



# Lincoln Police Department

## Office of Policy and Accreditation

100 Old River Road, Lincoln, Rhode Island 02865

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	01/01/2020	130.01	10/15/18
SUBJECT TITLE		SUBJECT AREA	
Internal Affairs Investigations		Administration	
RIPAC REFERENCE		PREVIOUSLY ISSUED DATES	
5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10			
DISTRIBUTION	REEVALUATION DATE	PAGES	
ALL	AS NECESSARY	14	

### Internal Affairs Investigations (IA)

#### I. Purpose

To establish guidelines regarding the maintenance of professional standard with the Lincoln police Department.

#### II. Policy

Exacting ethical standards and a high degree of honesty are essential for law enforcement officers in today's society. It is in this policy statement that requires the documentation and investigation of all complaints, including anonymous complaints, of misconduct or illegal behavior against the agency or its members. Because of the nature of police duties that encompass the exercising of authority in positions of public trust, public criticism, and complaints against our employees will occur from time to time. To protect the citizenry, our employees, and reputation of the Lincoln Police Department, the Chief of police shall be ultimately responsible for conducting prompt and thorough investigations of all complaints received, including anonymous complaints.

#### III. Definitions

- Formal Discipline → Discipline administered only upon conclusion of a formal, internal investigation. Formal discipline may include, but is not limited to: written reprimand, professional counseling referral, suspension, transfer, demotion, and/or termination.
- Informal Discipline → Discipline administered upon conclusion of an informal investigation, or in the normal course of supervision, for minor infractions such as: tardiness, rudeness, improper appearance, and the like. Informal discipline may include, but is not limited to: training and/or counseling provided by the employee's supervisor.

- Internal Investigations → An administrative inquiry into the facts and circumstances surrounding a complaint.
- Interview → a meeting with an accused employee or witness to gather information and facts.
- Misconduct → a violation of or failure to comply with department Rules and Regulations, General or Special Orders, or other directives.
- Personnel Complaint → Any allegations or complaint received by any officer, directly or indirectly, that accuses any employee of improper or illegal conduct occurring on-or-off duty
- Probationary Period/Status → A period of conditional employment imposed during the officer's first six-months of service
- Rules and Regulations → A set of specific guidelines to which all employees must adhere

#### IV. Disciplinary Action

- A. Discipline is method of deterring misconduct and is intended to encourage compliance with Rules and Regulations, General and Special Orders, other directives, established law, and proper police conduct.
- B. Discipline provides sanctions for proven misconduct and protection from false accusation; therefore discipline must be based on formal, written foundation.
- C. All incidents which may result in formal disciplinary action must be investigated by the Department's Internal Affairs Officer.
- D. Incidents may result in informal disciplinary action may be investigated by the Officer in Charge; however, such incidents shall be reviewed by the Internal Affairs Office(r).
- E. Informal disciplinary actions imposed by a Commissioned Officer-In-Charge does not preclude the Internal Affairs officer from conducting a formal investigation, which may result in formal discipline.
- F. All information obtained during the investigation of a personnel complaint is confidential. Therefore, it is imperative that all documents pertaining to the personnel complaints be properly secured to protect all parties involved. All officers' exercising control over documents and files pertaining to a personnel complaint must ensure those documents are kept under lock and key. When transferring these documents from one officer to another, sealed envelopes shall be used and marked as **confidential**, with the exception of any information that can be released compelled by the Access to Public Records Law of Rhode Island General Legislation.

- G. Disciplinary action imposed as a result of an internal affairs investigation must be conducted in accordance with Lincoln Police Department Rules and Regulations, this policy, and existing collective bargaining agreements (worn and on-sworn employees); and the Rhode Island Law Enforcement Officers' Bill of Rights (as set forth I Rhode Island 42-28.6)
- H. Upon completion of an investigation and hearing conducted in accordance with Lincoln Police Department Rules and Regulations, this policy, and existing collective bargaining agreements (sworn and non-sworn employees); and the Rhode Island Law Enforcement officer's Bill of Rights (sworn employees), which results in dismissal from the Department, the Chief of Police will provide, in writing the following information to the employee: the effective date of dismissal, reason(s) for the dismissal, a statement as to the content of the employee's employment record relating to the dismissal, and the status of all benefits after dismissal.

## **V. Patrol Officer Responsibilities**

- A. An officer who initially receives a personnel complaint shall promptly notify the Officer in Charge
- B. If the nature of the complaint requires immediate attention and the Officer in Charge cannot be reached, the appropriate division commander shall be notified.

