



TOWN OF MACEDON POLICE DEPARTMENT

General Order: 305	Effective Date: December 1, 2021
Subject: Professional Standards/Internal Affairs	
Reference Standards: 14.4, 21.1, 21.2, 25.1	
Rescinds: GO 305 dated April 10, 2021	
Page 1 of 7	Attachments: 1- Report of a Complaint Against Police Department Personnel

I. Professional standards/ Internal Affairs function

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

II. Definitions

- A. Departmental Investigation is any internal investigation regarding the actions of an employee who:
 1. Allegedly violated a departmental administrative procedure, rule, order, written or verbal directive
 2. Allegedly used abusive or discourteous behavior
 3. Allegedly was unprofessional in demeanor or action
 4. Used any level of force which resulted in death or serious physical injury to another person
 5. Discharged a firearm other than for target practice, training, or the lawful destruction of an animal

6. Discharged a firearm and caused property damage
 7. Used deadly physical force
 8. Any situation the Chief of Police or his/her designee deems appropriate for investigation
- B. Personnel Complaint is any allegation regarding improper, inappropriate or unlawful conduct by an employee that includes but is not limited to:
1. Abuse of authority
 2. Conduct which is criminal on its face
 3. Inappropriate, unnecessary, unauthorized, excessive or illegal use of force
 4. Any situation as deemed appropriate for investigation by the Chief of Police or his/her designee

III. Receiving complaints

- A. Any person wishing to make a complaint against a member of the department, a departmental policy or procedure, or any aspect of the department's operation, will be allowed to make such complaint to an on-duty supervisor or on duty officer if no supervisor is on duty.
- B. The supervisor or officer taking a complaint will title the incident as a departmental investigation or a personnel complaint. The complaint form and any associated CR#s, and/or event information attributed to the complaint must be forwarded to the Chief of Police or his/her designee.
- C. The complainant's allegation will be reduced to writing on a "Report of A Complaint Against Police Department 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 or officer will complete the form and submit the complaint unsigned noting the complainant's refusal to sign.
 2. If the complaint is received over the telephone or by mail, the complainant will be

- encouraged to respond to the department to make the complaint to an on duty supervisor or officer if no supervisor is on duty and to fill out the appropriate form. If the complainant is reluctant or refuses to do so, the supervisor or officer will complete the form.
3. If the complainant remains anonymous, the supervisor or officer will take the complaint and complete the required form. Any and all information to identify the complainant will be documented on the complaint form for any subsequent contacts and follow-ups.
 4. The supervisor or officer will assist the complainant in filling out this form if needed.
- D. When no supervisor is on duty, the on-duty officer receiving the complaint will:
1. Contact the Chief of Police or his/her designee and inform him/her that the complaint was received and the nature of the complaint prior to the complainant leaving the Macedon Police Department.
 2. The officer performing the complaint intake will provide the complainant with a complaint form and allow them to complete it. Once completed, the complainant will seal the complaint form in an envelope provided and the officer will forward the envelope to the Chief of Police.
 3. At no time will any officer in-taking a complaint engage in any investigative activity related to the complaint unless directed to by the Chief of Police.
- E. 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(s) issued, third party)
- F. The supervisor or officer will notify the complainant that the matter is being handled administratively and will be forwarded to the Chief of Police or his/her designee for further action.

IV. Relief from duty

- A. Officer is off duty at the time of the complaint

1. When a complaint is submitted to the department and the complaint is of such a nature that it may interfere with an officer's ability to effectively discharge his/her duties and/or the complaint is of such a heinous and/or criminal nature, the supervisor or officer receiving the complaint will:

- a) Immediately notify the Chief of Police or his/her designee.
- b) The Chief of Police will make the determination as to whether or not to relieve the officer from his/her duties.

B. Officer is on duty at the time of the complaint

1. When a complaint is submitted to the department and the complaint is of such a nature that it may interfere with an officer's ability to effectively discharge his/her duties and/or the complaint is of such a heinous and/or criminal nature the supervisor or officer receiving the complaint will:

- a) Follow the steps outlined in Section IV-A of this order.
- b) At the direction of the Chief of Police or his/her designee, the supervisor on duty will submit an Intra-Departmental Memorandum outlining his/her reasons for relieving the officer of his/her duties and submit this memorandum with the complaint package.
- c) If no supervisor is on duty the Chief of Police, or his/her designee will respond and relieve the officer of his/her duties and document the decision on an Intra-Departmental Memorandum

V. Routing

- A.** Complaint forms regarding personnel complaints will be referred directly to the Chief of Police or his/her designee in a sealed envelope by the next business day.

