
Personnel Investigations and Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Suffolk County Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact with a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Suffolk County Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local laws, county rules and the requirements of any collective bargaining agreements.

It is also the policy of the Department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of Department policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

When an officer responds to a call or is handling an incident involving possible criminality by a member of the Department, such officer shall immediately notify a supervisor, who shall then ensure that an immediate notification is effected to Internal Affairs Bureau (either directly or through the Communications Section).

Any supervisor conducting intake of a civilian complaint involving possible criminality by a member of the Department shall effect an immediate notification to IAB (either directly or through the Communications Section).

1010.3.1 POLICY/PROCEDURAL COMPLAINTS

Policy/procedural complaints are those complaints lodged that allege an inadequate or improper Department policy or procedure. Policy/procedural complaints do not allege misconduct on the part of a member of the Department.

See procedure for further guidance: [POLICY AND PROCEDURAL COMPLAINTS](#)

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

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- (b) Any Department member becoming aware of alleged misconduct shall immediately notify a supervisor or the Internal Affairs Bureau. Members may make such complaints anonymously through the confidential hotline (631-852-6378) provided by the Department.
- (c) Supervisors shall initiate a complaint based upon receipt from any source alleging misconduct.
- (d) Supervisors may initiate a complaint as appropriate upon observed misconduct.
- (e) Anonymous and third-party complaints shall be accepted and investigated to the extent practicable.
- (f) Upon receipt of a Notice of Claim and/or a summons and complaint. See procedure for further guidance: RESPONSIBILITIES REGARDING NOTICE OF CLAIM OR SUMMONS AND COMPLAINT
- (g) Suffolk County Human Rights Commission and other external agency referrals.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 ACCEPTANCE

Any person wishing to make a personnel or policy/procedure complaint shall be promptly referred to a supervisor. Complaints may be filed in writing, by email or orally, either in person or by telephone. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit an online complaint form via the Blue Team program as appropriate. If the Blue Team program is not available, the Civilian Complaint Report (PDCS-1300) will be completed and the information will be added to the Blue Team program when the program becomes available. A copy of either a printed online Civilian Complaint Report or the manually completed Civilian Complaint Report (PDCS-1300) shall be given to the complainant upon initial completion. When the online report is utilized, the complainant shall also be given the "Record ID#". This number is automatically generated when the civilian complaint is entered online and the complainants can utilize the number to identify their complaint. The "Record ID#" is indicated on the Citizen Complaint Summary. Copies should also be forwarded to the Commanding Officer of the reporting command.

Once a supervisor has been notified that a person wishes to report employee misconduct, the supervisor will make every effort to assist the person. This shall include recording the allegation where the person is physically located, unless doing so would jeopardize officer safety, interfere with a criminal investigation, or interfere with other police activity to an unacceptable degree. If it cannot be immediately determined that a member of the Department was involved in the alleged misconduct, but the person describes circumstances that would warrant the reception of a complaint, the supervisor shall receive the complaint.

NOTE: A supervisor who was physically at an incident location or involved in an incident which forms the basis of a civilian complaint is prohibited from being the recording supervisor of such civilian complaint

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1010.4.2 COMPLAINT/COMPLIMENT FORMS

Compliment Complaint Information Report (PDCS-1300-1) forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the Department website. Forms may also be available at other county facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.4.3 ALLEGATIONS OF MISCONDUCT BY EMPLOYEES OF OTHER AGENCIES

If a person alleges employee misconduct by a law enforcement officer or civilian employee of another law enforcement or government agency, members of the Department shall immediately notify a supervisor. When a supervisor is advised that a person alleges employee misconduct by a member of another law enforcement agency, that supervisor shall immediately contact the Internal Affairs Bureau, who will be responsible for notifying the concerned agency. Such notifications to the Internal Affairs Bureau will normally be made by telephone. During those hours when the Internal Affairs Bureau is not staffed, notifications shall be made via Internal Correspondence (PDCS-2042), sent by facsimile.

