

SOUTH KINGSTOWN POLICE DEPARTMENT

1790 KINGSTOWN RD., WAKEFIELD, RI 02879



POLICY NUMBER	ORDER TYPE	ORIGINAL ISSUE DATE	EFFECTIVE DATE
220.06	OPERATIONAL POLICY	5/09/03	4/18/24
CHAPTER		TITLE	
HUMAN RESOURCES : PERSONNEL MANAGEMENT		COMPLAINTS ALLEGING EMPLOYEE MISCONDUCT	
REVIEW DATES		REVISION DATES	
09/23/11, 12/14/18, 4/18/24		09/23/11, 12/14/18, 4/18/24	
DISTRIBUTION	REFERENCE		PAGES
ALL EMPLOYEES	RIPAC 5.4 – 5.10		5

I. PURPOSE

The purpose of this policy is to provide guidelines for receiving citizen complaints of employee misconduct, to define guidelines which provide for documentation of specific allegations and to facilitate the investigation and disposition of both citizen and interdepartmental complaints.

II. POLICY

It is the policy of the South Kingstown Police Department to investigate all complaints of alleged employee misconduct, regardless of the source of the complaint, to determine whether the allegations are valid or invalid, and to take appropriate action.

III. DEFINITIONS

Citizen Complaints – 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.

Internal Affairs Investigations – The Deputy Chief holds the primary responsibility for assigning and overseeing investigations of employee misconduct allegations..

IV. PROCEDURE

A. All citizen complaints alleging employee misconduct will be documented and investigated by the department.

1. A copy of this policy and the citizen complaint form can be located on the Police Department's website under Police Department; Forms. Statement forms are available for the public at the Police Department and the Town Hall and shall be issued by any employee to the complainant upon in-person notification of a complaint.
2. Complaints from a variety of sources will be investigated.
 - a. Preferably, the individual directly concerned in the allegation against the employee should lodge the complaint, 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 factual information, fairness, and without violating employee's rights.
3. Bias-based policing complaints will be investigated, and information regarding such complaints analyzed, in accordance with both this policy and SKPD Policy 430.05 – Unbiased Policing

B. Initial Complaint

1. When a citizen contacts a department member for the purposes of filing a complaint against an employee, that person will be referred directly to the duty OIC, regardless of what shift the alleged incident occurred.
2. Allegations involving minor rules violations including but not limited to discourtesy or poor performance, rudeness, insubordination and employee tardiness may be handled by any supervisor and properly documented in Guardian.
3. Allegations of misconduct that could result in discharge, suspension or demotion, or criminal charges being sought, shall be forwarded through the chain of command to the Chief of Police.

C. Supervisor Investigation

1. Upon receipt of a complaint, the supervisor will make an initial determination whether to assume primary investigative responsibility of a minor complaint, or to refer it to the appropriate Captain.
2. The supervisor may attempt to resolve a minor complaint by an exploration of departmental policies and procedures, where applicable, or refer it to the Operations Captain. Attempts to resolve a complaint will be noted in a memo.
3. Upon completion of the primary investigation, the supervisor will forward to the appropriate Captain:
 - a. A report of the alleged violation(s);
 - b. All documents and evidence relating to the investigation;
 - c. Recommendation for further investigation or disposition of the case.
4. Any supervisor will remove any employee from duty whose action(s) in an official capacity results in death or serious physical injury, pending an administrative review.

5. Any supervisor may temporarily relieve any employee from duty or assignment for the following reasons:
 - a. Physical or mental impairment;
 - b. Allegations of violations of criminal law, consistent with the Law Enforcement Officers' Bill of Rights and any Collective Bargaining Agreement;
 - c. If the supervisor believes that continued service of the officer/employee may be immediately detrimental to the employee, others, or the department.

D. Internal Affairs Unit

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

1. The IAU consists of the Captain of Administration, Captain of Operations and Detective Commander. Members of the IAU will receive training specific to internal affairs investigations.
2. While investigating a complaint of misconduct, the IAU 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 the IAU and ***allegations of criminal conduct will be brought to the immediate attention of the Chief of Police.***
4. Statistical summaries of complaints by the public against employees, based upon records of internal investigations, will be made available to the public through the annual report or on the Town's website.
5. In most instances, investigations will be completed within 90 days. The Chief of Police must be advised and approve of circumstances requiring an extension of time.
6. The IAU will submit a report with a final disposition to the Chief of Police. Final dispositions are as follows:

Sustained – Evidence sufficient to prove allegations

Not sustained – Insufficient evidence to either prove or disprove allegations

Exonerated – Incident occurred but was lawful or proper

Unfounded – Allegation is false or not factual

Policy failure – Flaw in policy caused incident

E. Officer's Duties and Rights During Investigation

1. When an officer is notified that he/she is the subject of an investigation, the officer will be given a written statement of the allegations.
2. Questioning during the interview/investigation will be conducted in accordance with the Law Enforcement Officers' Bill of Rights (LEOBR) and any Collective Bargaining Agreement.

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 of Police may order dismissal or any other discipline he/she deems appropriate.
5. Officers may be required to furnish a report or statement regarding an internal investigation or charges at the Chief of Police's discretion.
6. In cases of criminal investigations, officers will be afforded Fifth Amendment privileges as guaranteed by the United States Constitution.
7. Officers may ask to meet and discuss the findings of the internal investigation affording them all their rights consistent with the LEOBR and the IBPO collective bargaining agreement.
8. If an officer disagrees with a finding, he/she may submit a letter of exception or explanation to be filed with the case.
9. Appeals must be made through the grievance procedure of the LEOBR.

F. Civilian's Duties and Rights During Investigation

1. When a non-sworn employee is notified that he/she is the subject of an internal affairs investigation, the employee will be given a written statement of the allegations.
2. In cases of criminal investigations, employees will be afforded Fifth Amendment privileges as guaranteed by the United States Constitution.
3. Questioning during the interview/investigation will be conducted in accordance with the appropriate Collective Bargaining Agreement, if applicable, Weingarten Rights, any applicable Town of South Kingstown Code of Ordinances, and the South Kingstown Police Department policies.

G. Special examinations

1. An employee under investigation may request a breath, 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 examination and voice stress analysis tests are not utilized as normal investigative practice in non-criminal matters.
5. Disclosure of personal or financial information may be obtained pursuant to the LEOBR.

6. Property belonging to the department 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, work areas, electronic and documentary files, and any and all lockers.

H. Chief's Action

1. Upon initial notification and after preliminary investigation of a complaint including misconduct, the Chief may at that time order reassignment, transfer or other action, for the good of the department pending further review.
2. Upon receipt of a supervisor's or the IAU's recommendations on a disciplinary matter or investigation, the Chief will review the report and supporting documents and will give final approval of the disposition of the case or provide further steps to be taken.
3. If the report is sustained in whole or in part, the Chief will return the disciplinary recommendation to the employees commanding officer for execution of the decision.
4. Only sustained complaints will be placed in the employee's personnel folder and only for the prescribed period of time if noted in the employee's Collective Bargaining Agreement.
 - a. All complaints will be securely retained in the Chief's Office for a minimum of seven (7) years or consistent with the requirement of the Rhode Island Records Retention Laws.
 - b. In instances involving services or criminal matters on cases involving truthfulness of officers which fall under Giglio, cases will remain in the officer's folders through his/her career.

I. Appeal Procedure in Disciplinary Action

An appeal of disciplinary action will be consistent with the appropriate Collective Bargaining Agreement or South Kingstown Town Code.

By Order of:



Matthew C. Moynihan
Chief of Police