



# GENERAL ORDER

# No. 211

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| <b>Subject:</b><br>Internal Investigations – Professional Standards |                                    |                                 |
| <b>Issuing Authority:</b><br>Chief of Police                        | <b>Effective Date:</b><br>03/10/25 | <b>Cancel Date:</b><br>02/28/22 |
| <b>NYS Accreditation Standards:</b><br>9.1, 14.4, 25.1              |                                    |                                 |

- I. **PURPOSE:** The purpose of this order is to provide guidelines and procedures for the intake, investigation, and disposition of complaints made against police department members internally, externally, and precautionary.
- II. **POLICY:** Community support for the police department and its mission is contingent upon citizen confidence in the integrity of the department and its policies, procedures, rules, and personnel. It is the policy of the Village of North Syracuse Police Department to courteously receive and fairly investigate all complaints made against the department and its activities, practices and personnel. The goal of this policy shall be to correct deficiencies in policies and procedures, detect and deter misconduct, instill confidence in citizens regarding the integrity of the department and its personnel, and seek redress for false accusations made against the agency and its members.
- III. **DEFINITIONS:**
- A. **COMPLAINT** - For the purposes of this order, a complaint shall be defined as any allegation of an alleged act or omission which, if substantiated, is contrary to the rules, policies and procedures of the department; any alleged act or omission which, if substantiated, would constitute a violation of law; or any allegation which tends to indicate an actual or potential defect in department policies, procedures, rules or in the delivery of police services.
  - B. **SUBJECT MEMBER** - A member of the department who is the subject of a complaint.
  - C. **INTERNAL COMPLAINT** - Those generated by members of the department (e.g. supervisors, officers, civilian employees, etc.).
  - D. **EXTERNAL COMPLAINT** - Complaints made by known people from outside the department (e.g. civilians) including third-party complainants (e.g. parents, attorneys).
  - E. **PRECAUTIONARY COMPLAINT**- Complaints emanating from anonymous sources, civil claims with no formal complaint, and media reports.
- IV. **PROCEDURE:**
- A. **ADMINISTRATION:**
    - 1. Unless otherwise delegated, the Chief of Police shall serve as the Internal Affairs Officer (IAO) and shall be responsible for the internal affairs function of the department.
    - 2. If not handling the investigation themselves, the Chief of Police shall determine who is assigned to perform this function. The department member assigned to this function shall at all times, while conducting any investigations, have the authority to question anyone in the department regardless of their rank. While on investigation, their powers shall be second only to that of the Chief of Police (for the purpose of obtaining information from department personnel).
    - 3. Unless otherwise directed by the Chief of Police, internal investigations shall be conducted by a member of higher rank than the subject of the investigation.
    - 4. The department shall publish information entitled, "How to Commend or Complain about a Village of North Syracuse Police Officer or the Village of North Syracuse Police Department." This information shall be available to the public at headquarters, through any police officer, via the Police web-site or by mail if a citizen so requests.
    - 5. Any person in the department who refuses to cooperate with an internal affairs investigation, or who knowingly gives false information during an investigation; shall be subject to immediate suspension and/or disciplinary action.
  - B. **DUTIES OF AND RESPONSIBILITIES OF MEMBERS OF THE DEPARTMENT:** It shall be the duty and responsibility of all members of the department to:
    - 1. Report violations of laws, ordinances, rules, regulations, policies, procedures or orders by any other department member to their immediate supervisor or in their absence the Chief of Police.
    - 2. Assist citizens who wish to make complaints by directing them to the appropriate supervisor or the Chief of Police.
    - 3. Co-operate fully and completely with all internal affairs investigations.

