

**INTERNAL REVIEW POLICY****In Effect: 09/01/1992****Review Date: 09/25/2014 @ 1040****INTERNAL REVIEW PROCEDURE**

03-1.25

Effective 09/01/92

Reviewed 6-7-2012

**I. Purpose:**

The purpose of this policy is to establish a regulated program of complaint review to ensure the fair and impartial treatment of all members of the Department who become the subject of complaint.

**II. Policy:**

It is the policy of the East Greenwich Police Department to investigate all complaints against members of the Department regardless of the source of such complaints. Investigation of these complaints will demonstrate the Department's desire to provide honest, efficient police service and also inspire public confidence of police personnel.

**III. Procedure:**

- A. All alleged or suspected violations of State laws, Town Ordinances, Department Rules & Regulations, policies, procedures, including General/special/written or verbal orders will be investigated. Including, but not limited to:
1. Department members who report violations to Department Supervisors orally or in writing.
  2. Citizens (including prisoners) who report in-person. Or, correspondence signed, and dated by those individual(s) who, for what-ever reason, can't appear in person. In all cases the complainant(s) will be notified that an investigation has been initiated in relation to their complaint.
  3. Any violations of the material mentioned above (listed under procedure), observed or suspected by Supervisory Personnel.
- B. Authority and responsibility:
1. The unit Commanders or Supervising officer will assume the duties and obligations of his/her rank during the investigation of a complaint against an employee of this Department.

2. The unit Commanders or Supervising Officer will continually examine all areas of police action and conduct under his purview to accomplish the discovery of misconduct at it's earliest stages.
3. No Supervisor will look to higher authority to initiate corrective measures or an investigation when the complaint is within the scope of his/her own authority and responsibility, except when complex investigations dictate otherwise.

C. Reporting Procedure:

1. Compliance with the following reporting procedures is the responsibility of the Supervisor initiating the investigation.
2. At the time of filing, the complainant will be handed a cover letter on the Chief of Police letter head which will read as follows:

*Having entered the East Greenwich Police Station with a complaint alleging improper conduct by a member of this Department, you are hereby advised that your complaint will not be taken lightly. Consistent with the concerns of this Department and the Town of East Greenwich, it is our wish to put forth nothing less than the efforts of a professional police department and as such, our contact with the public must be reflective of this intent.*

*The complaint that you are bringing, at your wish following a review of this form, will be investigated in full so that the proper conclusion and actions may result. If it is your desire that no further action be taken following a review of this form, your wishes will be respected and no action on your complaint will result.*

*However, if it is your wish that the complaint be investigated, it will proceed as with any other investigation conducted by this Department.*

3. In the event a formal complaint is filed, the Supervisor initiating the complaint will direct a CR to be initiated and marking it "Personnel Complaint 4440".
4. Initiating Supervisor will obtain enough facts of the complaint to adequately inform his Commanding Officer of the nature of the complaint.
5. A statement form will be provided to the complainant if they so desire. It is to be their option as to whether they provide a statement at that time or wait contact from the investigator assigned by this Department.
6. The initiating Supervisor will memorialize a basic report recognizing the complaint as being filed.

7. In the event the complaining person does not wish to go forward with a formal investigation into their complaint, no CR will be assigned. The matter will be closed with a log entry that shall read as follows: At \_\_\_\_ hrs. John/Jane Doe entered the station to initiate a personnel complaint. The complainant was handed the Departments form dealing with Personnel complaints dealing with members of the Department and after review declined further action. Supervisor receiving \_\_\_\_name \_\_\_\_hrs.
8. No complaints will initiate formally where the complainant is clearly under the influence of drugs or alcohol. Instead the Supervisor recognizing the complainants condition will see that R.I. State Law is followed regarding the care of those persons under the influence of drugs or alcohol. The complainant will be advised to re-contact the Department as soon as they are sober.
9. The initiating Supervisor will anchor all necessary above stated criteria and forward the package to the unit commander. The unit commander will then forward the package to the Chief of Police. The Chief of Police shall appoint an investigator upon his review of the complaint.

#### D. Investigations:

1. The investigating officer will secure all interviews in the form of a formal statement.
2. The officer designated to conduct the investigation will conduct such investigation in its entirety.
3. All possible witnesses (those for and against), will be interviewed.
4. Upon completion of the investigation, the investigating officer will report his findings back to the Chief of Police as follows:
  - A. Unfounded- The investigation indicates that the act or acts complained of did not occur or failed to involve Department members.
  - B. Exonerated- Acts did occur, but were justified, lawful and proper.
  - C. Not Sustained- The investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
  - D. Sustained- The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.
5. When the act complained of is a criminal offense and the evidence is such that had the action been by a private citizen, it would have resulted in his/her arrest, the investigating officer will forward the information to the Chief of Police and request as to whether:
  - A. The accused person should be arrested forthwith or;

- B. A warrant for his/her arrest should be first obtained or;
  - C. Criminal investigation should be delayed pending further investigation.
6. All investigations shall be completed within thirty days from the date of receipt. The Chief of Police may extend the thirty day rule should circumstances dictate.

E. Disciplinary Power:

- 1. Any commanding officer and any Sergeant, with the approval of a higher ranking officer, may impose an emergency suspension against a member or employee when it appears that such action is in the best interest of the department.
- 2. Any person so suspended shall be instructed to report to the office of the Chief of Police at 0900 hrs on the next business day, unless circumstances dictate a different course of action.
- 3. The commanding or Supervisory officer imposing or recommending the suspension will report also.
- 4. Final department authority and responsibility rests with the Chief of Police.
- 5. Supervisory personnel may take the following disciplinary measures:
  - A. Oral reprimand.
  - B. Emergency suspension.
  - C. Written recommendation for other penalties.
- 6. In all cases involving disciplinary actions, protection offered under State and Federal Laws and the Rhode Island Police Officers Bill of Rights will be recognized and adhered to.