




Jamestown Police Department

GENERAL ORDER 130.01

SECTION		EFFECTIVE DATE	PAGES
100 – Administration		3/1/11	7
SUBSECTION		PREVIOUSLY ISSUED DATES	
30 – Internal Control			
TITLE		BY ORDER OF	
130.01 – Internal Affairs Investigations		 Chief Edward A. Mello	
REVIEW	LAST REVIEW DATE	RIPAC REFERENCE	
Every three years	01/30/20	5.5, 5.6, 5.7, 5.9	

I. PURPOSE:

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

II. POLICY:

The Jamestown Police Department is dedicated to upholding high ethical standards and a high degree of honesty in accomplishing our law enforcement mission. To protect the citizenry, officers, and the reputation of the Jamestown Police Department, the Chief of Police is responsible for conducting prompt and thorough investigations of all complaints received to maintain high professional standards within the department.

III. DEFINITIONS:

- A. **Class “A” Complaint:** Complaint alleging abuse of authority, including excessive use of force, willful and malicious illegal arrest, unreasonable deprivation of individual rights, conduct or behavior derogatory of a person’s race, color, creed, sex, age, religion, national origin, disability, or sexual orientation.
- B. **Class “B” Complaint:** Complaint alleging corruption, criminal activity, or serious violations of the rules and regulations of the Jamestown Police Department.
- C. **Class “C” Complaint:** Complaints of a less serious nature, such as lesser violations of the rules and regulations of the Jamestown Police Department, poor police service, or minor breaches of conduct.

IV. PROCEDURE:

A. GENERAL

The integrity of the Jamestown Police Department depends on the integrity and discipline of each employee. To a large degree, our public image is determined by the quality and professionalism of the Department's response to allegations of misconduct and malfeasance by our members.

B. INTERNAL AFFAIRS DIVISION

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

1. The Lieutenant is designated as the Internal Affairs Commander and as such will have primary supervisory responsibility for the review and investigation of all complaints against officers, whether initiated by a citizen or the Department.
2. 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.
3. Upon receipt of a complaint, an initial determination whether to assume primary investigative responsibility for the case or refer it to the appropriate supervisor will be made by the Internal Affairs Commander.
 - a. The Internal Affairs Division will maintain central file for complaints in a secured area.
 - b. Statistical summaries based upon records of internal investigations will be made available to the public and agency employees through the Department annual report.
4. The Internal Affairs Commander may recommend to the Chief of Police that a case be referred to the Town Solicitor and /or Attorney General.
5. In every case where a member is a suspect in a felony, the Internal Affairs Commander will recommend involvement of the Attorney General.

C. CITIZEN COMPLAINTS

All citizen complaints pertaining to Departmental policies or procedures or that allege misconduct will be documented and investigated by the Department.

1. Any commendation, inquiry or complaint can be made by letter, email, via the Department's website, telephone, facsimile, or in person. Forms can be obtained via the Town's official website at www.jamestownri.net/police/police.html at the Jamestown Town Hall, or at the police station. At the request of the citizen, these forms may be mailed or faxed to him/her.
2. All allegations of misconduct will be investigated regardless of their source.
 - a. Preferably, the individual directly concerned in the allegation against the police employee should make the complaint in person.
 - b. A complaint in writing may be necessary in the absence of other substantive evidence.
 - c. Telephone, third party and anonymous complaints will be investigated to the extent possible with the factual information available and without violating an employee's rights.
3. Any officer/dispatcher of the Jamestown Police Department who is approached for such assistance may accept citizen complaints. The officer or dispatcher is required to give the complainant the proper complaint form and will log the receipt of the sealed envelope containing the civilian complaint form in the police day log. After the receipt of the sealed envelope is logged, the officer/dispatcher will promptly notify the patrol shift supervisor/OIC and log the name of the supervisor/OIC that is in receipt of the sealed envelope. The patrol supervisor/OIC will forward the sealed envelope to the Internal Affairs Commander.
4. Upon receipt of a citizen's complaint, an Internal Affairs investigator will contact the complainant and advise him/her that the matter is under investigation and that the complainant will receive periodic status reports and notice of the final disposition of the case.
5. The Internal Affairs investigator will advise the complainant of Departmental procedures for the processing and investigating of citizen complaints.
6. Investigations of complaints involving officers will be conducted in accordance with the Law Enforcement Officers' Bill of Rights.
7. 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.

