
Section: TWO
Chapter: EIGHT

SUBJECT: Professional Standards / Internal Affairs
ISSUE DATE: 08-15-16
REFERENCE: NYSA 14.4, 14.6, 25.1, 25.2, 25.3, 25.4, 25.5, 25.6, 25.7, 25.8

I. PROFESSIONAL STANDARDS / INTERNAL AFFAIRS FUNCTION

To ensure the integrity of the Palmyra Police Department and its members, it is the policy of the Department to document, investigate and properly adjudicate all allegations of misconduct by Department members.

II. DEFINITIONS

- A. Platoon / Unit Complaint: include but are not limited to any alleged violation of department administrative procedure, rule, order, abusive or discourteous behavior, unprofessional demeanor or action by a member of the department.
- B. Misconduct Complaint: an allegation of improper or unlawful conduct which includes but is not limited to-
 - 1. Abuse of Authority
 - 2. Conduct which is criminal on its' face.
 - 3. Unnecessary or excessive use of force.

III. RECEIVING COMPLAINTS

- A. Any person wishing to make a complaint against a member of the department, a department policy or procedure or any aspect of the department's operation will be allowed to make such complaint to an on duty command officer.
- B. The command officer taking a complaint will initiate a job with the 911 dispatcher. The incident will be titled "Special Investigation," with "personnel complaint" added into the comments section. Information regarding the specific member or nature of the complaint WILL NOT be entered. The CR# will be reflected on the complaint form and forwarded to the Chief of Police
- C. The complainant's allegation will be put in writing on the appropriate form (**Report of Complaint Against Police Personnel/Department**) regardless of how such complaint is received. The command officer will assist the complainant in filling out this form if needed.
 - 1. If the complaint is received "in person," the complainant will be encouraged to complete a "**Report of Complaint Against Police Department Personnel**" and sign that report. If the complainant is reluctant to complete the form or provide a signature, possibly because of fear of retaliation, then

the command officer receiving the report will complete the form and indicate the explanation given by the complainant for reluctance or inability to complete the form first person.

2. If the complaint is received by telephone, mail or other method, the complainant will be encouraged to complete the form first person. Arrangements will be made to provide that form in a reasonably convenient manner. If the complainant is reluctant to complete the form first person, that the command officer receiving the complainant will do so on the complainant's behalf and indicate the reason the form was not completed by the complainant first person.
3. Completed reports will be delivered personally to the Chief of Police in an expeditious manner.
4. If the complainant remains completely anonymous and is not available for further contact then the command officer receiving the complaint then a **"Report of a Complaint Against Police Department Personnel"** will not be completed but a memo will be prepared detailing the sum and substance of the allegation and delivered personally to the Chief of Police.
5. The command officer receiving the complaint will be responsible for what ever immediate action may be necessary to investigator or substantiate the allegations contained in the complainant. This will include but not be limited to, evidence gathering, witness statements, and notification of the Chief of Police. Any ambiguities or indecision regarding the immediate course of action required will be clarified by contacting the Chief of Police.

IV. COMPLAINT REFERRED FOR FOLLOW UP INVESTIGATION

- A. Upon receipt of a misconduct complaint, the Chief of Police will:
 1. Either investigate the allegation personally or assign personal to conduct an investigation
 2. The Chief of Police will evaluate the practicality of utilizing services of other departments either to engage specialized investigative services or to maintain impartiality.
 3. The Chief of Police will initiate and maintain a close liaison with the District Attorney's office with investigations alleging criminal conduct.
 4. The Chief of Police will initiate and maintain a close liaison with department civil representation if liability may be an issue.

V. DEPARTMENT PERSONNEL CONSIDERATIONS

- A. The investigation will be conducted in a confidential manner by the Chief of Police
- B. All investigations will be conducted in full compliance with Article XVI of the collective bargaining agreement in effect between the Village of Palmyra and the Palmyra Police Employee Unit, Inc.

VI. DISPOSITION

- A. Upon completion of the required investigation the complainant will be designated as one of the four following:
1. Unfounded: The alleged act did not occur.
 2. Exonerated: The employees conduct was justified, lawful and proper.
 3. Unsustained: The investigation was unable to provide sufficient evidence to either prove or disprove the allegation.
 4. Sustained: The investigation has provided sufficient evidence to support the allegation.
- B. At the conclusion of an investigation into an allegation of misconduct against an employee, the Chief of Police will notify the following persons of the disposition of the complaint:
1. The complainant
 2. The referring command officer
 3. The officer(s) involved
 4. The district Attorney or the Village of Palmyra civil representative if involved.
- C. Based on the nature of the complaint, the Chief of Police will determine the appropriate disposition unless the complaint indicates criminal conduct in which the determination of disposition shall be the responsibility of the District Attorney.
- D. Disposition by the Chief of Police may consist of counseling, training or disciplinary action. Criminal charges by the District Attorney shall not prevent departmental disciplinary action.
- E. All records, investigative notes, statements, reports of findings act. will be kept sealed by the Chief of Police unless the disposition of the incident results in criminal or disciplinary charges in which case those records will be kept in accordance with New York State Law governing maintenance of those records.

VII. FORMS

A supply of **“Report of a Complaint Against Police Department Personnel”** forms will be kept in the forms cabinet, so as to be readily available to command officers for their use.

The Chief of Police will be responsible to maintain a supply of those forms in that location and will insure the content and nature of the forms are timely for the needs of the department.

By order of:

David B. Smith
Chief of Police:

