

GENERAL ORDER

G.O. 6-521

SUBJECT: INTERNAL AFFAIRS



DATE EFFECTIVE: March 15, 2018
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INDEX: CITIZEN COMPLAINT INVESTIGATION, EMPLOYEE MISCONDUCT INVESTIGATION

I. PURPOSE AND RESPONSIBILITY:

- A. Purpose: To set the policy and establish procedures to comply with Connecticut General Statute 7-294bb concerning a uniform process to accept, process investigate, initiate appropriate action regarding citizen complaints, resolve these complaints of alleged employee misconduct or malfeasance and conduct internal affairs investigations at the Monroe Police Department.

- B. Responsibility:
 - 1. It will be the responsibility of the Chief of Police to review all citizen complaints received against Department employees or allegations of violations of Department policies and procedures.

 - 2. It will be the responsibility of the Chief of Police to assign a ranking officer to investigate a citizen complaint or allegations of violations of Department policies or procedures, where deemed appropriate and in the best interest of this Department.

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3. It will be the responsibility of the Chief of Police or the ranking officer assigned the administrative review or administrative investigation to provide written notice to employees advising them of the fact that they are the subject of an administrative review or administrative investigation. The employee notice will contain specific information concerning the allegations against the employee, the employee's rights and responsibilities. The ranking officer assigned the investigation will be responsible for conducting a thorough, fair and impartial investigation of the complaint received, regardless of the method of receipt.
4. It will be the responsibility of the ranking officer assigned the investigation to identify and recommend for appropriate investigation and / or prosecution criminal misconduct discovered on the part of any individual during the course of an investigation.
5. It will be the responsibility of the ranking officer assigned the investigation to prepare suggestions for revision to the Department General Orders where existing deficiencies have been a contributing factor to employee misconduct or inadequate department service.
6. It will be the responsibility of all employees to assist any person who desires to file a complaint against any Department employee by:
 - a. Calling a supervisor to the scene to conduct an initial inquiry and document the complaint;
 - b. Explaining the Department's complaint procedure;
 - c. Providing a complaint form and/or complaint filing information, including instructions as to where complaint forms may be obtained;
 - d. Ensuring that a complainant, who is unable to read, write or comprehend the English language with sufficient proficiency, fills out a complaint form or is to be interviewed regarding knowledge of the incident generating the complaint, receives adequate language assistance in order to file the person's complaint and is assisted in the investigation of the

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allegation. The name and identifying information of any person providing such language assistance to a complainant shall be recorded on the complaint form or in the body of the administrative investigation report.

7. It will be the responsibility of employees of this Department who are interviewed about a non-criminal internal affairs investigation to:
 - a. Cooperate completely with the investigating officer;
 - b. Supply the investigating officer with all requested reports, which specifically relate to the investigation;
 - c. Ensure that all questions about the performance of duty are answered. Failure to answer may be cause for disciplinary action;
 - d. Be truthful in all responses.
8. It will be the responsibility of the Chief of Police to make a final determination regarding all internal affairs investigations.

II. DISCUSSION:

- A. This general order deals with the internal investigations that originate from complaints alleging employee misconduct or complaints relating to the operations of this Department. All complaints will receive a complaint control number. If the allegations or complaint arises to the level of possible employee discipline above a written reprimand or criminal violations, the administrative review shall become an administrative investigation under the same complaint control number. All internal affairs investigations will be conducted by a ranking officer of this Department. The internal affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of this Department depends on the personal integrity and discipline of each employee. The goal of internal affairs investigations is to ensure that the integrity of this Department is maintained by an impartial investigation and review. A complaint investigation conducted in a fair and impartial manner provides a means to educate the citizen. It also helps protect and maintain the integrity of both the Department and the employee. The intent of this directive is to establish procedures for the conduct of internal investigations and to ensure that all

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employees know and understand what an internal investigation entails.

III. DEFINITIONS:

- A. COMPLAINT: An allegation of employee misconduct or malfeasance.
- B. COMPLAINANT: Any person who files a complaint regarding misconduct or malfeasance on the part of a Department employee.
- C. COMPLAINT CONTROL NUMBER: A unique numerical or alphanumeric code assigned by the Chief of Police used to identify and track citizen complaints and administrative/internal affairs investigations.
- D. DISCIPLINE: Adverse action taken by the Department against any employee as the result of a sustained internal affairs investigation including, but not limited to, an oral reprimand, written reprimand, suspension with or without pay, reduction in grade or discharge. (Refer to G.O. 3-261 V.L.4..a, Disciplinary Actions.)
- E. EMPLOYEE: Any person employed by the Department, whether sworn or non-sworn.
- F. MALFEASANCE: Illegal or dishonest activity especially by a public official.
- G. MISCONDUCT: Any act or omission by an employee that is illegal or which violates established policy.
- H. EXONERATED: The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.
- I. NOT SUSTAINED: The investigation was unable to determine by a preponderance of the evidence whether or not the misconduct or malfeasance complained of occurred, or whether or not it was committed by the subject of the investigation.
- J. SUSTAINED: The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of occurred and that it was committed by the subject of the investigation.

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- K. UNFOUNDED: The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of did not occur.
- L. WITHDRAWN: At some point prior to the completion of the investigation, the complainant notified the agency that he/she wished the investigation to be discontinued and concurrence for this action was obtained from the Chief of Police.