If there is an allegation of serious misconduct or a threat to any person, the supervisor shall also immediately notify the concerned agency and the Commanding Officer of the Internal Affairs Bureau or his/her designee. The Communications Section supervisor can assist with obtaining contact information.

1010.5 DOCUMENTATION

Supervisors shall ensure that all complaints are documented as described in the Acceptance section of this policy. The supervisor shall ensure that all pertinent information is documented.

A Supervisor's Complaint Report (PDCS-2213) shall be completed when the complaint originates from a supervisor who observes or has knowledge of the circumstances.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

The Internal Affairs Bureau (IAB) will be notified of all allegations of employee misconduct, either automatically through the online civilian complaint reporting system, or by the reporting member forwarding the manually completed Civilian Complaint Report (PDCS-1300), or by the citizen-completed Compliment Complaint Information Report (PDCS-1300-1), or by any other report, as soon as possible via email or facsimile (with follow-up notification by telephone to ensure receipt).. Thereafter, the normally required form distribution process shall be followed.

In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, or whenever a member of the Department may have engaged in conduct of a serious or sensitive nature, such as drug use, bribery, or excessive force resulting in significant injury, that supervisor shall immediately

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notify the Commanding Officer and the Internal Affairs Bureau, and prepare any reports deemed necessary.

All allegations of officer misconduct relating to illegal profiling, bias-based policing or discriminatory policing, regardless of the manner in which reported, shall be forwarded to Internal Affairs Bureau as soon as practicable, but no later than 48 hours from receipt. The Commanding Officer of Internal Affairs Bureau, or designee, shall verify that this deadline is met by comparing the "report date" with the date of receipt in IAB.

Depending on the circumstances and nature of the conduct alleged, the Internal Affairs Bureau may either assume direct responsibility for the investigation or refer the complaint to the appropriate division for follow-up investigation. The division chief or designee shall assign the investigation to the appropriate command.

If the Commanding Officer to which a case has been assigned believes the investigation should be conducted by another command, that recommendation should be noted in a report to the appropriate division chief. If the division chief concurs with the recommendation, the Commanding Officer will notify the complainant advising of such action, giving the name, business phone number, and command of the person who has been assigned to investigate the complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any complaint, an online complaint form is completed via the Blue Team program, or a Supervisor's Complaint Report (PDCS-2213) is completed as applicable.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Ensuring that the Acknowledgement of Complaint (PDCS-1300-3) is immediately mailed to the complainant.
- (d) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
- (e) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

1010.6.2 INTERNAL AFFAIRS BUREAU RESPONSIBILITIES

Responsibilities of the Internal Affairs Bureau include the following:

- (a) Conducting investigations regarding allegations of misconduct concerning members of the Department, whether conveyed directly to the Department or referred to the Department by an outside agency
- (b) Conducting investigations regarding complaints concerning Department policies and/ or procedures.
- (c) Conducting investigations as directed by the Police Commissioner.

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- (d) Notify the Police Commissioner and appropriate division chiefs of the outcome of all civilian complaints or investigations conducted within the command. All completed cases involving allegations of biased/discriminatory policing and/or illegal profiling shall be forwarded to the Police Commissioner immediately upon completion for review.
- (e) On a semi-annual basis, forward a report to the Department Title VI. Designee (as defined in the Discrimination, Harassment and Workplace Violence Policy) which summarizes the year-to-date intake and disposition of civilian complaints alleging biased-based, discriminatory policing, illegal profiling and/or ADA requests for accommodation.
- (f) Immediately contact the Police Commissioner or designee of alleged misconduct requiring timely notifications.
- (g) Retain written records of disciplinary actions of Department members. Records shall be kept on file in perpetuity unless otherwise ordered by the Police Commissioner.
- (h) Review, for approval, all completed Command Discipline Reports (PDCS-2214) forwarded from the divisions.
- (i) Maintain records of civilian complaint and investigations and report statistics as directed by the Police Commissioner.
- (j) Conduct routine audits to ensure Departmental compliance with the intake process for civilian complaints.