## **VI. Desk Officer and/or Dispatchers Responsibilities**

- A. The desk officer/dispatcher shall log the personnel complaint in the call log
  - 1. Then note shall include the time the complaint was received and the names of the supervisors notified of the complaint
  - 2. The note shall not include the name of the complainant, the nature of the allegation, any pertinent facts concerning the allegation or complaint, or the names of any employees involved.

## **VII. Officer in Charge**

- A. Formal Investigations:
  - 1. The Officer in Charge shall promptly notify the Internal Affairs Officer when a complaint is received during normal working hours or when there is evidence that allegation(s) has a factual basis and, due to its seriousness, may require immediate action.
  - 2. The Officer in Charge shall promptly notify the Internal Affairs Officer when a complaint is received during normal working hours or when there is evidence that

the allegation(s) has a factual basis and, due to its seriousness, may require immediate action.

3. The Officer in Charge are authorized to investigate minor infractions, such as tardiness, rudeness, improper appearance, etc.

## **VIII. Internal Affairs Officer Responsibility**

- A. The Internal Affairs Officer will be designated by the Chief of Police and shall report directly to the Chief of Police. They shall investigate internal matters, allegations, or other complaints against Department employees and be responsible for:
  1. Conducting a prompt investigation and adjudication of allegations or complaints of employee misconduct to ensure the integrity of the Department and its employees. Complaints may include, but are not limited to: allegations of corruption, brutality, misuse of force, breach of civil rights, criminal misconduct, rudeness, or other infractions.
  2. Supervising and controlling any investigation of alleged or suspected misconduct within the Lincoln Police Department.
  3. Providing written verification to a complainant that his or her complaint has been received for processing, along with periodic status reports, (if necessary), and notification that the investigation has been completed.
  4. Completing all internal affairs investigations within forty-five (45) days of the Internal Affairs Officer's receipt of complaints against department employees. Extensions shall only be granted by the Chief of Police, when deemed necessary.
  5. Issuing a written statement of allegations, including employee rights and responsibilities to the employee.
  6. Recording, registering, and controlling of complaints against all department employees.
  7. Reporting the status of all internal investigations directly to the Chief of Police.
  8. Notifying the investigated employee, in writing of the findings of the investigation upon its completion.
  9. Maintaining the *confidential* status of all internal affairs investigations and records, the final resolution which shall be classified as an internal personnel matter and held as *confidential*, unless compelled by the Access to Public Record Laws (Rhode Island General Legislation)
  10. Securing all internal affairs investigation records in a secure area.

11. Familiarizing employees with the Internal Affairs Officer's functions and operating procedures.
12. Maintaining a liaison with the Rhode Island Department of the Attorney General during investigations alleging criminal conduct on the part of an employee.
13. Providing information regarding internal affairs complaint procedure to the public.
14. Preparing an annual statistical summary of internal affairs investigations to be forwarded to the Chief of Police and Policy and Accreditation Manager.

## **IX. Personnel Complaint Report Form**

- A. The Officer in Charge who receives the initial complaints shall complete a *Personnel Complaint Report Form*, which is attached to this policy, and which shall include, but not be limited to, the following information:
  1. The complainant's name, date of birth, home address, home telephone number, business address, and business telephone number
  2. The name and rank of the officer receiving the complaint, along with the applicable date and time
  3. The name and rank of the supervisor notified, along with the applicable date and time
  4. The manner in which the complaint was received
  5. The rank or position and the name of the employee in the complaint
  6. The location, date, and time of the alleged incident

## **X. Civilian Complaint Form**

- A. The Officer in Charge shall ensure that the complainant receives a *Civilian Complaint Form*, if one is requested. A copy of the form is attached to this policy.
- B. All required information shall be completed by the complainant, which shall include, but not be limited to, the following information:
  1. Date and time of the complaint, complainant's name, date of birth, home address, and telephone number
  2. Name, date of birth, home address, and telephone numbers of any witnesses

3. Rank or position, name, and badge number of the employee(s) named in the complaint (if known)
  4. Location, date, and time of the complaint
- C. A copy of the Department's Civilian Complaint Procedures shall be attached to all *Civilian Complaint Forms*.
  - D. The Officer in Charge shall advise the complainant to return the completed *Civilian Complaint Form* to any Officer in Charge.
  - E. Upon receipt, the Officer in Charge shall properly secure the Civilian Complaint Form in a sealed envelope until such time it can be confidentially transferred to the Internal Affairs Officer.

