

**PORTSMOUTH, NH POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

P-251

CITIZEN COMPLAINTS AND INTERNAL INVESTIGATIONS PROCEDURES

EFFECTIVE DATE: 07-01-01

REMARKS:

**REVISIONS: 01-27-94; 02-07-96; 01-30-98; 09-26-05; 08-17-15; 09-14-16; 11-29-18;
08-20-19; 10-22-19; 11-06-20; 12-16-21; 05-25-22; 03-22-23; 09-05-23; 10-26-23; 07-24-25;
01-15-26**

I. PURPOSE -

- A. To establish procedures for Internal Investigations and Civilian Complaint Investigatory Processes.
- B. To ensure that the process is promptly, efficiently, and fairly administered in a non-discriminatory fashion.
- C. To ensure that the integrity of the agency and its employees is maintained through a personnel complaint system where objectivity and justice are ensured by intensive and impartial investigation and review.
- D. To protect against the harmful consequences to the public good which are occasioned by police misconduct.
- E. To foster and maintain a high degree of public confidence in those persons charged with maintaining public order and safety.
- F. To identify and correct policy or procedural problems.

II. POLICY

This Department will receive and investigate all complaints against the Department or its members in a manner that assures the community of prompt corrective action if Department members conduct themselves improperly and protect Department employees from unwarranted criticism when properly performing their official duties.

Employees who become aware of any violation of department rules, regulation, policy, or procedure by another employee that is contrary to the department's mission, values or beliefs shall report such conduct to their supervisor.

All employees are expected to encourage citizens to bring forth legitimate complaints when allegations suggest:

- A. Criminal conduct by employees of this department.

- B. Violations of the rules, regulations, policies, or procedures of this department.
- C. Conduct by an employee, which would reflect unfavorably upon the individual and the department.
- D. Problems occasioned by faulty or defective policies or procedures.

Although most complaints received by this department originate from citizens, it must be understood that all complaints against the department or its employees, shall be fully investigated in a prompt, thorough, and timely fashion regardless of source origination.

If a formal complaint is made against a ranking officer by a subordinate police officer within the department and that complaint rises to the level of an internal investigation, the investigating officer shall handle the complaint in a formal manner, and the officer initiating the complaint shall be interviewed first.

III. DEFINITIONS

- A. Citizen Complaint: As referred to in this policy, citizen complaints are defined as those complaints received by the Police Department from a citizen, or from any outside or anonymous source, that alleges one or more of the following:
 1. The commission of a criminal offense by a member of the Department.
 2. Violation of policies, rules, or procedures by a member of the Department.
- B. Internal Investigation: As referred to in this policy, an internal investigation is defined as a police department investigation under any of the above sets of circumstances where the investigation is precipitated by internal sources and not upon a complaint received from the outside.
 1. Although citizen complaints may, by definition, result in an "internal investigation", there are times when an internal investigation is not the result of a citizen complaint, but rather is initiated within the department. Depending upon the seriousness of the allegations, the investigative procedures may differ in terms of the investigative assignment, or the warnings issued to the employee.
 2. Whether the complaint is from an external source or an internal source The Chief of Police or designee shall determine whether an investigation will proceed as an Internal Investigation.

IV. ADMINISTRATIVE PRACTICES AND PROCEDURES

A. Authority

1. Overall authority and responsibility for the function and control of the Portsmouth

Police Department Internal Affairs / Citizen Complaint Investigations shall remain vested in the Chief of Police.

- a. Internal Investigations shall be assigned by either the Chief of Police or designee. The investigator(s) assigned to an Internal Investigation matter shall consider it as a primary duty assignment.

B. Activities and Responsibilities

1. The primary activities for the Professional Standards Lieutenant include, but are not limited to:
 - a. Registration, recording, and control of all complaints made against the Portsmouth Police Department or any department employee.
 - b. Maintenance and update of internal investigation case files.
 - c. Maintain and assure the security, integrity, and confidentiality of internal investigation case files.
2. Assure that internal investigation case files are secured in a separate location independent of personnel files.
3. Assure that internal investigation case files are secured in a separate location, which is independent of the central records.
4. Prepare and present internal investigation annual activity reports.
5. Prepare and present internal investigation reports when directed by the Chief of Police.
6. Prepare and present internal investigation activity statistics for comparative purposes.

