

West Greenwich Police Department
GENERAL ORDER 130.01



SECTION	RIPAC STANDARD	EFFECTIVE DATE	PAGES
130 – Administration		January 16, 2013	7
SUBSECTION	REVIEW DATE	PREVIOUSLY ISSUED	
01 – Internal Control	As Needed		
TITLE	BY ORDER OF		
130.01 – Internal Affairs Investigation	Richard N. Ramsay Chief of Police		

I. PURPOSE:

The purpose of this policy is to inform all sworn employees of Departmental Procedures for addressing complaints of misconduct.

II. POLICY:

It is the policy of the West Greenwich Police Department to investigate all complaints of alleged officer misconduct to equitably determine whether the allegations are valid or invalid and to take the appropriate action.

III. PROCEDURE:

A. General:

The integrity of our department depends on the personal integrity and discipline of each employee. To a large degree, our public image is determined by the quality and professionalism of our response to allegations of misconduct and malfeasance by our own members.

B. Internal Affairs Officers

The Chief of Police or his /her designee will assign the designated Internal Affairs Officers.

The goal of the Internal Affairs Officers is to ensure that the integrity of the department is maintained through a system where objectivity, fairness, and justice are assured by intensive, impartial investigation, and review.

1. The Internal Affairs Officers will have primary supervisory responsibility for the review and investigation of all complaints against officers, whether initiated by a citizen or the department.
2. While investigating a complaint of misconduct, the Internal Affairs Officers is delegated the authority to report directly to the Chief of Police for the purpose of directing the investigation.
3. The Chief of Police will be notified of all complaints against the agency or its employees; allegations of criminal conduct will be brought to the immediate attention of the Chief of Police.
4. Upon receipt of a complaint, an initial determination whether to assume primary investigative responsibility for the case or to refer it to the appropriate supervisor will be made.
5. A supervisor's investigation may be ordered terminated at any time, and full investigation authority assumed by the Internal Affairs Officers
 - a) Allegations of minor rules violations may be investigated by the appropriate supervisor.
 - b) The Internal Affairs Officers will investigate allegations of misconduct that could result in discharge, suspension or demotion, or criminal charges being sought.
6. The Lieutenant will have the following responsibilities:
 - a) Maintenance of a complaint log;
 - b) Maintenance of a central file for complaints in a secured area kept in conformity with the department's records retention schedule.
 - c) Conducting a regular audit of complaints to ascertain the need for changes in training or policy.
 - d) Statistical summaries based upon records of internal investigations are made available to the public through the annual report.
7. The Internal Affairs Officers may recommend to the Chief of Police that a case be referred for criminal charges.
8. In every case where a member is a suspect in a felony, the Internal Affairs Officers will recommend involvement of the Attorney General.

C. Citizen Complaints:

1. All citizen complaints pertaining to departmental policies or procedures or that allege officer misconduct will be documented and investigated by the department.
2. The public will have access that describes the complaint procedures at police headquarters.
3. Complaints from any source will be investigated.
 - a) Preferably, the individual directly concerned in the allegation against the police employee should make them in person.
 - b) A complaint in writing may be necessary in the absence of other substantive evidence.
 - c) Telephone, third party, or anonymous complaints will be investigated to the extent possible with the factual information available and without violating employee's rights.
4. Any supervisor of the department who is approached for such assistance may accept citizen complaints.
 - a) The supervisor will document the complaint in writing and promptly forward the complaint to the appropriate Officer-in-Charge.
 - b) The supervisor may attempt to resolve a complaint by an exploration of departmental policies and procedures, where applicable. Attempts to resolve complaints will be noted on the complaint report and forwarded to the Internal Affairs Officers.
5. Upon receipt of a citizen's complaint, the Internal Affairs Officers will contact the complainant and advise him/her that the matter is under investigation, and that the complainant will receive periodic status reports and written notice of the final disposition of the case.
6. The Internal Affairs Officers will advise the complainant of departmental procedures for the processing and investigating of citizen complaints.
7. Investigations of complaints will be conducted in accordance with the Law Enforcement Officer's Bill of Rights.
8. In most instances, investigations will be completed within ninety (90) days. The Chief of Police must be advised and approve of circumstances requiring an extension of time.
9. Complainants shall be notified of the findings.

D. Supervisor Investigation:

1. Upon becoming aware of or receiving notification of potential misconduct by an officer under his/her command, a supervisor will begin an immediate investigation of such allegation.
2. The supervisor's investigation will be limited to identifying and interviewing the officer, witnesses, complainants, and securing all relevant evidence.
3. Upon completion of the investigation, the supervisor will forward to the Chief of Police or his designee, through appropriate channels;
 - a) A report of alleged violation;
 - b) All documents and evidence relating to the investigation;
 - c) Recommendations for further investigation or other disposition of the case.
4. This section does not prohibit full investigation by a supervisor for violations committed in the supervisor's presence.
5. Any supervisor may temporarily relieve an officer/employee from duty for the following reasons:
 - a) Physical or mental impairment;
 - b) Involvement in the use of deadly force;
 - c) Use of force resulting in serious injury to another;
 - d) Allegations of violations of criminal law consistent with the Law Enforcement Officer's Bill of Rights;
 - e) At any time the supervisor believes that continued service of the officer/employee may be immediately detrimental to the employees, others, or the department.
6. The supervisor will immediately notify the Chief of Police or his/her designee whenever emergency leave is involved.

