



Massachusetts Environmental Police General Order

Effective Date: March 1, 2018	Number: ADM-005
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Subject:
Internal Affairs and Personnel Investigations

1.0 Purpose: To ensure the public’s confidence in MEP, all complaints will be administratively reviewed and investigated.

2.0 Definitions:

2.1 *Misconduct:* a violation of, or failure to comply with any departmental policies, procedures, rules and/or regulations.

2.2 *Serious misconduct:* allegations of corruption, criminal misconduct, brutality, misuse of authority, excessive use of force, breach of civil rights or a failure to comply with all laws of the United States or of any county, state or local jurisdiction in which the officer was present.

2.3 *Supervisor:* any officer with the rank of EPO D (Lieutenant), or the next highest ranking officer in the chain of command.

3.0 Policy: It shall be the policy of the MEP to review and investigate complaints concerning any officer of the department.

4.0 Procedure:

4.1 All violations of section 2.1 shall be investigated by the alleged violators’ supervisor. The Colonel (Director), in his or her discretion, may advance any investigation to an Internal Affairs (IA) Investigator.

4.2 A violation of section 2.2 shall be investigated by an IA investigator. An IA investigator will also investigate any violations of section 2.1 at the request of the Colonel (Director).

5.0 Citizen Complaints:

5.1 A complaint against the department or any employee may be made by any person from the general public;

5.1.1 Complaints in writing shall be forwarded to the appropriate supervisor or IA investigator within forty eight (48) hours.

5.1.2 When the complaint is made in person, the complainant will be put in contact with a supervisor within (48) hours. If the immediate supervisor is not available than the officers Captain will be put in contact. If the complainant will not wait, or will not give a call-back number, the receiving officer will proceed in the same manner as required of a supervisor.

5.1.3 Anyone receiving a complaint by phone must get the name and phone number of the complainant. Phone complaints will be sent to an officer's immediate supervisor.

5.2 Supervisors interviewing complainants shall:

5.2.1 Make a good faith effort to obtain the name, date of birth, address and telephone number of the complainant.

5.2.2 Record in as much detail as possible, on the department IA form, an account of the alleged misconduct or serious misconduct including as much as practical any verbatim statements of the complainant.

5.2.3 Within forty eight (48) hours, complete a complaint report of the interview noting within the report whether the complainant wishes to remain confidential.

5.2.4 Supervisors and the Colonel (Director) or his/her designee will receive a copy of all complaints. Those complaints to be investigated by an IA investigator will be forwarded by the Colonel's office.

6.0 Complaints from within the Department:

6.1 If a complaint is received internally, it shall be documented as completely as possible on the department IA form and forwarded to the designated IA investigator and to the Colonel (Director).

6.2 Unless otherwise directed, violations of or failure to adhere to department policy or directives will be investigated by the appropriate supervisor and full explanation is to be sent up the chain of command.

6.3 If the complainant alleges serious misconduct or criminal misconduct, in addition to the above reporting requirements, the receiving officer shall immediately report the matter in written form to the Colonel (Director) or Lt. Colonel (Deputy Director).

7.0 Investigations:

7.1 IA investigators will consist of Captains and/or Majors in the Coastal, Inland and Special Operations Bureaus. They will record, investigate and make recommendations concerning any disciplinary action that may be warranted as a result of citizen and/or department complaints of serious misconduct, against any officer of the department regardless of their rank.

7.2 IA investigators shall be qualified by education, training and experience in objective, impartial and confidential investigations.

7.3 IA investigators shall receive and investigate citizens and/or department complaints against all personnel of the department as directed.

7.4 IA investigators shall respect the rights, privacy and dignity of the affected employee.

7.5 IA investigators shall immediately report in written format to the Colonel (Director) or Lt. Colonel (Deputy Director) any allegations of serious misconduct made against the department or any employee.