C. Complaint Reception

1. Referral to Shift Commander

When a member of the public makes a complaint alleging misconduct by a police officer or other Department member, the person shall be referred to the on-duty Shift Commander. This includes complaints where the complainant wishes to remain anonymous.

If the complainant refuses to meet in person with a supervisor, the complaint will be nonetheless taken. The employee receiving such complaint shall record as much detail as possible related to the complaint and complainant.

2. Employees Duty to Record Information:

If the complainant does not wish to speak to the Shift Commander, then any Department member receiving the initial complaint shall obtain the complainant's name, address, and telephone number. If the complainant wishes to remain anonymous, then the receiving member will record in detail the information concerning the complaint that the complainant provides. This information shall be given to the Shift Commander, who shall then initiate a preliminary investigation.

D. Informal and Formal Investigations

1. Informal Investigations: Not all investigations or civilian complaints are handled in a formal manner, although all complaints will be investigated and documented. A minor complaint or situation may only require an informal investigation and may result in intercession by a supervisory officer as a routine part of discipline. In some cases, the investigation may legitimately be limited to substantiating the falsity of the allegation. Informal investigation criteria are determined by the preliminary information contained in the complaint. Further investigation into the complaint may deem that a formal investigation become necessary. First line supervisors may conduct an informal investigation based upon the following criteria:
 - a. The alleged offense involves a non-criminal situation.
 - b. The alleged offense involves a non-serious violation of departmental rules, regulations, or procedures.
 - c. The complainant views the alleged offense as being non-serious in nature and consequence.
 - d. The original investigator can resolve the issue to the complainant's satisfaction.
 - e. The original investigator found no fault on the employee.
 - f. The complaint was a generic complaint on the police department.
 - g. All informal investigations shall be documented in a memo and forwarded to the Professional Standards Lieutenant.
 - h. Informal Investigations will be documented in the departmental performance tracking software, as either a "Citizen Complaint" or "Internal Complaint" by the Professional Standards Lieutenant, with a brief synopsis of the complaint along with the disposition. The memo will be on file in the Professional Standards office and an electronically scanned version will be saved in the Professional Standards folder. Only the Chief of Police, the Deputy Chief of Police, and the Lieutenant of Professional Standards will have access to the file.
2. Formal Investigations: The investigation into a matter or complaint should always be conducted in a formal fashion whenever any of the following criteria are met:
 - a. The complainant indicates a desire to proceed in a formal fashion.

- b. Whenever a complainant alleges any criminal conduct or serious violation of departmental rules, regulations, or procedures.
 - c. Whenever a complainant alleges brutality, excessive force, corruption, or violation of civil rights.
 - d. Formal Investigations will be documented as prescribed in section IV-D 1, g above.
 - e. Formal Investigations will be documented the department performance tracking software by the Professional Standards Lieutenant, with a brief synopsis of the complaint along with the disposition. Formal Investigations will be categorized in the department performance tracking software as an “Internal Affairs Investigation” when determined to be an Internal Affairs Investigation by the Chief of Police or designee. The investigation packet will be on file in the Professional Standards Office. An electronic scanned copy will be uploaded to the Professional Standards file on the G drive. Access to these files will be restricted to the Chief of Police, Deputy Chief of Police, and the Professional Standards Lieutenant.
3. Civil Rights Violations: All complaints concerning employees which allege either a violation of the law or a Civil Rights Violation will be formally investigated.
 4. Time Limit on Complaint Investigation: Generally speaking, all IA investigations shall be concluded within thirty (30) days. Extensions can be granted in thirty (30) day increments by the Chief of Police.
 5. Audio/Video Recording of Formal Investigations

As a standard practice, investigatory interviews of employees that occur during a formal investigation (IA) shall be audio recorded unless otherwise specifically directed by the Chief of Police or his/her designee. Interviews of people who are not employees of the department during a formal investigation should be audio recorded although they do retain the right to refuse an audio-recorded interview. The interview shall continue despite the refusal to audio record.