E. Officer's Duties and Rights During Investigation:

1. When an employee is notified that he/she is a subject of an investigation, the employee will be given:
 - a) A written statement of the allegation;
 - b) A copy of his/her rights and responsibilities relative to the investigation.
2. Questioning during the interview/investigation will be conducted in accordance with the Law Enforcement Officer's Bill of Rights and the Collective Bargaining Agreement.

3. Assistance/Representation will be provided as follows:
 - a) International Brotherhood of Police Officers
 - b) Right to counsel will be in accordance with the Law Enforcement Officer's Bill of Rights.
4. Officers are required to submit official reports regarding police activity. Failure to submit reports or any information regarding police activity will lead to an investigation of insubordination.
5. Upon a finding of cause for a charge of insubordination for failure to file a complete police report, the Chief of Police may order dismissal or any other discipline he/she deems appropriate.
6. Officers can be required to furnish a report or statement regarding an internal investigation or charges at the Chief of Police discretion.
7. Officers will not be afforded Fifth Amendment protection against self-incrimination in any investigation that does not involve or give rise to allegations that the officer engaged in criminal conduct.
8. Officers may view **completed** investigation consistent with the Law Enforcement Officer's Bill of Rights.
9. If an officer disagrees with a finding, he/she may submit a letter of exception or explanation to be filed with the case.
10. Appeals must be made through the grievance procedure or the Law Enforcement Officer's Bill of Rights.

F. Special Examinations:

1. An officer under investigation may request an intoximeter, blood, urine, psychological, or medical examination if it is believed that such an examination would be beneficial to his/her defense. Also, the department may require such examination in accordance with state law.
2. 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 duty performance or operating a department vehicle.
3. If an identification line-up is solely for administrative purposes and criminal prosecution is not anticipated, an officer can be photographed for a photo array.
4. Polygraph examination and voice stress analysis tests are not utilized as normal investigative practice.
5. Disclosure of personal or financial information may be obtained pursuant to the Law Enforcement Officer's Bill of Rights.

6. Property belonging to the law enforcement agency is subject to inspection where the employer has a reasonable suspicion that evidence of work related misconduct will be found therein. Property includes, but is not limited to, vehicles, desks, electronic and documentary files, and storage lockers.
7. Rights during an internal investigation:
 - a) In accordance with the law Enforcement Officer's Bill of Rights.

G. Command Action:

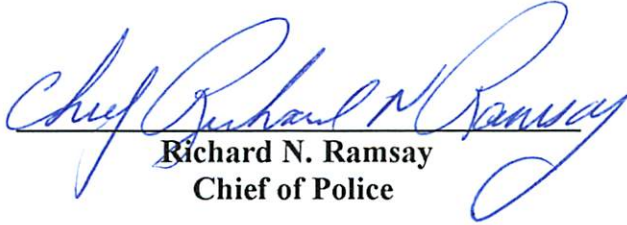
1. Upon receipt of a supervisor's report contending a violation of rules, the officer's supervisor will forward a copy to Internal Affairs Officers.
2. Upon review of the case, the supervisor may determine that further investigation is required and order such investigation.
3. Where the Internal Affairs Officers has assumed responsibility for an investigation; they may direct suspension of a supervisor's investigation.
4. After completion of all investigations, the supervisor will forward to the Internal Affairs Officers a full report stating recommendations for disposition of the case along with the supporting evidence for such recommendation.


H. Chief's Action:

1. Upon receipt of a supervisor's recommendation on a disciplinary matter, or upon completion of an internal investigation, the Internal Affairs Officers will submit recommendations to the Chief of Police as to whether a violation has been sustained according to the evidence.
2. The Chief of Police will review the report and supporting documents and will give final approval of the disposition of the case as follows:
 - a) **Sustained:** Evidence sufficient to prove allegations.
 - b) **Not Sustained:** Insufficient evidence to either prove or disprove allegations.
 - c) **Exonerate:** Incident occurred but was lawful or proper.
 - d) **Unfounded:** Allegation is false or not factual.
 - e) **Policy Failure:** Flaw in policy caused incident.
3. If the report is sustained in whole or in part, the Chief of Police will decide the disciplinary action and ensure its execution.
4. Only sustained complaints resulting in discipline will be placed in the Officer's personnel folder.

I. Complaints Involving Other Agencies:

1. Whenever an employee of the West Greenwich Police Department, in their official capacity, receives a complaint against a member or employee of another public or private agency, the employee shall refer the complainant to that particular agency. The complaint shall be documented as an incident in the IMC system, and the complainant shall be offered the use of a department phone to contact the other department.
2. This directive is not intended to deter or delay any criminal investigation being conducted by a sworn member of the department.


Richard N. Ramsay
Chief of Police


Kevin Breene
Town Administrator