



**TOWN OF SENECA FALLS POLICE
DEPARTMENT**

GENERAL ORDER



GENERAL ORDER #: 310	RESCINDS: 07/01/13, 08/08/18
SUBJECT: Internal Affairs Function and Investigations	NYS ACCREDITATION: 25.1
EFFECTIVE DATE: 06/25/2019	
BY ORDER OF: Stuart W. Peenstra, Chief of Police	

I. PURPOSE

To establish procedures that ensures the integrity of the Seneca Falls Police Department and its employees. This shall be accomplished by the proper documentation, investigation, and adjudication of alleged or suspected misconduct by employees of the Seneca Falls Police Department.

II. DEFINITIONS

A. Misconduct--any violation of Seneca Falls Police Department administrative procedure, rule, order, etc. It also includes any violation of the law.

B. 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.

C. SUBJECT MEMBER - A member of the department who is the subject of a complaint.

D. Improper Act or Omission--includes but is not limited to the following:

1. Abuse of authority.
2. Discourteous or abusive behavior.
3. Conduct, although not criminal, which is a deviation from acceptable behavior.

E. Unlawful Act or Omission--includes but is not limited to the following:

1. Conduct that would be criminal on its face.
2. Unnecessary or excessive use of force.

III. POLICY

A. The Chief of Police has overall responsibility for the internal affairs function. The investigation of such matters may be delegated as necessary.

B. The person conducting an internal investigation has the authority to report directly to the Chief of Police.

IV. PROCEDURES

- A.** Any person wishing to make a complaint against a member of the Seneca Falls Police Department, a Seneca Falls Police Department policy or procedure, or any aspect of the Seneca Falls Police Department's operation, will be allowed to make such complaint to an on duty supervisor.
- B.** The supervisor taking the complaint will obtain a CR number for a confidential investigation and document the complaint on the appropriate form (Service/Personnel) regardless of how such complaint is received.
1. If the complaint is received "in person," the complainant will be encouraged to complete the appropriate form and sign same. A signature is not required in order to make a complaint. If the complainant is reluctant or refuses to do so, the supervisor will complete the form.
 2. If a complaint is received by telephone, the complainant will be encouraged to respond to the Seneca Falls Police Department to complete the appropriate form. If the complainant is reluctant or refuses to do so, the supervisor will complete the form.
 3. If the complainant remains anonymous the supervisor will take the complaint and complete the required form.
 4. The supervisor will assist the complainant in filling out this form if needed.
 5. If the complainant refuses to give the complaint to the on duty supervisor, said person will be referred to the Lieutenant. (08/08/2018)
 6. If the complaint is received via letter or email, the Chief of Police or his designee will attempt to contact the complainant by phone or mail to advise them that the matter is being handled administratively. If the Chief or his designee are unable to make contact with the complainant, the letter or email will be filed in the Chiefs office for any future contacts. (Revised: 06/25/2019)
- C.** If the complaint or situation calls for immediate evidence gathering, the supervisor receiving the complaint will gather such evidence as deemed necessary. This process will include but is not limited to the following kinds of information:
1. The officer(s) or procedure complained about.
 2. Observation of the complainant (physical, emotional, etc.).
 3. Photographs of alleged injuries, damage, etc.
 4. Circumstances (arrest, ticket issued, third party).
- D.** The complainant will be advised that the matter will be investigated and handled administratively.

- E. Complaints received will be kept in strict confidence. Only departmental personnel with a "need to know" will be made aware of such complaint and/or investigation.
- F. Immediately upon completion, the original complaint form will be forwarded to the Lieutenant in a sealed envelope. He / She will determine the severity of the complaint and assign any follow-up investigation to the appropriate supervisor.
- G. If the supervisor receiving the complaint has direct supervisory authority over the officer or situation, that supervisor may conduct the preliminary investigation before forwarding it to the Lieutenant. If this occurs, the supervisor will verbally advise the Lieutenant on the nature of the complaint. (08/08/2018)
- H. The supervisor conducting the preliminary investigation will do so as soon as possible but no later than fifteen (15) days after receipt of the complaint.
- I. An inter-departmental correspondence, directed to the Chief of Police, will be used to document all investigative efforts.

V. COMPLAINTS REFERRED FOR FOLLOW-UP INVESTIGATION

- A. Complaints against personnel of a lesser degree (i.e. officer rudeness, insubordination, violation of policy, etc.) can be handled by first-line supervisors and will be referred to them for follow-up and resolution. Once resolved, these reports will be forwarded to the Lieutenant for review. The Lieutenant will then forward all paperwork for final review and file maintenance. (08/08/2018)
- B. More serious complaints (i.e. Corruption, brutality, death or serious injury, criminal misconduct and breach of civil rights) would require a more extensive and detailed follow-up investigation. These matters will be referred to the Chief of Police for investigation by the Lieutenant. (08/08/2018)
- C. **The Chief of Police will:**
 - 1. Assign personnel to assist with the investigation as needed.
 - 2. Maintain a close liaison with the Seneca County District Attorney's office in investigations alleging criminal conduct.
 - 3. Maintain a close liaison with any attorney representing the Seneca Falls Police Department where liability is an issue.

- D. No information concerning the progress, guilt or innocence of Seneca Falls Police Department personnel will be communicated to the complainant during the investigation.
- E. During any investigation, all provisions of the collective bargaining agreement between the Town of Seneca Falls and the P.B.A. will be complied with.

VI. DISPOSITION

- A. Upon completion of an investigation, the Chief of Police shall recommend one of the following four acceptable dispositions:
 - 1. **DISMISSED** – The Complainant did not follow up on returning department phone calls.
 - 2. **UNFOUNDED** - The act complained about apparently did not occur.
 - 3. **EXONERATED** - Personnel's conduct was justified, lawful and proper.
 - 4. **NOT-SUSTAINED** - There is insufficient evidence to clearly prove or disprove the allegation.
 - 5. **PARTIALLY SUSTAINED** – A portion of the complaint did occur, and was dealt with accordingly.
 - 6. **SUSTAINED** - The act complained of did occur and amounts to misconduct or misjudgment.
- B. At the completion of the investigation, the Chief or his designee will notify the following people regarding the results of the investigation.
 - 1. The complainant.
 - 2. The supervisor(s) involved.
 - 3. The officer(s) involved.
- C. At the conclusion of an investigation, the Chief will determine if a need for reinforced or further training is warranted. If so, he will advise the Seneca Falls Police Department training officer to coordinate appropriate training as needed.

VII. INTERNAL AFFAIRS FILES

- A.** All closed cases will be maintained by the Chief of Police.

- B.** All open case files are to be kept by the Lieutenant in a locked file cabinet. No member of the Seneca Falls Police Department, regardless of rank or assignment, is permitted to review these files without approval of the Chief.

- C.** Internal affairs records will be kept in accordance with legal requirements (NYS Education Guidelines).