Video recording of formal investigation (IA) interviews shall only occur at the discretion and direction of the Chief of Police or his/her designee. A non-employee cannot be compelled to be video recorded if they refuse, and the interview shall continue despite their refusal.

6. Polygraph, Medical Examinations, Line Ups, Financial Disclosures:

Employees shall not be required to participate in the following tests or procedures unless specifically ordered to do so by the Chief of Police. The Chief of Police shall ensure such an order is in writing, that all other investigative methods have been exhausted, and is reasonable under the circumstances.

With respect to a, b, c, and d below, the department shall, upon request from the employee affected, provide written justification for the action to be taken.

a. Polygraph examination

The polygraph will only be administered in those cases where the complainant with firsthand knowledge, or a percipient witness of the facts which give rise to the probable cause, has first submitted to a department-administered polygraph and when there is probable cause to believe a crime has been committed by the accused employee, or when the employee consents. To the extent allowed by law, the results of polygraphs shall not be disclosed to the public without the employee's consent.

b. Line-up or provision of a photograph for inclusion into a photographic lineup

Participation in line-ups or providing photographs for photographic line-ups may be ordered in those cases where formal allegations of misconduct have been made or when the employee consents. To the extent allowed by law, the results of physical or photographic line-ups shall not be disclosed to the public without the employee's consent.

c. Medical or laboratory test or examination

Participation in medical or laboratory tests will only be ordered in those cases where formal allegations of misconduct have been made or when the employee consents. To the extent allowed by law, the results of medical or laboratory tests shall not be disclosed to the public without the employee's consent.

d. Financial disclosure statement

Financial disclosures will only be ordered in those cases where formal allegations of misconduct have been made or when the employee consents. To the extent allowed by law, the results of financial disclosures shall not be disclosed to the public without the employee's consent.

E. COMPLAINTS BY PERSONS ARRESTED BY PORTSMOUTH POLICE

1. If a prisoner or person arrested by a Portsmouth Police Officer wishes to make a complaint, standard procedure shall be followed. The determination of whether the complaint will be immediately investigated or delayed until the criminal process (of the complainant) is completed will be made by the Chief of Police.

F. INVESTIGATION AND NOTIFICATION OF COMPLAINTS:

1. Upon receipt of the complaint package by the Professional Standards Lieutenant, the matter will be reviewed by the Chief of Police. If the complainant has completed a "complaint package" an Internal Investigation may be initiated per the instructions of the

Chief of Police or his designee.

2. The Professional Standards Lieutenant may be the assigned investigator for an Internal Investigation, or it may be assigned to another investigator.

3. Responsibilities of Investigating Supervisor

The Investigating Supervisor shall;

- a. Review the complaint information.
- b. Employee Notification: The involved employee shall be notified of the complaint when it is concluded that an Internal Investigation is appropriate, unless the Chief directs that the complaint is to remain confidential pending completion of the investigation.

Employees who have become the subject of an Internal Investigation will be notified and issued the Notice of Complaint citing the allegations, along with the Notification of Rights form. Any employee who is not the subject of the Internal Investigation but is still being interviewed as part of the process will be served a Notification of Rights form. (Forms attached)

4. Notification of Police Commission

- a. The Chief of Police or his designee will make notification to the Police Commission.

G. Preliminary Investigation

1. Once the complainant has verbally related his/her complaint or the on-duty supervisor is made aware of a complaint, the receiving supervisor shall:
 - a. Initially interview the complainant in a private area.
 - b. Allow the complainant to verbally relate an entire version of the incident without interruption, after which the accepting member should ask questions for clarification and detail.
 - c. Ask the complainant to complete the "Citizen Complaint Affirmation Form." Completion of this form is not mandatory, and the investigation will proceed even if the complainant declines to sign it. Be certain the complainant understands that this Department will seek to prosecute for making a false report. Also, note that an officer may seek civil recourse for any false complaints.
 - d. Obtain a statement from the complainant in writing if possible. Allow the complainant to make the statement as complete as desired. Follow up with a question and answer format to fill in any areas that are not clear.