## **XI. Final Reports**

- A. The investigating officer shall submit a final report to the Police Chief, upon completion of the internal investigation
- B. Status reports shall be submitted every thirty (30) day
- C. The final report shall include all personnel statements, witness statements, or other evidence gathered during the investigation.
- D. The final report shall include a determination of whether the complaint was substantiated or unsubstantiated.
  1. If the investigating officer determines that the complaint cannot be proved or refuted, such complaint shall be classified as unsubstantiated.
  2. If the investigating officer determines that the complaint has been substantiated, the employee shall be disciplined. The employee shall retain the right to have the matter settled through the grievance procedure (sworn and non-sworn employees) or the Rhode Island Law Enforcement officer's Bill of Rights Hearing (sworn employees only), depending the severity of the penalty imposed.
- E. If further evidence is brought forth after the submission of a final report, the investigating officer shall submit a supplement report to the Police Chief.

## **XII. Provisions**

- A. All discipline shall be administered through a progressive disciplinary system. Discipline may include, but is not limited to: informal and/or formal remedial training, counseling, or punitive action.

- B. Relating to the conduct of internal affairs investigations, employees may be asked to submit to a chemical test, photographed, placed in a physical line-up, and/or submit financial disclosure statements.
  - 1. Said submissions shall only be with prior approval of the Chief of Police
  - 2. The results of this activity must be specifically directed and narrowly related to a particular internal affairs investigation
  - 3. Any medical or laboratory testing costs incurred will be borne by the Department.
- C. At the conclusion of the disciplinary action, all related documents will be returned by the Police Chief to the Internal Affairs Officer. Such documents shall include statements, reports and/or materials related to the disciplinary action. All such documents will remain the property of the Internal Affairs Division. All records will be treated as confidential. They may only be utilized when the member is being considered for promotion or has become the subject of another internal investigation. These files shall also include Letters of Reprimand, if still in effect, as well as Personnel Orders that document prior disciplinary action taken. Destruction of records will follow the guidelines set forth by the Secretary of State's Office.

### **XIII. Authority to Discipline**

- A. Chief of Police
  - 1. The Chief of Police, or in his absence, the Acting Chief of Police is authorized to administer formal and informal discipline.
  - 2. The Chief of Police is authorized to administer summary punishment of up to two days suspension, without pay for violations of Department Rules and Regulations, General or Special Orders, or other directives. Appeals of such suspensions shall be subject to the grievance procedure of the applicable collective bargaining agreement. The same process for civilian and/or non-union employees shall apply for appeals.
  - 3. The Chief of Police is authorized to administer discipline in excess of two days suspension for any violations of Department Rules and Regulations, General or Special Orders or other directives. Appeals of such suspension shall be subject to the provisions of the Rhode Island Law Enforcement Officer's Bill of Rights.
  - 4. The Chief of Police is authorized to administer discipline to officers during their six-month probationary period. The dismissal of any employee during his or her probationary period is solely a matter of Town discretion and not subject to grievance or arbitration procedure contained in the collective bargaining agreement.

5. Any employee or sworn officer, whose action(s) in an official capacity results in death or serious physical injury, shall be removed from operational assignments, pending an administrative review by the Chief of Police and/or his designee

**B. Shift Commanders**

1. Shift Commanders shall forward to the Internal Affairs Officer recommendations for formal discipline, for serious breaches of conduct by officers serving under their command.
2. Shift Commanders-In-Charge are authorized to administer informal discipline for minor infractions, such as: tardiness, rudeness, improper appearance, etc. informal discipline may include, but is not limited to: training and/or counseling provided by the employee's supervisor.
  - i. Criteria and procedures for administer informal discipline are as follows:
    1. Employee has no current letters of reprimand
    2. Employee has no history of similar infractions
    3. When administered, Shift Commanders shall document the infraction and informal disciplinary action in the Guardian Tracking system.
    4. The Internal Affairs Officer shall ensure that the Director of Training documents all remedial training in IMC training records.

**C. Shift Supervisors**

1. Shift Supervisors shall forward through the appropriate chain-of-command recommendations for formal discipline, for serious breaches of conduct, by officers under their command.
2. Shift Supervisors shall forward through the appropriate chain-of-command recommendation for informal discipline, for minor infractions, such as: tardiness, rudeness, improper appearance, etc.

**XIV. Polygraph Examinations**

1. The use of polygraph examination as a condition of employment or continued employment is expressly prohibited by section 28-6.1-1 of the Rhode Island General Law

**XV. Attachments**

- A. *Lincoln Police Department Civilian Complaint Procedures*
- B. *Lincoln Police Department Civilian Complaint*
- C. *Lincoln Police Department Complaint Against Police Personnel Report*

**By Order Of**



**Per order of**

*Brian W. Sullivan*

**Chief of Police  
Brian W. Sullivan**



# LINCOLN POLICE DEPARTMENT

100 Old River Road  
Lincoln, Rhode Island 02865  
Ph: (401) 333-1111  
Fax: (401) 334-4244

Dear Complainant:

The Lincoln 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 Lincoln 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.