4. Refrain from communicating with anyone regarding an internal affairs investigation unless specifically authorized.
  5. File a report through the chain of command to the Chief of Police when involved in a situation likely to generate a complaint.
- C. **DUTIES AND RESPONSIBILITIES OF SUPERVISORS:** It shall be the duty and responsibility of all supervisory personnel to:
1. Receive, record (department complaint form), and investigate, complaints regardless of their source (e.g. internal, external or precautionary).
  2. Conduct a thorough preliminary investigation at the time of intake.
  3. Notify the Chief of Police and provide them with the original copy of the department complaint form as soon as practical.
  4. At the Chief's discretion, conduct follow-up investigations and make findings and recommendations involving members of their command when the alleged offense is:
    - a. Non-criminal in nature; and involves a minor violation of department rules, regulations, or procedures.
  5. Complete an investigation within 30-days of the complaint or receive approval for an extension from the Chief of Police based on established guidelines.
- D. **DUTIES AND RESPONSIBILITIES OF THE ACTING INTERNAL AFFAIRS OFFICER:** It shall be the duty and responsibility of the acting Internal Affairs Officer (IAO) to:
1. Record, register, and provide control over all investigations.
  2. Provide subject members, at the appropriate time, with written notification of the complaint, including a summary of the allegations and the member's rights and responsibilities relevant to the complaint investigation.
  3. Conduct the following specific types of serious complaint investigations:
    - a. Complaints alleging criminal conduct by department personnel.
    - b. Complaints alleging violations of a person's civil rights.
    - c. Complaints alleging excessive use of force.
    - d. Complaints of sexual and other forms of unlawful harassment.
    - e. Complaints involving multiple officers of various commands.
    - f. Allegations of a serious violation of department policy, procedure or rules.
    - g. Incidents in which a use of force report is submitted, to determine if the use of force was justified. This shall be done regularly as a department review. If there are concerns or a deviation from accepted policies and practices or an injury to a subject occurs a formal IA may be conducted.
    - h. Actions by members that result in serious physical injury or death to another person.
    - i. Situations involving the use of deadly force by department personnel, to include the discharge of firearms in other than lawful sport activity, the destruction of dangerous or injured animals, or at an approved firing range.
    - j. Investigations so complex that it would be impractical for supervisory personnel to undertake the task.
    - k. Any complaint when specifically directed by the Chief of Police.
    - l. Maintain a liaison with the Village Attorney and/or District Attorney to assure that the results of internal affairs investigations are adjudicated fairly, impartially, and thoroughly. This may also be done through coordination with the Chief of Police (if they are not the IAO).
    - m. If other than the Chief of Police, report on all matters pertaining to internal affairs directly to the Chief.
- E. **COMPLAINT PROCEDURE:**
1. Any member below the rank of Police Sergeant who is made aware of any complaint alleging member misconduct shall immediately notify their immediate supervisor.
  2. All supervisors are authorized to receive complaints from citizens or members of the department. Complaints about a Police Sergeant or above shall be received by a higher-ranking officer.
  3. Any supervisor who receives a complaint directly or has been summoned to receive a complaint shall:
    - a. Receive the complaint courteously without attempt to dissuade any person from lodging their complaint.

- b. Complaints shall be received regardless of their source (in-person, telephone, letter, anonymous, third-party, etc.).
- c. If the complaint relates to a policy or a procedural issue, the supervisor shall explain the policy/procedure to the complainant. If, after the explanation and conciliation is completed, the complainant is satisfied and the matter resolved no report is necessary.
- 4. If the matter is not resolved, or if the complaint relates to anything other than a policy or procedural issue, the supervisor shall request the complainant to complete and sign a department complaint form and immediately initiate, conduct, and document a preliminary internal affairs investigation.
- 5. Supervisors shall have discretion in dealing with very minor non-repeated violations of department procedures or rules (e.g. members are a few minutes late for roll call for the first time). These types of violations may be handled with accepted supervisory practices (e.g. member counseled, and incident documented in supervisor's notes).
- 6. If the complainant will not cooperate with the preliminary investigation, the supervisor shall fully document their attempt to complete the investigation. The supervisor shall complete the department complaint form if the complainant refuses or is otherwise unavailable.
- 7. Complaints made by intoxicated complainants should be received at the time they are made to the supervisor. The complainant should be re-interviewed at a later time (e.g. when they are sober) and any discrepancies should be noted in the investigation report.
- 8. Arrangements shall be made to provide the complainant who signs a department complaint form with a copy of the form and their affidavit, upon request.
- 9. Complainants should be notified that the matter is being handled administratively and that they may be re-contacted for updates and/or notification of conclusion.
- F. The Chief of Police shall be notified immediately if a member of the department is:
  - 1. Arrested or charged with a criminal offense.
  - 2. Accused or questioned regarding conduct that would constitute a crime.
  - 3. Temporarily relieved of duty.
  - 4. Involved in an action resulting in physical injury or death to another person.
  - 5. Accused of serious misconduct.
  - 6. Accused of using excessive force or violating a person's civil rights.
  - 7. Accused of sexual harassment.
- G. Upon completion of the preliminary investigation, the supervisor shall forward the department complaint form and any completed documentation through the chain of command to the acting Internal Affairs Officer. If the preliminary investigation is not completed by the end of the tour, a copy of the department complaint form and any completed documentation must be forwarded with an indication that further documentation is to follow. The supervisor officer shall retain a copy of the preliminary investigation for follow-up investigation, if appropriate. If not the Chief of Police, the supervisor completing the form shall forward a copy to the Chief of Police.

**V. CONFIDENTIALITY:**

- A. Internal affairs investigations are sensitive and confidential in nature. No member shall discuss or divulge any information concerning an internal affairs investigation to any unauthorized person. Authorized persons, when appropriate and relevant, may include but not necessarily limited to:
  - 1. Chief of Police.
  - 2. Internal Affairs Officer (if not the Chief).
  - 3. Supervisor of the involved officer.
  - 4. Assigned investigative personnel.
  - 5. Department/PBA attorney.
  - 6. Privately retained attorney.
  - 7. Department/private psychologist.
  - 8. Subject member's PBA representative.
  - 9. Physician.