8. Complainants may view completed reports.

D. OFFICER-INITIATED COMPLAINTS

1. Officers who wish to file a complaint against a fellow employee shall follow the Chain of Command by addressing the complaint with their direct supervisor.
 - a. Officers should report such complaints to their assigned shift supervisor, unless at the time of the incident they were working with another supervisor.
 - b. Any supervisor who receives an officer-initiated complaint shall handle such complaint in accordance with section E of this general order.

E. SUPERVISOR INVESTIGATION

1. Upon becoming aware of or receiving notification of potential misconduct by an employee under his/her command, a supervisor will begin an immediate investigation of such allegation to determine its classification, A, B, or C.
2. A supervisor shall investigate a Class "C" complaint by interviewing the complainant, witnesses and employee(s) involved. Class "A" and "B" complaints will not be investigated by the supervisor, but will be immediately turned over to the Internal Affairs Commander.
3. Upon completion of the investigation for a Class "C" complaint, the supervisor will forward to the Internal Affairs Commander:
 - a. A report of the alleged violation.
 - b. Any documents and evidence relating to the investigation.
 - c. Recommendations for possible further investigation or other disposition of the case.
 - d. The Commander will forward all paperwork to the Chief of Police upon completion of the investigation.
4. This section does not prohibit full investigation by a supervisor of on-view violations.
5. Any supervisor may temporarily relieve an officer/employee from duty by placing him/her on Administrative Leave 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 Officers' 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.
*Note: The intent of this standard is not to be critical of an employee's actions, but instead be sensitive to the employee's welfare as well as the safety of the community.
6. The Supervisor will immediately notify the Lieutenant. The Lieutenant will notify the Chief of Police whenever an employee is relieved from duty.

F. 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.
2. Questioning of an officer during the interview/investigation will be conducted in accordance with the Law Enforcement Officers' Bill of Rights.
3. The right to counsel/representation will be in accordance with the Law Enforcement Officers' 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 of statement regarding an internal investigation or charges at the Chief of Police's 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 investigations consistent with the Law Enforcement Officers' Bill of Rights.
9. If an officer disagrees with the 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 of the Law Enforcement Officers' Bill of Rights.

G. SPECIAL EXAMINATIONS

1. An employee 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 employee 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 employee can be required to participate in a line-up or be photographed for a photo array.
4. Disclosure of personal or financial information may be obtained pursuant to the Law Enforcement Officers' Bill of Rights (in the case of a sworn officer).
5. Polygraph examination and voice stress analysis tests may be utilized during an internal investigation, but employees will not be forced to submit to such a test.
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, department cell phones, electronic and documentary files and storage lockers.

H. COMMAND ACTION

1. Upon receipt of a supervisor's report contending a violation of rules, the Lieutenant will forward a copy to the Chief of Police.
2. Upon review of the case, the Lieutenant may determine that further investigation is required and order such investigation.

3. After completion of all investigations, the Lieutenant will forward to the Chief of Police a full report stating recommendations for disposition of the case along with the supporting evidence for such recommendations.

I. CHIEF'S ACTION

1. Upon receipt of a supervisor's recommendations on a disciplinary matter, or upon completion of an internal investigation, Internal Affairs 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. Exonerated: Incident occurred but was justified, lawful or proper.
 - d. Unfounded: Incident did not involve Jamestown Police Department personnel.
 - e. Not Involved: Investigation established that the individual subject of the complaint was not involved in the incident.
3. Only sustained complaints will be placed in an employee's personnel folder kept in the Chief's Office.

J. COMPLAINTS INVOLVING OTHER AGENCIES

1. Whenever any employee of the Jamestown Police Department, while working in his/her official capacity, has a complaint against a member or employee of another public or private agency, the complaint will be made through the on-duty Supervisor/ Officer-in-charge (OIC) of the Patrol Division. The Supervisor/OIC will either refer the matter to the Lieutenant for investigation, or take appropriate action and forward a report to the Lieutenant.
2. This directive is not intended to deter or delay any criminal investigation being conducted by a sworn member of this Department.