1. Upon receipt of a personnel complaint, the Chief of Police will generate an internal affairs case number, prefixed by the year of occurrence (e.g. 2019 would be IA# 19-001).

- B.** Personnel Complaints will be kept in strict confidence between the referring supervisor and the Chief of Police and his/her designee.

1. Only authorized department personnel will be made aware of such complaints,

investigations, etc.

C. Departmental Investigations will be routed in the following manner:

<u>Complaint against</u>	<u>Routed to</u>
1. Officer	Road Patrol or Administrative Sergeant
2. Sergeant	Chief of Police or his/her designee
3. Civilian Employee	Chief of Police or his/her designee
4. Chief of Police	Town Supervisor

D. Departmental Investigation complaint forms will be signed by the receiving supervisor or officer, and forwarded to the Chief of Police or his/her designee in a sealed envelope.

E. Upon receipt of a departmental investigation, and after generating an internal affairs case number the Chief of Police will conduct an investigation into the allegations or assign the investigation to the appropriate supervisor.

VI. Complaints referred for follow-up investigation

A. Upon receipt of a Personnel Complaint, the Chief of Police or his/her designee will:

1. Assign personnel to assist with the investigation as needed
2. Maintain a close liaison with the Wayne County District Attorney's Office during investigations alleging criminal conduct
3. Maintain a close liaison with the attorneys representing the department where liability is an issue

VII. Department personnel considerations

- A. No information concerning the progress of the investigation, the identity of the officer involved (unless already known by the complainant), or the responsibility or innocence of department personnel will be communicated to the complainant during the investigation.
- B. All investigations will be conducted in full compliance with applicable language found in the Contract between the Town of Macedon and the Macedon Police Association, Inc. and Council 82.

VIII. Disposition

- A. Upon a thorough and complete investigation the complaint will be disposed of under one of following six (6) dispositional references:
 - 1. Unfounded: The alleged act apparently did not occur.
 - 2. Exonerated: Employee's conduct was justified, lawful and proper.
 - 3. Not Sustained: There is insufficient evidence to clearly prove or disprove the alleged conduct.
 - 4. Sustained: The alleged complaint did occur and amounts to a misconduct or a misjudgment in behavior.
 - 5. Policy Failure: Department policy or procedure was outdated or incorrect.
 - 6. No Finding: The investigation could not be thoroughly or properly investigated to conclusion. This may be due to a lack of cooperation by the complainant, other witnesses, or other factors that make completion with a finding not possible.
- B. At the completion of the investigation, the Chief of Police or supervisor conducting the investigation will prepare a complete report of the investigation to include a disposition recommendation. The supervisor will forward the completed report to the Chief of Police or his/her designee.
- C. The Chief of Police or his/her designee will review the report of the investigation and notify the following people regarding the outcome of the investigation:
 - 1. The complainant
 - 2. The referring supervisor involved
 - 3. The officer(s) involved
- D. Any disciplinary issues will be handled through the Office of the Chief of Police under the guidelines of the Contract between the Macedon Police Association Inc. and Council 82, and the NYS Public Employee Relations Board.
- E. At the conclusion of the investigation, the supervisor conducting the investigation, or the Chief of Police, will determine if reinforced or additional training is warranted.
 - 1. If this is indicated, the Chief of Police, or his/her designee, will advise the department Training Officer. Appropriate training will be provided and documented.
 - 2. If necessary, the Training Officer will have access to the referenced internal affairs file.

IX. Internal Affairs files

- A. All closed cases will be maintained by the Chief of Police or his/her designee.

- B. All files will be kept in a locked file cabinet. No member of the department, regardless of rank or assignment, is permitted to review these files without the approval of the Chief of Police or his/her designee.
- C. Internal affairs records will be kept in accordance with the legal requirements as set forth under the Commissioner of the State Department of Education, Schedule MU-1 (9 NYCRR Section 185.11).

X. Mandated Reporting

- A. The Chief of Police or his/her designee will file the necessary reports with the Law Enforcement Misconduct Investigative Office (LEMIO) within the Office of the Attorney General in accordance with Executive Law § 75.

By Order of the Chief of Police

John P. Colella

John P. Colella (Nov 26, 2021 08:24 EST)

John P. Colella
Chief of Police

Dated this 26th day of November, 2021