**VI. INVESTIGATION:**

- A. Persons conducting internal affairs investigations should interview and depose, when applicable, the subject member. Generally, all facts and evidence shall be gathered before the subject member is

interviewed and a preliminary decision as to the type of interview/investigation (administrative v. criminal) is made. Prior to being formally questioned, the subject member shall be:

1. Provided with a written statement of allegations with sufficient information to reasonably apprise them of the misconduct alleged, except when such notification would hinder or compromise the investigation.
2. Advised of their constitutional rights via the standard "Miranda Warning" utilized by this department when the investigation pertains to alleged criminal activity on the part of the subject member. When the option to remain silent is exercised, the investigator must cease questioning regarding the criminal investigation until the subject member has had opportunity to obtain counsel.
3. Provided with a copy of their administrative rights if the allegations against the member constitute administrative non-criminal violations of rules, regulations, policies or procedures. During administrative internal investigations, all members must:
  - a. Cooperate to the fullest.
  - b. Answer truthfully and completely.
4. Failure to cooperate fully or deception or hindering the investigation may result in disciplinary action including dismissal.
5. Compelled statements or the fruits thereof cannot be used against a member in any subsequent criminal action. The admissions obtained from compelled statements can be used to form the basis of administrative disciplinary action.
6. Entitled to exercise their rights pursuant to the terms of the collective bargaining agreement, if applicable.
7. Internal affairs investigations may require that a member submit to certain specific examinations. Examples include, but are not limited to, medical, psychological, laboratory and polygraph examinations, breath, blood and urine test analysis, in person line-up with the member participating, photographs of the member, and the disclosure of financial or personal records. The scope of the demand for information, or for submission of person for testing or examination must be directly and narrowly related to the particular investigation. If the internal affairs investigation pertains to alleged criminal conduct, search warrants or court orders may be necessary before examinations are conducted.
8. The express authorization of the Chief of Police shall be obtained prior to requiring a member to submit records, photographs or his person for testing or examinations.
  - a. Examinations ordered by the Chief of Police shall be conducted at department expense.
9. A member under investigation may request that examinations be conducted when the member believes such actions would be beneficial to his defense. Such requests shall be submitted in writing to the Chief of Police. Authorization for such examinations shall be at the discretion of the Chief of Police.
10. Members shall be provided with copies of the results of all examinations in which the member participates.
11. Medical examinations must be performed under the supervision of a licensed physician. These tests may involve the taking of blood, body fluids, removal of body hairs or fingernail clippings and scraping.
12. A licensed psychologist selected by the department shall conduct psychological examinations. The Chief of Police may order a psychological examination to be initiated when a member:
  - a. Exhibits behavior that may be indicative of severe emotional disturbance.
  - b. Receives repeated complaints of a similar nature.
  - c. Receives complaints that are sustained.
  - d. Drug use analysis shall be conducted by a certified lab through a blood draw consistent with the guidelines listed in General Order#330 "Drug Testing."
  - e. A member may be required to submit to participation in an in-person identification line-up conducted in accordance with the rules of evidence.
  - f. Photographs may be taken of the member to show to complainants or witnesses. If photographs are used for identification purposes, they should be shown in accordance with the rules of evidence.
  - g. Members may be required to submit financial statements or other personal papers which are specifically and narrowly related to active internal affairs investigations.

13. Lockers, desks, computers, vehicles, equipment and facilities assigned to department members remain the property of the department. As such, no property right or privacy right is made or implied. Whenever practical, searches of departmentally owned lockers, desks or vehicles shall be conducted by a supervisor in the presence of the member, or in the member's absence, a representative of the bargaining unit, if applicable. Members should be notified in writing that such searches have been conducted and provided with an inventory of any items collected.
14. Internal affairs investigations shall be completed within thirty (30) days of receipt of the complaint. Any extension beyond the limit must be requested in writing and approved by the Chief of Police. If thirty days after the time the case is initiated the matter is still pending, the investigating officer shall advise the complainant of the case status.
15. Where allegations contained in the complaint are determined to be false and evidence exists of intentional misrepresentation or filing of false statements, the Internal Affairs Officer may make a recommendation to the Chief of Police to pursue criminal action against the complainant.