- e. Obtain information for the "Citizen Complaint Investigation Form."
 - f. Complete and sign a "Complaint Reception Receipt," and give a copy to the complainant.
 - g. Complete an "Authorization for Release of Medical Information to Law Enforcement Agency Form," when a complainant indicates that he may have sustained injuries or may require medical attention. Photographs of injuries shall be taken at this time if possible.
 - h. Inform the complainant that he/she will be contacted by a member of the Portsmouth Police Department for further investigation within 5 to 7 business days. After the initial follow-up call, periodic status reports will be provided; weekly if necessary for extended investigations, and upon completion of the investigation.
 - i. Prior to the end of the accepting supervisors' shift, notify the Chief of Police and the appropriate Division Captain if the complaint alleges corruption, brutality, misuse of force, breach of civil rights, or criminal conduct by the accused employee.
 - j. Complete and sign the "Citizen Complaint Face Sheet."
 - k. Prepare a narrative report stating as concisely as possible the specific allegation(s). Give a chronological summary of the incident, as told by the complainant.
 - l. Forward the complaint package containing all information and completed forms directly to the Professional Standards Lieutenant in a confidential manner, as soon as possible. In no case shall the submission of these reports exceed 24 hours, weekends and holidays excluded. The reports should be marked, "confidential."
 - m. Notification of Chief: The Chief of Police or his designee shall be immediately notified of any emergency situation which is believed to be hazardous to the health or safety of the community, the department, or employee. Such notification shall be made by the supervisor conducting the Internal Investigation or supervisory officer who accepted the complaint.
2. The Chief of Police and the appropriate Division Captain will be notified immediately by the receiving member when the complaint alleges;
- a. Serious physical injury as a result of a misuse of force.
 - b. Conduct constituting criminal activity.
3. The Chief of Police and appropriate Division Captain shall be notified as soon as

practicable of all non-emergency complaints or investigations.

H. Relief from Duty

1. Power to Relieve: To assure that the community, the department and the accused member or employee are protected, it may become necessary to temporarily relieve a member or employee from duty pending the outcome of an investigation. In cases where the Chief of Police is unavailable, the following members of the department shall be authorized to temporarily relieve a member or employee of duty:
 - a. Deputy Chief of Police
 - b. Captains
 - c. Lieutenants
 - d. Shift Commander

2. Reasons to Relieve: A member or employee may be temporarily relieved from duty for the following reasons:
 - a. Intoxication on duty.
 - b. Being under the influence of a controlled drug or narcotic.
 - c. Apparent mental instability.
 - d. Illness
 - e. If the member or employee is deemed a threat to the community, other department members or employees, or to him or herself.
 - f. Gross insubordination
 - g. Any situation for which temporary relief from duty would best serve the needs of the community, the department, or the individual.

3. Period of Temporary Relief: Temporary relief from duty, without consent of the Chief of Police, shall be with pay and shall not exceed the period of time necessary to contact the Chief of Police.

4. If an employee is temporarily relieved from duty, they shall surrender the following to a supervisor immediately;
 - a. All Department issued firearms including magazines.
 - b. Badge(s)
 - c. SIDA badge (if issued)
 - d. Any and all forms of building access; swipe cards, key fobs
 - e. Department cell phone (if issued)

The Information Technology supervisor shall also be notified to temporarily suspend the employees' computer access.

