



**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF LAW ENFORCEMENT**

Number	Policy Name	RIPAC Standard	Pages
130.03	Internal Complaint Investigations	5.5, 5.6, 5.7, 5.8, 5.9	4
Subject Area		Reference	Distribution
Administration		DLE	All Members
Effective Date	Issuing Date	Previously Issued	Revaluation
8/31/20	08/31/20	8/31/20	As Needed

I. PURPOSE

The goal of the Rhode Island Department of Environmental Management Division of Law Enforcement policy on internal complaint investigations is to ensure that the integrity and professionalism of the agency’s operations and personnel through an internal system where objectivity, fairness and justice are assured by intensive and impartial investigation and review.

II. POLICY

It is the policy of the Rhode Island Department of Environmental Management Division of Law Enforcement to investigate all complaints of alleged employee misconduct to equitably determine whether the allegations are valid or invalid and to take appropriate action.

III. PROCEDURE

A. Complaint Investigations

The integrity of Rhode Island Department of Environmental Management Division of Law Enforcement depends on the personal integrity and discipline of each employee. To a large degree, public image is determined by the quality and professionalism of the Division’s response to allegations of misconduct and malfeasance by our own members. A complaint of any violation by a sworn officer of rules, regulations, or policies of the Division of Enforcement of the Department of Environmental Management, an Executive Order, or officer misconduct shall be forwarded to the Chief of the Division of Law Enforcement through the chain of command.

1. The Chief and Deputy Chief of the Division of Law Enforcement will have primary supervisory responsibility for the review, investigation, and management of all complaints against employees, whether initiated by a citizen or the department. The Deputy Chief is responsible for the internal affairs function and will report directly to the Chief.

2. While investigating a complaint of misconduct, the Chief or Deputy Chief may delegate a supervisor to assist in the investigation and he/she will report directly to the Chief or Deputy Chief who will direct the investigation.
3. The Chief will be notified, in a timely manner, of all complaints against the agency or its employees. Serious allegations of criminal conduct such as brutality, corruption, death or serious injury, criminal misconduct and breach of civil rights will be brought to the immediate attention of the Chief and may be referred to a Captain. Manner of notification will include emails, interoffice memorandum, telephone calls, and/or face-to-face briefings that document the internal case number and a brief description of the allegation.
4. Upon receipt of a complaint, the Chief will make an initial determination as to whether to assume primary investigative responsibility for the case, refer the case to either the Patrol or Administrative Captain or to refer it to the appropriate supervisor.
5. Any supervisor may investigate minor rules and violations, but the investigation may be ordered terminated at any time by the Chief or Deputy Chief who will assume full investigative authority.
 - a. Allegations involving minor rules violations such as discourtesy, tardiness, poor performance etc., may be investigated by the appropriate supervisor. If cases are completed at the field level, they may be reviewed by the Chief or Deputy Chief
 - b. The Chief, Deputy Chief, or designee will investigate allegations of misconduct that could result in discharge, suspension or demotion, or criminal charges being sought.
6. The Captain's will have the following responsibilities to safeguard the confidentiality of all parties to a complaint for the internal complaints assigned to them:
 - a. Maintain a complaint log utilizing the Division Records Management System.
 - b. Maintain a central file for complaints in a secured area kept in conformity with the department's records retention schedule.

- c. Conduct a regular audit of complaints to ascertain the need for changes in training or policy
- 7. The Chief may recommend that a case be referred to the prosecutor's office for review of possible criminal charges.
- 8. In every case where a member is a suspect in a misdemeanor or felony incident, the Chief will recommend involvement of the Attorney General.
- 9. Citizen Complaints
 - a. All citizen complaints pertaining to departmental policies or procedures or that allege officer misconduct will be documented and investigated by the department. The lack of any rule or regulation should not be interpreted as lessening the requirement that personal conduct must be, at all times, within the bounds of propriety and that good judgement and discretion must be exercised in the performance of duty.
 - b. Any member of this division receiving a complaint concerning a member of this division, from a person outside the division will advise the complainant of the various ways to file a complaint with the Chief or Deputy Chief.
 - 1. The complainant may visit the agency website to complete the form provided online. The complainant may also download the form at that same website and return by mail. In addition, forms will be available at the Providence Office. A copy of the Internal complaint policy will also be made available on the agency website as well as at the Providence Office.
 - 2. Telephone, third party, or anonymous complaints will be investigated to the extent possible with factual information, fairness, and without violating employee's rights.
 - c. Any member of the division receiving a complaint shall notify the Chief in writing of the name of the complainant, the general nature of the complaint and the date and time the complaint was received.

- d. In the event of a minor complaint, the Divisional Officer-in-Charge has the discretion to take measures to resolve the matter, which may have resulted from miscommunication amongst the parties.
 - e. Upon receipt of a citizen complaint, the Chief or Deputy Chief or their designee will contact the complainant and advise him/her that the matter is under investigation, and that the complainant will receive periodic status reports and written notice of the final disposition of the case.
10. All alleged offenses will be investigated and resolved in accordance with established division procedures.
- a. Investigations of complaints will be conducted in accordance with the Law Enforcement Officers' Bill of Rights. In most instances, investigations will be completed within 90 days or as soon as possible. The Chief must be advised and approve of circumstances requiring an extension of time. Extensions of time will be in reasonable increments.
 - b. Complainants may meet and discuss the conclusions of the completed investigations.
 - c. If the complainant is not satisfied with the result of the investigation, they may seek remedies through other appropriate investigative agencies.

By Order of:



F. Dean Hoxsie
Chief
Division of Law Enforcement

08-31-2020

Date