**VII. CONCLUSION OF INTERNAL AFFAIRS INVESTIGATIONS:** Upon completion of an internal affairs investigation, the investigating officer shall prepare a written summary containing:

- A. An outline of the alleged conduct.
- B. The findings relative to the alleged actions.
- C. Specific violations, if any, are shown by the evidence.
- D. Ancillary issues developed during the investigation.
- E. A conclusion with a recommended finding for each allegation as follows:
  1. SUSTAINED - Allegation(s) are substantiated.
  2. UNFOUNDED - Allegation(s) are false or not factual.
  3. EXONERATED - Incident occurred but the member acted lawfully and within department policy.
  4. NOT SUSTAINED - Allegation(s) are not substantiated. No sufficient evidence was revealed to substantiate or disprove the allegation.
  5. MISCONDUCT NOT BASED ON COMPLAINT - Substantiated misconduct which was other than the allegation(s) identified in the original complaint.
  6. INCOMPLETE INVESTIGATION - Complainant failed to cooperate with the investigation and there is not enough evidence available to draw a fair conclusion and apply a finding. Recommended actions may include, but are not limited to:
    - a. Changes in policy or procedure.
    - b. Remedial training.
    - c. Disciplinary action.
- F. The investigating supervisor shall forward the written summary, along with his recommended findings and actions, to the IAO, if not the Chief of Police.
- G. After review, the IAO shall forward the investigation, including documentation, together with the statement of findings and recommendations for action, to the Chief of Police.
- H. The Chief of Police shall review the investigation and statement of findings and recommendations and make a final determination for each allegation in the case. The Chief shall then serve, or cause to be served, notice of their determination upon the following parties:
  1. Complainant. The degree of specificity of the complainant's notice shall be left to the discretion of the Chief of Police. Notifications to the complainant need not be in writing.
  2. Subject member, in writing.
- I. When a complaint is sustained, or a determination of misconduct not based upon complaint is made, the Chief of Police shall cause a copy of the determination to be made and placed in the subject member's personnel file which details:
  1. Date of incident/report, member's name, case number.
  2. Nature of complaint.
  3. Adjudication.
  4. Disposition.
  5. Name of investigating officer.
- J. When disciplinary action against a subject member is the result of a sustained finding, a copy of the disciplinary action shall be forwarded to the IAO for inclusion in the internal affairs case file.

**VIII. INTERNAL AFFAIRS RECORDS:**

- A. The Chief of Police shall maintain a record of all complaints received and investigated by the police department and shall be responsible for maintaining the confidentiality and integrity of case files.
- B. Internal affairs records shall be maintained in a secure location, independent of personnel files, and the central records system.
- C. Access to internal affairs files shall be limited to:
  - 1. Internal Affairs Officer.
  - 2. Chief of Police.
  - 3. Affected member (closed files, with need to know and permission of the Chief of Police).
- D. Internal affairs records shall be maintained in accordance with the records retention and disposition schedule established by the Retention and Disposition Schedule for New York Local Government Records.

**IX. REPORTING REQUIREMENTS**

- A. Effective April 19, 2021, the Village of North Syracuse Police Department will comply with all reporting requirements set forth in the Professional Policing Act of 2021, pursuant to NYS Executive Law 75(5) and 9 NYCRR Part 6056.
- B. NYS Executive Law 75(5): Reporting to the NYS Attorney General Law Enforcement Misconduct Investigative Office any applicable misconduct situations as required:
  - 1. “Responsibilities of covered agencies, officers and employees.
    - a. Every officer or employee in a covered agency shall report promptly to the law enforcement misconduct investigative office any information concerning corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse by another officer or employee relating to his or her office or employment, or by a person having business dealings with a covered agency relating to those dealings. The knowing failure of any officer or employee to so report shall be cause for removal from office or employment or other appropriate penalty. Any officer or employee who acts pursuant to this subdivision by reporting to the law enforcement misconduct investigative office shall not be subject to dismissal, discipline or other adverse personnel action.
    - b. Upon receiving at least five complaints from five or more individuals relating to at least five separate incidents involving a certain officer or employee within two years, the head of any covered agency shall refer such complaints to the law enforcement misconduct investigative office for review. The law enforcement misconduct investigative office shall investigate such complaints to determine whether the subject officer or employee has engaged in a pattern or practice of misconduct, use of excessive force, or acts of dishonesty. The referral and investigation pursuant to this subdivision shall be in addition to and shall not supersede any civil, criminal, administrative or other action or proceeding relating to such complaints or the subject officer or employee.
    - c. The head of any covered agency shall advise the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly and the division of criminal justice services within ninety days of the issuance of a report by the law enforcement misconduct investigative office as to the remedial action that the agency has taken in response to any recommendation for such action contained in such report.”
  - 2. 9 NYCRR Part 6056: When applicable the Village of North Syracuse Police Department will **submit forms and/or information pertaining to the Central State Registry of Police Officers and Peace Officers pursuant to §6056.4 subdivisions (a), (b), (c) and (d) and §6056.5.**