I. COMPLAINT DISPOSITION: Preponderance of Evidence

1. Conclusion of Fact: In determining fact and the outcome of an investigation or

complaint, a “Preponderance of Evidence” standard shall be used. For purposes of disposition, complaints are classified as follows:

- a. UNFOUNDED - when investigation indicates the act complained of did not occur.
 - b. EXONERATED - when investigation indicates the act occurred, but the act was justified, lawful and proper.
 - c. NOT SUSTAINED - when the investigation discloses insufficient evidence to prove or disprove clearly the allegations made.
 - d. SUSTAINED - when the investigation discloses that the act complained of did occur and constitutes misconduct.
 - e. POLICY FAILURE - when the investigation discloses the act complained of was within the rules and regulations or the standard operating procedure of the department, and that the procedure, rule or regulation was not consistent with current state or federal law.
2. Notification of Complainant: Upon conclusion of an internal investigation, the complainant will be notified of the results in writing through the office of the Chief of Police.
 3. Disciplinary Action: Disciplinary action shall be administered by the Chief of Police or his designee, and it shall be subject to the review and approval of the Board of Police Commissioners.
 5. Notification of the disposition of the case and any discipline to be imposed upon the employee will be made by the Chief of Police or his/her designee. The Chief of Police or his designee will serve the employee with written notice of the disposition and any discipline to be imposed.
 6. The Chief of Police will forward a copy of any disciplinary action to the Personnel & Training Lieutenant for inclusion in the employee’s personnel file if appropriate.
 7. All Formal Investigations will be categorized in the departmental performance tracking software as an “Internal Affairs Investigation”. Only a gist of what happened, and the names involved will be made in the entry. The files will be kept in the Office of Professional Standards and a backup electronic copy in the Professional Standards file on the G drive. Access to these files will be restricted to the Chief of Police, Deputy Chief of Police, and the Professional Standards Lieutenant.

V. “WHISTLEBLOWER” PROTECTION

- A. In conjunction with NH RSA 275-E, and Chapter 1, Article VIII of the City Ordinances, all City employees are not only encouraged to report wrongful activity but are also

granted protection from discrimination if they decide to report such activity, choose to refuse to participate in wrongful activity, or decide to participate in an investigation regarding their employer's activity.

1. "Wrongful Activity" is defined as an alleged violation of any City Ordinance or any law or rule adopted under the laws of this state, a political subdivision of this state or the United States.
2. Copies of the Department of Labor's Whistleblower's Protection Act as well as specific pages from the city ordinance can be located in the Department Resources section of Power DMS.

VI. POLICE STANDARDS AND TRAINING COUNCIL REPORTING REQUIREMENTS

- A. As of January 1, 2023, the State of New Hampshire through the New Hampshire Police Standards and Training Council created a Law Enforcement Conduct Review Committee (CRC), herein referred to as the "Committee." The Committee was established per R.S.A. 106-L:18 and their responsibilities include:
 1. Review all valid complaints alleging misconduct and, if determined necessary, shall:
 - a. cause or direct an investigation of the alleged misconduct to be conducted by the enforcement agency that employs the subject officer;
 - b. confirm that any investigation by a law enforcement agency was valid;
 - c. review the record and findings of an investigation by a law enforcement agency and, if the investigation was not valid;
 - d. authorize the NHPSTC staff attorney to direct the complaint to be investigated with assistance from investigators;
 - e. after such investigation, direct the staff attorney to present a recommended finding to the council at a public hearing of the council on behalf of the committee; and
 - f. provide a recommended sanction upon a sustained finding of misconduct by the council.
 2. Upon receipt of a valid complaint alleging that a law enforcement officer committed a criminal act or acts while acting as a law enforcement officer, the committee shall report its findings to the director immediately, who shall refer the complaint to the New Hampshire Attorney General's Office, Public Integrity Unit for investigation.
 3. The committee shall dismiss a complaint of misconduct when:
 - a. the complainant lacks standing;
 - b. the council lacks jurisdiction over the complaint;
 - c. the complaint is insufficient or there is insufficient cause to proceed;
 - d. the complaint alleges a minor agency policy violation that does not meet the definition of misconduct; or
 - e. the statute of limitations has expired under R.S.A. 106-L:23