With the goal of maintaining professional standards, the Lincoln Police Department has instituted the position of Internal Affairs Officer, who shall investigate all internal matters, allegations, and other complaints against department personnel. The Internal Affairs Officer is directly responsible for the investigation of these complaints and reports directly to the Chief of Police.

Any person wishing to file a complaint may do so with any sworn officer or civilian dispatcher at the Lincoln Police Department. The officer or dispatcher is mandated to log the receipt of the complaint into the daily police log and promptly notify the Patrol Shift Supervisor, who will collect as much information as necessary to complete a personnel complaint report form. This form will then be forwarded to the Internal Affairs Officer. In addition, the Patrol Shift Supervisor will supply you with a civilian complaint form, if one is requested.

The Internal Affairs Officer maintains the confidential status of all internal affairs investigations and records. All internal affairs investigations are conducted in accordance with the Lincoln Police Department Rules and Regulations, Department General Orders, Special Orders, the Rhode Island Law Enforcement Officer's Bill of Rights, and existing collective bargaining agreements.

All complainants will be formally notified by the Internal Affairs Officer at the beginning and end of an internal investigation, along with periodical status reports, when necessary.

With Regards,

Lincoln Police Department  
Office of Internal Affairs



# LINCOLN POLICE DEPARTMENT

100 Old River Road  
Lincoln, Rhode Island 02865  
Ph: (401) 333-1111  
Fax: (401) 334-4244

Date of Complaint: _____	Time of Complaint: _____
Location of Incident: _____	_____
Date of Incident: _____	Time of Incident: _____

\_\_\_\_\_  
Last Name, First Name, Middle Initial of Complainant

\_\_\_\_\_  
Date of Birth of Complainant

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Home Phone Number of Complainant

\_\_\_\_\_  
Address of Complainant

\_\_\_\_\_  
Cell Phone Number of Complainant

## Witness Information

### Witness 1

\_\_\_\_\_  
Last Name, First Name, Middle Initial of Witness 1

\_\_\_\_\_  
Date of Birth of Witness 1

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Home Phone Number Witness 1

\_\_\_\_\_  
Address of Witness 1

\_\_\_\_\_  
Cell Phone Number of Witness 1

### Witness 2

\_\_\_\_\_  
Last Name, First Name, Middle Initial of Witness 2

\_\_\_\_\_  
Date of Birth of Witness 2

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Home Phone Number Witness 2

\_\_\_\_\_  
Address of Witness 2

\_\_\_\_\_  
Cell Phone Number of Witness 2

## Officer(s) and/or Employee(s) Involved

\_\_\_\_\_  
Rank/Name

\_\_\_\_\_  
Badge Number

\_\_\_\_\_

\_\_\_\_\_



**Lincoln Police Department Complaint Against Personnel  
Shift Commander's Report**

Internal Affairs Investigation Report Number: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Last Name, First Name, Middle Initial of Complainant

\_\_\_\_\_  
Date of Birth of Complainant

\_\_\_\_\_  
Home Phone Number of Complainant

\_\_\_\_\_  
Address of Complainant

\_\_\_\_\_  
Cell Phone Number of Complainant

**Officer Receiving Complaint**

\_\_\_\_\_  
Rank and Name of Officer Receiving

\_\_\_\_\_  
Badge Number

\_\_\_\_\_  
Rank and Name of Supervisor Notified

\_\_\_\_\_  
Badge Number

\_\_\_\_\_  
Date & Time Received by Officer

\_\_\_\_\_  
Date & Time Notified to Supervisor

Manner in which complaint was received (circle one):    Telephone    In-Person    Letter    Email

**Officer(s) and/or Employee(s) Involved**

\_\_\_\_\_  
Rank/Name

\_\_\_\_\_  
Badge Number

\_\_\_\_\_  
Rank/Name

\_\_\_\_\_  
Badge Number

**Brief Narrative/Summary of Complaint**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attached Memo \_\_\_\_\_

**Disposition (Circle One):**    Unfounded    Founded    Unsubstantiated    Substantiated

Remarks

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If substantiated, was the punishment contested? (Circle One):    Yes    No

If yes, was an appeal taken through the (circle one):    Grievance Procedure                      Bill of Rights Hearing

Final Disposition

---

---

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

Investigating Officer Rank and Name

Date and Time