7.6 IA investigators will evaluate and categorize complaints as follows:

7.6.1 Officers misconduct and attitude;

7.6.2 Validity of certain actions taken;

7.6.3 Division policy, procedure or operation;

7.6.4 Court procedure or requirements;

7.6.5 Complaints relating to another agency.

7.7 No investigations shall be conducted while active charges are in place or result from the underlying facts resulting in the complaint filed against an officer hereunder, absent a directive by the Colonel (Director)

7.8 Upon completion of their investigation, IA investigators will prepare a written summary for the Colonel (Director). All investigations will be conducted as expeditiously as possible. The final dispositions shall be:

7.8.1 EXONERATED- The incident did occur, but the officer's action was lawful and proper.

7.8.2 NOT SUSTAINED- There was insufficient evidence to either prove or disprove the complaint.

7.8.3 SUSTAINED- The complainant or incident is supported by sufficient evidence to prove officer misconduct.

7.8.4 UNFOUNDED- The complaint or incident is false and not factual.

7.8.5 SUSPENDED- Insufficient evidence to either prove or disprove the complaint.

8.0 Examinations:

8.1 Upon prior written authorization of the Colonel (Direction), any employee subject to an internal investigation may, within limits established by the Unit 5 collective bargaining agreement, be asked to submit to a ballistics or chemical test, photo or physical line-up, and/or financial disclosure statements specifically directed and narrowly related to the investigation when such are relevant and material to the matter at hand.

8.2 Submissions to such tests shall be mandatory where necessary and appropriate.

Dispositions: The Colonel (Director) shall notify the affected employee in writing of the results of the investigation and his/her decision regarding any disciplinary action to be taken as soon as practicable.

Authority: M.G.L. c. 21A, ss. 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, 10J

References: Department IA Form

Promulgated by Colonel (Director): James McGinn

Date: March 1, 2018

COMPLAINT REPORT
MASSACHUSETTS ENVIRONMENTAL POLICE
INTERNAL INVESTIGATIONS BUREAU

FILE NO: _____

DATE: _____

Fill out this form whenever a in-person or telephoned complaint is received by a member of the Department. In addition, obtain signed statements from the complainant and witness without delay. Attach pertinent documents, records, statements, notes, etc., to the original of this form and forward to the Internal Investigation Bureau as soon as possible.

Name of Complainant: _____ Date Received: _____

Time Received: _____

Home Address: _____ Phone: _____

Business Address: _____ Phone: _____

Classify Nature or Type of Complaint: _____

Name of Officer Complained About: (If more than one, so state:

1. _____ Rank: _____ Badge No: _____

Description: Height, Weight, Color Hair/Eyes, Glasses, Moustache, etc.

Location of Occurrence: _____ Date: _____ Time: _____

Names, Addresses, Telephone number of witnesses, If any:

BRIEF SUMMARY OF COMPLAINT: NOTE: OBTAIN AND ATTACH COMPLAINANT SIGNED STATEMENT TO THIS FORM.

(Use back of sheet if more space is needed.)

I understand that I will be informed to the result of the Police Investigation and the disposition of my complaint. I AM (AM NOT) willing to testify at any hearing in this matter. I have read the above statement of complaint and it is true and accurate to the best of my knowledge.

Signature of Complainant /Aggrieved Person: _____

Date and Time Received: _____

Witnessed by: _____

Complaint Received by: _____
(Name, Rank and Bureau) (Date - Time)

Complaint Form Received by: _____
(Investigating Division Officer) (Date - Time)

Complainant contacted by: _____ Date: _____ Time: _____

NOTE: THIS FORM IS TO BE FILLED OUT BY THE COPLAINANT/AGGRIEVED PERSON OR THE OFFICER RECEIVING THE COMPLAINT. THE FORM IS TO BE SEALED IN A PLAIN ENVELOPE AND MARKED "CONFIDENTIAL" FOR THE ATTENTION OF THE DIRECTOR OF LAW ENFORCEMENT, MASSACHUSETTS ENVIRONMENTAL POLICE. A COPY OF THIS FORM SHALL BE GIVEN TO THE COMPLAINANT BY THE RECEIVING OFFICER.

Date of Revision: March 1, 2018

Date(s) of previous policy: 8/1/94, 8/1/06