4. The definition of misconduct can be found in R.S.A. 106-L:2 Section V. and shall be reviewed prior to determining proper administrative actions.
- B. The Portsmouth Police Department will adhere to the provisions of RSA 105:19 Reports of Misconduct by Law Enforcement Officers, RSA 105:13-d, Exculpatory Evidence Schedule, and established department SOP P-124 Exculpatory Evidence Schedule (EES) Protocol. The Chief of Police or his designee shall notify the Police Standards and Training Council Conduct Review Committee (CRC) within 7 calendar days of receiving RSA 105:19 Notification of Misconduct notification of such misconduct and if warranted, the NH Attorney General's Office, in writing either electronically, by certified mail, or delivering in-hand. If the chief law enforcement officer is the subject of the misconduct report, the reporting officer shall report directly to the police standards and training council.
 - C. The Portsmouth Police Department will adhere to New Hampshire Police Standards and Training procedures pursuant to POL 301.06 in that any department action which results in suspension for more than one (1) day, demotion, administrative leave, resignation or negotiated resignation during an internal investigation (IA), resignation in lieu of discharge, or termination. The Chief of Police or his designee shall submit written notification to the NH Police Standards and Training Council within 15 business days of the disciplinary action.

Mark D. Newport, Chief of Police

MDN/cdk

PORTSMOUTH, NH POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE "APPENDIX"
TO
SOP P-251 - "CITIZEN COMPLAINTS AND INTERNAL INVESTIGATION PROCEDURES"

FORMS PACKAGE

The following forms are provided to be used for accepting and processing complaints made against Portsmouth Police Department personnel:

- A. Citizen Complaint Affirmation
*The accepting employee shall ask the complainant to complete this form for all complaints.
- B. Citizen Complaint Investigation Form
*To be used as the cover page for all citizen complaints.
- C. Complaint Reception Receipt
*To be given to the complainant in all citizen complaints by the accepting employee. A copy shall be retained for the file.
- D. Authorization for Release of Medical Information to Law Enforcement Agency
*To be completed by the accepting employee and signed by the complainant whenever the complainant alleges injury, and medical attention has been or will be sought.

*Not included in package – Use current release form
- E. How to Make a Complaint
*This document explains how a member of the public can file a complaint against an employee of the department.
- F. Notification of Administrative Rights
* This form shall be completed when an employee is formally interviewed relative to a complaint or investigation and discipline may result.
- G. Notice of Complaint
* This form shall be completed and served to the employee outlining the specific allegations contained in the complaint or investigation.

PORTSMOUTH, NH POLICE DEPARTMENT
COMPLAINT INVESTIGATION FORM

Control#: _____ Charge(s): _____

Type of Complaint:

Police Brutality () Conduct of Employee () Improper Procedure ()
False Arrest () Policy/Procedure Complaint () Other: _____

Against: Employee(s) Below () Department Itself () Policies/Procedures ()

Date/Time Reported: _____ Date/Time Occurred: _____

Location of Incident: _____

Reported Injuries: _____

Complainant: _____

Male (), Female (), Juvenile (), Anonymous ()

*Defendant(s), if other than complainant: _____

Address of Complainant: _____

Telephone

(Home): _____ Telephone(Work): _____

Date of Birth: _____ Place of Employment: _____

Hours of Employment: _____

Accepting Employee's Observation of Complainant:

Sobriety: Intoxicated () HBD () Sober ()
Clothing: Neat () Torn () Soiled () Disheveled ()
Attitude: Excited () Polite () Vulgar () Calm ()
Combative () Cooperative () Uncooperative () Argumentative ()

Describe the following:

- *Your observations and complainant's attitude.
*Your Physical Condition (any bruises, cuts, reddened areas or any identifiable injuries).
*Synopsis of Incident.

Reporting Officer: _____

Time Spent on Complaint: _____

PORTSMOUTH, NH POLICE DEPARTMENT

COMPLAINT INVESTIGATION FORM -- CONTINUED

*Describe your observations and complainant's attitude:

*Describe physical condition: (Any bruises, cuts, reddened areas or any identifiable injuries.)

*Synopsis of Incident:

Reporting Officer

Date

PORTSMOUTH, NH POLICE DEPARTMENT

COMPLAINT RECEPTION RECEIPT

The Portsmouth Police Department hereby acknowledges the receipt of a complaint filed against one or more of its members.

