

ULSTER POLICE DEPARTMENT
GENERAL OPERATIONS MANUAL

Personnel Complaints
Internal Affairs

Sec. 600.70

Date Issued: 03/01/01
Date Reviewed 04/21/22

Date Revised: 04/21/22 Date Effective: 05/16/13

I. PERSONNEL COMPLAINTS – INTERNAL AFFAIRS

1. Initial Complaint
 - A. All citizen complaints against members must be referred first to the shift Sergeant, if not available then the Lieutenant, if not available the Chief of Police.
 - B. All complainants will be notified that the matter is being handled administratively and the Lieutenant or Chief of Police will be in contact.
2. Sergeants
 - A. The Sergeant receiving any civilian complaints will, when necessary, provide the complainant with a Personnel Complaint Form.
 - B. The Sergeant will obtain memos from each member involved or witnesses regarding the reported incident.
 - C. As soon as possible the Sergeant will notify the Lieutenant or Chief, either by phone or in person of the complaint and the actions being taken.
 - C. The Sergeant will submit all complaints and memos related to the civilian complainant.

II. GENERAL PROCEDURES

1. The shift sergeant will accept the complaint.
2. A Personnel Complaint form shall be completed. Said form is located on the Department's online UPD forms.

3. After being completed, said form shall be forwarded to the Lieutenant along with the officer's account, reports from all officers involved, for further action.
4. If the complainant refuses to give the complaint to the shift supervisor, then the complainant shall be advised to contact the Lieutenant or Chief during business hours.
5. All complaints, investigations and interviews are to be strictly confidential throughout the entire process.
6. The depth of the investigation will depend on the factual information received.
7. The Chief shall refer investigations alleging criminal conduct to the New York State Attorney General Law Enforcement Misconduct Investigative Office.
8. Where liability is an issue, the Chief shall notify the Town Board.

III. INVESTIGATION

1. All complaints against Police Department Personnel (whether originating from a citizen, a fellow officer, a supervisory officer or another agency) will be promptly investigated. Complaints will be handled either by the Lieutenant or Chief of Police.
2. After the investigation is completed, the Lieutenant will submit all documents to the Chief for review.
3. If an investigation requires a long period of time to complete, the Lieutenant or Chief will periodically keep the complainant informed that the matter is still under investigation. No information concerning the progress, guilt or innocence of the member will be communicated to the complainant at that time.
4. At the conclusion of an investigation, the Chief and Lieutenant will determine if there is a need for reinforced or further training. If such determined, arrangements will be made to provide such training.
5. All closed investigations will be maintained in the Internal Affairs file. The Chief will notify the Town Board of one of three acceptable dispositions of the case: exonerated, unsubstantiated, or substantiated.

6. Substantiated cases will be reviewed by the Chief for the appropriate disciplinary action and the procedures set forth in section 700.00 and 700.10 of the Department's General Operations Manual will be followed.

IV. ADJUDICATION/DISPOSITION PROCEDURE

1. The Chief and or Lieutenant will notify the complainant and member of his receipt of the complaint.
2. Final disposition of any civilian complaint against a member of this Department rests with the Chief of Police and will be communicated to the complainant and to the member involved. All disciplinary procedures will be followed in accordance with section 700.00 and 700.10 of the Department's Rules and Regulations.
3. The Town Board shall be informed of complaints in accordance with the Department's Rules and Regulations.
4. All adjudication shall be completed in accordance with section 700.00 and 700.10 of the Department's Rules and Regulations.
5. The authority to undertake the commencement and or continued prosecution of any disciplinary proceeding or other action to terminate employment of a Commissioned Officer is reserved to the Town Board upon recommendation of the Chief of Police.
6. The Chief of Police or his designee is charged with the responsibility of this Internal Affairs function.
7. Complaints from supervisory personnel on a subordinate's attitude, tardiness, level of performance or other matters may be handled by the existing Command Discipline Procedures in accordance with section 700.10 of the Department's Rules and Regulations.
8. Citizens who wish to file complaints against officers will be informed of the manner in which this may be done. No officer will harass, verbally abuse or threaten any citizen who files a complaint against that officer or another officer.
9. Any substantiated complaints of a criminal nature or complaints meeting the requirements of Executive Law §75, shall be referred to the New York State Attorney General Law Enforcement Misconduct Office by the Chief of Police. Additionally, the Chief shall submit or cause to be submitted, the requisite forms and/or information pertaining to the Central State Registry of Police Officers and Peace Officers pursuant to section §6056.4 subdivisions (a), (b), (c) and (d) and §6056.5.

INTERNAL AFFAIRS – INVESTIGATIVE FILES

All files are to be kept in a locked file cabinet. No member of the department, REGARDLESS OF RANK OR ASSIGNMENT, is permitted to review any file maintained by the Internal Affairs unit without the approval of the Chief of Police. Internal affairs records will be kept in accordance with legal requirements (NYS educational guidelines).