1010.6.3 PERSONNEL COMPLAINT INVESTIGATIONS

Upon commencing an investigation, the Internal Affairs Bureau shall send a letter on Department letterhead to the complainant, thanking them for bringing this matter to the Department's attention and including the following:

- (a) Internal Affairs Case Number
- (b) Name of the investigator
- (c) Contact information for the investigator
- (d) Notification that the complaint will be thoroughly and impartially investigated
- (e) A request that the complainant contact the investigator with any additional witnesses, documentation or information regarding the allegation

Contact with the complainant shall be in their primary language in accordance with the Department's Limited English Proficiency Policy.

All relevant evidentiary information will be obtained and reviewed, including Departmental records, complainant and witness statements and any other evidence necessary to formulate a conclusion. The responsibilities of the Internal Affairs Bureau also include, but are not limited to:

- (a) Ensuring that the procedural rights of the accused member are followed.
- (b) Ensuring interviews of the complainant are generally conducted during reasonable hours.

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- (c) Ensuring that at the conclusion of the investigation, all relevant parties, including the complainant, are notified of the disposition. However, notification to the complainant shall not be made if there is pending litigation or a Notice of Claim has been received.

Administrative investigations will be conducted in compliance with applicable terms of the current collective bargaining agreement and relevant memoranda of agreement of the following bargaining units:

- (a) The Police Benevolent Association
- (b) The Suffolk Detectives Association
- (c) The Suffolk County Superior Officers' Association
- (d) The Association of Municipal Employees

Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

- (a) Investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications). See the Criminal Investigation section of this policy for additional information.
- (b) Prior to commencing the interview, an employee should be given an order to answer questions in an administrative investigation and be given a Garrity advisement, which shall state that:
 - 1. The employee is being ordered to fully and truthfully answer all questions relating to the performance of official duties and matters relevant to continuing fitness for service.
 - 2. As a matter of law, no truthful answers given, nor any information gained by reason of such answers, may be used against the employee in any criminal proceeding.
 - 3. Disciplinary action, including dismissal, may be undertaken against the employee if he/she fails to answer, or fails to answer fully and truthfully.
- (c) No employee may be compelled to submit to a psychological stress evaluator examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Labor Law § 735).
- (d) The administration of polygraph examinations shall be in accordance with the current collective bargaining agreement.

Members may be ordered to submit to certain objective methods of action when such means are necessary and directly related to Internal Affairs Bureau investigations:

- (a) Drug Testing - For reasonable suspicion, and a supervisor can articulate a reason to drug test the member. Results shall be used for administrative purposes only.
- (b) Photographs of members are routinely utilized as necessary.

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- (c) A member may be required to participate in a physical line-up.
- (d) A member may be required to furnish a financial disclosure statement providing it is narrowly focused and directly related to an investigation.

1010.6.4 DISPOSITIONS

Each categorization of misconduct shall be classified with one of the following dispositions:

Substantiated - The facts clearly support the allegations.

Unsubstantiated - Allegation cannot be resolved by investigation because sufficient evidence is not available to conclusively prove or disprove the conduct alleged.

Exonerated - The alleged act did occur but was legal, proper and necessary. The following are examples of Exonerated:

- (a) Allegations of false arrest wherein a legal, proper and necessary arrest did occur.
- (b) Allegations of excessive force wherein legal, proper and necessary force was used.
- (c) Allegations of an improper verbal exchange (rudeness, cursing, etc.), wherein a proper verbal exchange did occur, consistent with Department guidelines, but the alleged misconduct did not.

Unfounded - The alleged act did not occur and the complaint is false. Any information that could lead one to believe that the act took place would require a conclusion other than Unfounded. The following are examples of Unfounded:

- (a) Allegation of false arrest wherein no arrest occurred.
- (b) Allegation of excessive force wherein no force was used.
- (c) Allegation of an improper verbal exchange (rudeness, cursing etc.) and there was no contact between the complainant and the alleged officer(s) involved.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.5 COMPLETION OF INVESTIGATIONS

All investigations conducted pursuant to this policy shall be completed as expeditiously as possible, without sacrificing accuracy, thoroughness and completeness.

