



Middletown Police Department
123 Valley Road, Middletown, RI 02842

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INTERNAL COMPLAINT REVIEW

I. PURPOSE

The purpose of this policy is to clarify the department’s procedures for the handling of citizen complaints. To define guidelines which provide for documentation of specific allegations and to facilitate the investigation and disposition of citizen complaints.

II. POLICY

It is the policy of Middletown Police Department to investigate all complaints against department personnel, regardless of the source to include anonymous complaints. Investigating these complaints through standardized procedures will demonstrate the department’s desire to provide honest, efficient police service and will inspire public confidence in its personnel.

III. DEFINITION

A. CITIZEN COMPLAINT: defined as that action taken by a citizen to bring to the attention of the department any police action or inaction that the citizen considers to

be contrary to law, proper procedure, good order, or in some other manner prejudicial to the citizen, the police department, or to the community as a whole.

IV. PROCEDURE

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 members.

A. Internal Affairs Division

The goal of the Professional Standards Investigator 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 Professional Standards Investigator, a member of the Administrative Services Division, 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 Professional Standards Investigator is delegated the authority to report directly to the Chief of Police for the purposes of directing the investigation.
3. The Chief of Police will be notified of all complaints against the agency or its employees by the investigating supervisor or Professional Standards Investigator and **allegations of criminal conduct will be brought to the immediate attention of the Chief of Police.**
4. Upon receipt of a complaint, the supervisor will make an initial determination whether to assume primary investigative responsibility for the case, or to refer it to the appropriate authority.
5. A supervisor's investigation may be ordered terminated at any time and full investigative authority assumed by the Professional Standards Investigator.
 - a. Allegations of minor rules violations may be investigated by the appropriate supervisor.
 - b. Allegations of misconduct that could result in discharge, suspension or demotion, or criminal charges being sought will be investigated by the Professional Standards Investigator.
6. The Administrative Services Division will have the responsibility of:

- a. Maintain a record of all complaints against the department and its employees.
 - b. To protect confidentiality, in conformity with state law, the file for complaints will be kept in a secured area.
 - c. Conducting an annual audit of complaints to ascertain the need for changes in training or policy.
 - d. Maintaining annual statistical summaries based upon records of internal investigations. These summaries will be made available to the public and agency employees.
7. The Professional Standards Investigator may recommend to the Chief of Police that a case be referred to the Town Solicitor or Attorney General's Office for criminal charges.
 8. In every case where a member is a suspect in a felony, the Professional Standards Investigator will recommend involvement of the Office of Attorney General.

B. Citizen Complaints

1. All citizen complaints pertaining to departmental policies or procedures or alleged officer misconduct will be documented and investigated by the department.
2. Brochures describing the complaint procedures are available for the public at police headquarters and on the Middletown Police Department's website.
3. Complaints from any source will be investigated:
 - a. They will be made in person by the individual directly concerned in the allegation against the police employee.
 - b. A complaint in writing may be necessary in the absence of any 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 an employee's rights.
4. Citizen complaints may be accepted by any supervisor of the department who is approached for such assistance.

- 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 reviewing and exploring departmental policies and procedures, where applicable. Attempts to resolve complaints will be noted on the complaint report and forwarded to the Chief of Police.
5. Upon receipt of a citizen's complaint, the Administrative Services Division will contact the employee and the complainant and advise him/her that the matter is under investigation. The complainant will receive monthly status reports and written notice of the final disposition of the case.
 6. The Administrative Services Division will advise the complainant of departmental procedures for the processing and investigation of citizen complaints.
 7. Investigations of sworn officers will be conducted in accordance with the R.I.G.L.'s Law Enforcement Officers' Bill of Rights.
 8. In most instances, investigations will be completed within (90) ninety days. The Chief of Police must be advised and approve of circumstances requiring an extension of time in increments of thirty (30) days.
 9. Employees will be notified of the results of the investigation.

