for distribution.

#### **5. Complaints Regarding Use of Force**

Use of force complaints must be made in writing, notarized, and filed within 90 days of the alleged brutality, consistent with the requirements of the LEOBR.

An OPR employee shall be available 24 hours a day to notarize complaints. The on-call OPR employee may be contacted via Public Safety Communications. All OPR personnel should hold valid commissions through the State of Maryland as Public Notaries.

#### ***Psychological Services Critique of Complaints Regarding Use of Force*** *(Psychological Services SOP)*

Psychological Services Division (PSD) personnel shall conduct use of force complaint critiques to assist officers in coping with the incident and the internal investigation, as well as increasing awareness as to why or how incidents may occur.

When IAD notifies an officer's Commander/Director that the officer is a respondent in a use of force investigation, they shall ensure that the officer contacts the PSD within 72 hours to arrange an appointment for a critique of the incident.

This critique is confidential. Information obtained during the critique shall not be accessible to OPR personnel, nor shall it be used for disciplinary reasons.

#### **6. Internal Complaints**

Any employee who becomes aware of unlawful conduct or a violation of written directives shall report it to the involved employee's Commander/Director. In confidential matters, reports may be made directly to the Director, IAD.

#### **7. Complaint Assignment**

Use of force, abusive language, harassment, and criminal misconduct complaints must be investigated by OPR; they may also investigate other types of complaints. Complaints not investigated by OPR are handled at the lowest appropriate level of supervision.

If the Commander/Director determines that the complaint should be investigated as a field case, they shall request an investigation

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via the Request for Case Numbers Form, which shall be forwarded to IAD by the next working day.

The Director, IAD will screen all complaints and requests for case numbers received to determine investigative responsibility. Less serious allegations will usually be referred to the respondent's Commander/Director as a field investigation along with the original complaint form. A copy of the complaint will be maintained at the IAD.

All allegations shall be thoroughly investigated before any disciplinary action is taken.

### **8. Notification to Employee**

Director, IAD shall send a written notice to the employee informing them that a complaint has been received and that an investigation has been initiated. The notice shall include the date, time, and place of the alleged misconduct, a brief description of the allegations, and the employee's rights and responsibilities relative to the investigation.

### **9. Retaliatory Acts Against Complainants Prohibited**

The Department will not tolerate any retaliatory acts against complainants or witnesses. Once a formal complaint is filed against an officer, the officer shall have no contact with the complainant or witnesses, nor will the officer cause anyone else to initiate contact on their behalf. Exceptions to this directive shall only be granted by the Director, OPR.

The same standards of conduct shall apply when officers are witnesses or complainants.

To protect officers from claims of harassment or additional misconduct if unintentional contact occurs, the officer shall request that a supervisor respond to the scene of the contact before any type of enforcement action is taken.

The supervisor shall assess the situation, inform the individual of the Department's intentions, and witness any enforcement action. The supervisor shall document the contact and forward a CIR through the chain of command to the Director, OPR.

Nothing in this section prohibits officers from protecting themselves or others, or making an arrest under exigent circumstances.

### **10. Bias-Based Profiling**

Bias-based profiling undermines the cooperative trust between citizens and police necessary for effective law enforcement.

Profiling alienates citizens, fosters distrust of law enforcement by the community, and may lead to civil rights violations.

The Department does not condone profiling by employees, and specifically prohibits any policy, procedure, or practice that constitutes profiling any group for the purpose of enforcement or investigation.

Officers are prohibited from using bias-based profiling as reason for:

- Stopping a vehicle
- Issuing a citation
- Making an arrest
- Conducting a field interview
- Seizing assets or seeking asset forfeiture
- Conducting a search

All investigatory detentions, searches, arrests, traffic stops and seizures shall be based on the standard of reasonable suspicion or probable cause required by the Fourth Amendment to the U.S. Constitution and applicable Maryland statutes.

Officers shall treat all citizens with respect and courtesy. Officers are prohibited from using language, gestures and displaying symbols that are commonly viewed as biased against any group.

### ***Training***

The Community Policing Institute (CPI) shall conduct annual training based on a review of the Department's policies, cultural diversity, and ethics. CPI shall also coordinate re-training on profiling for any unit or officer when requested by the Chief of Police.

### ***Reporting Allegations of Profiling***

The Director, OPR, shall submit a monthly report to the Chief of Police that summarizes all complaints of profiling against Departmental employees received by that office.

In addition, the Director, OPR, shall conduct an annual analysis of complaints and investigations, and submit a report to the Chief of Police.

## **11. Citizens Complaint Oversight Panel (CCOP)**

For notification requirements to the CCOP, **See: VOLUME I, CHAPTER 3. COMMITTEES, COUNCILS, & PANELS**

## **VI. GOVERNING LEGISLATION & REFERENCE**

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.9, 52.1.1, 52.1.3, 52.1.6, 52.1.12
- ❑ Memorandum of Agreement Between the United States Department of Justice and Prince George's County, Maryland, January 22, 2004

Governing Legislation:

- ❑ Prince George's County Code
- ❑ Prince George's County Council Bill 59-2001 (amends CB 25-1990)

References:

- ❑ Office of Professional Responsibility, Internal Affairs Division, SOP
- ❑ Office of Professional Responsibility, Internal Investigations Guide
- ❑ Law Enforcement Officers Bill of Rights
- ❑ Strategic Management Bureau, Psychological Services Division SOP