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 ADMINISTRATIVE SEARCHES

Lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation.

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Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.8 SUSPENSION FROM DUTY

Officers may be suspended from duty whenever, in the opinion of the Police Commissioner, such action is appropriate. In addition, such suspension is in accordance with the Civil Service Law, the Suffolk County Administrative Code, the respective collective bargaining agreement or other applicable law.

- (a) Upon suspension, an officer promptly surrenders all Departmental property, service weapon and all other revolvers and pistols possessed. Revolvers, pistols and identification cards are surrendered in accordance with the Firearms Policy and Procedure. Other Department property is invoiced to the Quartermaster and returned to the officer when relieved from suspension.
- (b) During the period of suspension, an officer does not wear any part of a Departmental uniform or carry any police equipment.

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator should be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Police Commissioner shall be notified as soon as practicable when a member is accused of criminal conduct. The Police Commissioner may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. Members may be ordered to complete required documentation pursuant to the involved matter.

The Suffolk County Police Department may release information concerning the arrest or detention of any member. A member may be suspended consequent to an arrest or criminal investigation before an administrative investigation is commenced.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded for review as prescribed by the Police Commissioner. Each level of command should review the report and approve forwarding or return it for modification. The Police Commissioner may accept or modify any classification or recommendation for disciplinary action.

1010.10.1 COMMANDING OFFICER RESPONSIBILITIES

Commanding Officers may dispose of violations of Department policy, procedure, orders or instructions by the Command Discipline Process.

See procedure for further guidance: COMMAND DISCIPLINE

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1010.10.2 POLICE COMMISSIONER RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Police Commissioner or designee shall review the recommendation and all accompanying materials. The Police Commissioner may modify any recommendation and/or may return the file to the Internal Affairs Bureau for further investigation or action.

1010.10.3 POLICE COMMISSIONER DISCIPLINE OF OFFICERS

The Police Commissioner, pursuant to Section A13-7(c) of the Suffolk County Administrative Code, may designate the Deputy Commissioner, an officer holding the rank of Captain or above, or a special hearing officer to conduct hearings on charges against any officer below the rank of Captain. The hearing officer shall report his/her findings and recommendations to the Commissioner for appropriate action.

The Police Commissioner has the power, pursuant to the Civil Service Law, the Suffolk County Administrative Code, the respective collective bargaining agreement or other applicable law, to discipline an officer by one of the following penalties, or if agreed to by the Commissioner and the officer, a combination of these penalties:

- (a) Reprimand
- (b) Fine
- (c) Suspension, with or without pay
- (d) Dismissal or removal from the service
- (e) Reduction in rank to any grade below that in which the officer is

serving Officers may be disciplined for the following reasons:

- (a) Violation of Department policy, procedures, orders or instructions
- (b) Conduct unbecoming an officer
- (c) Neglect of duty
- (d) Disobedience of orders
- (e) Cowardice
- (f) Intoxication on-duty
- (g) Intoxication in uniform
- (h) Absence without leave
- (i) Making a false official communication
- (j) Conviction of any criminal offense
- (k) Using or possessing unauthorized drugs
- (l) Refusing to submit to a chemical test
- (m) Altering results of a chemical test
- (n) Incapacity

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- (o) Immoral conduct
- (p) Conduct injurious to the public welfare
- (q) Failure to properly supervise subordinates
- (r) Any other breach of discipline

Once the Police Commissioner or designee is satisfied that no further investigation or action is required by staff, the Police Commissioner shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed charges are preferred in writing against an officer alleged to be guilty of infractions of Department policies, orders and instructions, or the case is referred to the officer's Commanding Officer for Command Discipline as appropriate (see Commanding Officer Responsibilities above for information related to Command Discipline Procedures). The accused shall be offered an opportunity to be represented by an attorney (Civil Service Law § 75).