Date Received: _____

Complainant: Name: _____

Address: _____

Your complaint will be brought to the attention of the Chief of Police, and he/she may assign an investigator to gather all the facts. Once the investigator has filed his/her report, it will be carefully reviewed by senior police officials, including the Chief of Police. A representative of the Portsmouth Police Department will notify you as to the results of the investigation. Generally speaking, all IA investigations shall be concluded within thirty (30) days. Extensions can be granted in thirty (30) day increments by the Chief of Police.

Signature of Complainant

Date

Signature of Accepting Employee
And Rank

Date

(Original to Complainant/Copy to File)



City of Portsmouth, NH

**Police Department
3 Junkins Avenue
Portsmouth NH 03801**

CHIEF OF POLICE

***IT IS THE POLICY OF THE PORTSMOUTH POLICE DEPARTMENT** to receive and investigate all complaints against the Department or its members in a manner that will assure the Community of prompt corrective action if Department members conduct themselves improperly, and the protection of Department members from unwarranted criticism when properly performing their official duties.

HOW TO MAKE A COMPLAINT:

If you wish to make a complaint against a member of the Portsmouth Police Department, please:

- (1) Come to Police Headquarters and ask to speak to the Shift Commander; or
- (2) Call the Police Department at **610-7406** and ask to speak to the Shift Commander; or
- (3) Mail your written complaint to the Chief of Police at the above address.
 - Your Complaint will be thoroughly investigated.
 - You may be requested to fill out a report form and submit a written statement.
 - You will be kept apprised of the status of your complaint.
 - At the completion of the investigation into your complaint, you will be notified of the results.

Mark D. Newport, Chief of Police

Note: Attachment to Department Standard Operating Procedure Re: Citizen Complaints and Internal Investigation Procedures.

PORTSMOUTH, NH POLICE DEPARTMENT
"NOTIFICATION OF ADMINISTRATIVE RIGHTS"

NAME: _____ COMPLAINT # (IA) _____

Notification

The Portsmouth Police Department is conducting an investigation to determine the validity of an allegation made against you.

The Portsmouth Police Department is conducting an investigation to determine the validity of an allegation made against the department or a member of the department.

(A) No charges are being made against you. This form is to only inform you of your Administrative Rights prior to being interviewed.

(B) The purpose of this interview is to solicit responses that will assist in determining the validity of the allegation(s) which may result in Administrative Action.

You will be required to answer all of the questions truthfully. Answering untruthfully may result in your dismissal.

ADMINISTRATIVE RIGHTS

- 1. I wish to advise you that you are being questioned as part of an official investigation of the Portsmouth NH Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for duty.
2. During this investigation stage, you are entitled to all the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself.
3. You are advised that if you refuse to testify, or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to administrative charges, which could result in your dismissal. Testimony or answers to questions, which are untruthful, may also result in administrative charges or dismissal.
4. If you do answer the interview questions, neither your statements, nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent administrative charges.
5. You are directed not to engage, directly or indirectly, in retaliation or reprisals of any kind against any person who files a complaint, testifies, cooperates, or otherwise assists this investigation.

The undersigned hereby acknowledges notification of the allegations and also acknowledges they have been informed of the above Administrative Rights.

Employee Signature

Date

Investigator Signature

Date

Distribution: Original with Investigative File, Copy to Employee

PORTSMOUTH POLICE DEPARTMENT

NOTICE OF COMPLAINT

Standard Operating Procedure P-251

Employee's Name _____

Division _____

Position _____

Date of Report _____

<p>Violation Specifics:</p> <p>Rules and Regulation(s): _____</p> <p>_____</p> <p>SOP(s): _____</p> <p>_____</p> <p>Criminal Statute(s): _____</p> <p>*And any other violation that may be discovered during the course of the investigation.</p>
--

Date/Time of Alleged Occurrence:

Date and Time Complaint Received:

MANNER OF NOTIFICATION

____ IN HAND ____ OTHER (explain) _____

Employee _____

Supervisor _____

Date _____ Time _____