C. 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 allegations.
2. The supervisor's investigation will be limited to identifying and interviewing the officer, witnesses and complainants, and securing all relevant evidence.
3. Upon completion of the investigation, the supervisor will forward to the shift Officer-in-Charge or the Professional Standards Unit:
 - a. A report of the 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 a supervisor from conducting an immediate and full investigation of an observed violation(s).
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 Law Enforcement Officers' Bill of Rights.
 - e. At any time, the supervisor believes that continued service of the officer/employee may be immediately detrimental to the employee, others, or the department.
6. The supervisor will immediately notify the OIC, who will make appropriate notification to the Chief of Police whenever emergency leave is involved.
7. An officer who has been temporarily removed from duty will not return to active duty without permission of the Chief of Police.

D. Officer's Duties and Rights During Investigation

1. When an employee is notified that he/she is the subject of an investigation, the employee will be given:
 - a. A written statement of the allegations.
 - b. A copy of his/her rights and responsibilities relative to the investigation, pursuant to department Rules and Regulations, Polices & Procedures and any applicable State and Local Laws.
2. Questioning during interview/investigation will be conducted in accordance with the R.I.G.L.'s Law Enforcement Officer's Bill of Rights and the Collective Bargaining Agreement, if applicable.
3. 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.

4. Upon a finding of cause for a charge of insubordination for failure to file a complete police report, the Chief may order dismissal or any other discipline he/she deems appropriate.
5. Officers can be required to furnish a report or statement regarding an internal investigation or charges at the Chief of Police's discretion.
6. 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.
7. Officers may view completed investigations, consistent with R.I.G.L.'s Law Enforcement Officers' Bill of Rights.
8. If an officer disagrees with a finding, he/she may submit a letter of exception or explanation to be filled out with the case.
9. Appeals must be made through grievance procedure of the R.I.G.L.'s Law Enforcement Officer's Bill of Rights.

E. Special Examinations

1. An officer under investigation may request an intoxilyzer, 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 required to participate in a line-up or be photographed for a photo array.
4. Polygraph examinations 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 R.I.G.L.'s Law Enforcement Officers' 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 R.I.G.L.'s Law Enforcement Officers' Bill of Rights.

F. Command Action

1. Upon receipt of a report contending a violation of rules, the shift Supervisor shall forward the report to the Officer-in-Charge of the shift for review. If the shift OIC is unavailable, the Supervisor shall, as soon as possible, contact the Chief of Police and forward the report for review.
2. Upon review of the report, the shift Officer-in-Charge may determine that further investigation is required and shall conduct such investigation. A copy of the report shall be forwarded to the Chief of Police.
3. The Chief of Police, after review of the report, may suspend the investigation being conducted by the shift Officer-in-Charge and will assign responsibility for the investigation to the Professional Standards Investigator.
4. After completion of any and all investigations, the shift Officer-in-Charge or the Internal Affairs Division will forward to the Chief of Police a full report stating recommendations for disposition of the case, along with the supporting evidence, and a "conclusion of fact" for such recommendations. The final dispositions are as follows:
 - a. **Sustained:** Evidence sufficient to prove allegations.
 - b. **Not Sustained:** Insufficient evidence to either prove or disprove allegations.
 - c. **Exonerated:** Incident occurred but was lawful or proper.
 - d. **Unfounded:** Allegation is false or not factual.
 - e. **Policy failure:** Flaw in policy caused incident.

G. Chief's Action

1. Upon receipt of a supervisor's recommendations on a disciplinary matter, or upon completion of an internal investigation, the Administrative Services Division will submit recommendations to the Chief of Police as to whether a violation has been sustained according to the evidence.

The Chief of Police will review the report and supporting documents, and will give final approval of the disposition of the case or provide instructions for further steps to be taken.

If the report is sustained in whole or in part, the Chief of Police will return the disciplinary recommendation to the Officer directly following those procedures outlined in the R.I.G.L.'s Law Enforcement Officers Bill of Rights.

By order of:

A handwritten signature in black ink, appearing to read "Douglas M. Pesare". The signature is written in a cursive style with a large initial "D" and "P".

Chief of Police