See procedure for further guidance: CHARGES AND SPECIFICATIONS

The employee shall be given an opportunity to respond in writing to the Police Commissioner within 10 days of receiving the notice. Upon a showing of good cause by the employee, the Police Commissioner may grant a reasonable extension of time for the employee to respond.

Charges and specifications are adjudicated by Departmental hearing or arbitration in accordance with the applicable collective bargaining agreement.

1010.10.4 POLICE COMMISSIONER DISCIPLINE OF CIVILIAN MEMBERS OF THE DEPARTMENT

The Police Commissioner has the power to discipline a civilian member of the Department by one of the following penalties, or if agreed to by the Commissioner and the civilian member, a combination of these penalties:

- (a) Reprimand
- (b) Fine
- (c) Suspension, with or without pay
- (d) Dismissal
- (e) Reduction in grade and title

Civilian members of the Department are disciplined for the following reasons :

- (a) Violation of Department policy, procedure, orders or instructions
- (b) Neglect of duty
- (c) Disobedience of orders
- (d) Intoxication on-duty
- (e) Absence without leave
- (f) Making a false official communication

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- (g) Conviction of any criminal offense
- (h) Using or possessing unauthorized drugs
- (i) Refusing to submit to a chemical test
- (j) Altering results of a chemical test
- (k) Incapacity
- (l) Immoral conduct
- (m) Conduct injurious to the public welfare
- (n) Any other breach of discipline

Civilian members of the Department are disciplined in accordance with the Suffolk County Employee Disciplinary Manual and Disciplinary Manual for Supervisors , Civil Service Law §75 and the applicable collective bargaining agreement.

See procedure for further guidance: CIVILIAN DISCIPLINE

1010.10.5 NOTICE OF CHARGES

Any charges brought against an employee shall be in writing and within the time frame prescribed by law (Civil Service Law § 75).

1010.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.12 POST-DISCIPLINE APPEAL RIGHTS

An employee may have the right to appeal disciplinary action using the procedures established by Civil Service Law § 76, any collective bargaining agreement and/or personnel rules.

A petition to the Police Commissioner to reconsider his/her determination to fine, suspend, dismiss or otherwise discipline an officer will not be granted after the expiration of 30 days from the service of notice of such determination upon the officer so fined, suspended, dismissed or otherwise disciplined.

1010.13 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1010.14 LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

Members who become aware of misconduct concerning corruption, fraud, use of excessive force, criminal activity, conflicts of interest, or abuse by another member relating to their work with the Department, or by a person having business dealings with the Department relating to those dealings shall, in addition to any requirements in this policy, promptly report it to the Law

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Enforcement Misconduct Investigative Office (LEMIO) (Executive Law § 75). If a member reports such conduct to the Department, the Department shall notify LEMIO.

1010.14.1 ADDITIONAL POLICE COMMISSIONER RESPONSIBILITIES

The Police Commissioner or designee shall advise the governor, appropriate members of the legislature, and the Division of Criminal Justice Services within the required period of any remedial action taken against a member in response to the LEMIO's recommendation. The Police Commissioner or designee shall also refer complaints that meet the requirements of Executive Law § 75 to the LEMIO (Executive Law § 75).

Additionally, the Police Commissioner or the authorized designee shall timely comply with all reporting requirements to the DCJS when required by 9 NYCRR Part 6056 (e.g., reporting removal of employees, including probationary employees, for cause) (9 NYCRR 6056.4; 9 NYCRR 6056.5).

1010.15 FORMS

Forms related to this policy include:

[Acknowledgement of Complaint \(PDCS-1300-3\)](#)

[Civilian Complaint Report \(PDCS-1300f\)](#)

[Compliment-Complaint Information Report \(PDCS-1300-1\)](#)

[COMMAND DISCIPLINE REPORT \(PDCS-2214\)](#)

[Supervisors Complaint Report \(PDCS-2213\)](#)