IV. POLICY:

- A. It will be the policy of the Monroe Police Department to record and fairly and impartially investigate all complaints or allegations of employee misconduct or malfeasance filed in person, in writing, verbally, by mail or facsimile, electronically, by a third party or anonymously.
- B. It will be the policy of the Monroe Police Department that the Chief of Police will directly supervise the internal affairs function of this Department.
- C. It will be the policy of the Monroe Police Department to provide written verification to persons lodging complaints against this Department or its employees advising that their complaint has been received.
- D. It will be the policy of the Monroe Police Department to notify the complainant of the disposition of their respective complaints.
- E. It will be the policy of the Monroe Police Department to notify employees when a complaint is lodged against them and advise the employee of their rights and responsibilities.
- F. It will be the policy of the Monroe Police Department to impose any disciplinary or non-disciplinary action warranted in a timely manner, and that there shall be no retaliation in any form by any employee of this Department directed at an individual who makes a complaint.
- G. It will be the policy of the Monroe Police Department that no complaint shall be questioned regarding the person's immigration status.
- H. It will be the policy of the Monroe Police Department that any employee who

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withholds information, fails to cooperate with Department internal investigations or fails to report alleged misconduct or malfeasance of employees to a supervisor shall be subject to disciplinary action.

V. PROCEDURES:

A. MISCONDUCT COMPLAINTS: All complaints or information alleging misconduct by employees of this Department shall be investigated, regardless of when the misconduct or malfeasance is alleged to have occurred. These internal affairs complaints will be categorized as follows:

1. ADMINISTRATIVE REVIEW / SUPERVISORY COMPLAINT INVESTIGATIONS: The Chief of Police may assign investigations concerning allegations of minor misconduct to supervisory officers. This misconduct may include, but is not limited to:

- a. Failure to take appropriate action;
- b. Complaints of slow or no response or service;
- c. Allegations of discourtesy or poor demeanor;
- d. Tardiness;
- e. Violations of Department policy and procedures involving uniforms, dress code, appearance and equipment, but not including firearms violations; and
- f. Improper operation/care of department vehicles and equipment.

2. ADMINISTRATIVE INVESTIGATION: The Chief of Police will assign to command level officers allegations or information of serious misconduct. Citizen complaints of a non-criminal nature will normally be investigated by the employee's Division Commander. Complaints of a criminal nature will normally be investigated by the Deputy Chief/Captain. Serious misconduct allegations include, but are not limited to:

- a. Corruption;

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- b. Unreasonable use of force;
 - c. Violation of civil rights; and
 - d. Insubordination.
3. INTERNAL AFFAIRS FUNCTION REVIEW: All misconduct complaints will be documented by the officer assigned the investigation. All misconduct complaints will be reviewed by the Chief of Police for:
- a. Thoroughness, completeness, accuracy and objectivity of the investigation;
 - b. The completed report's disposition of the complaint.
- B. INTERNAL AFFAIRS AUTHORITY: The Chief of Police will directly supervise the internal affairs function of this Department. The assignment of investigations pertaining to allegations of misconduct by employees of this Department shall be the responsibility of the Chief of Police. Internal affairs investigations will be conducted by a ranking or command level officer. The officer assigned the investigation will submit a report concerning the allegation and the subsequent investigation directly to the Chief of Police or designee.
- C. CHIEF NOTIFICATION: Complaints against Department employees, operations or policy and procedures may be received by telephone, mail, email or in person. Criminal complaints against Department employees will be brought to the attention of the Chief of Police immediately. To ensure that the Chief of Police is notified in a timely fashion of complaints against a Department employee, an operation, or policy and procedures, the following procedures will be followed:
- 1. TELEPHONE COMPLAINTS: Employees of this Department who receive a complaint shall direct the caller to the shift supervisor. The shift supervisor will then obtain the necessary information and complete a report on the complaint. If the shift supervisor is unavailable in a timely manner, the employee shall take the complaint and forward it to the shift supervisor. The report will then be forwarded to the Chief of Police in memorandum form for review and assignment. The Chief of Police may assign the complaint to a command or supervisory level officer depending

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on the seriousness. Refer to subparagraph A above.

2. **MAIL COMPLAINTS:** Complaints received in the mail or electronically will be forwarded to the Chief of Police for review and assignment. The Chief of Police may assign the complaint to a command or supervisory level officer depending on the seriousness. The supervisor assigned this investigation shall, as soon as practicable, obtain the necessary information.
3. **IN-PERSON COMPLAINTS:** Whenever a Department employee is approached by a citizen wishing to make a complaint, the complainant shall be directed to the shift supervisor, if available, or if the shift supervisor is unavailable in a timely manner, the employee shall take the complaint and forward it to the shift supervisor. If a division commander is contacted directly, he/she shall take the initial complaint. The receiving officer will attempt to obtain the name and a contact telephone number for the complainant and the general nature of the complaint. The complainant will be informed a complaint control number will be assigned. They then may be contacted by the supervisor assigned to investigate their complaint. The PD supervisor will leave written notification to the appropriate division commander including the date and time of the complaint, the identity of the complainant, the contact number, and the general nature of the complaint if this information is known. The division commander receiving this complaint will forward the complaint to the Chief of Police for review and assignment.
4. **ANONYMOUS OR THIRD PARTY COMPLAINTS:** Employees of this Department who receive an anonymous or third party complaint shall attempt to direct the complaint to a ranking officer who will obtain as much information as practicable about the caller, the alleged misconduct or malfeasance and identity of the employee or employees involved in the event. If a ranking officer cannot be immediately connected to the complainant, the employee in receipt of such complaint shall obtain and document in memorandum form the aforementioned information and advise the division commander or patrol division supervisor as soon as practicable. The division commander or supervisor receiving this complaint will forward the complaint to the Chief of Police for review and assignment.

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5. COMPLAINTS BY PERSONS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS: Whenever a citizen is noticeably intoxicated or impaired by alcohol or drugs and wishes to make a complaint about an employee, the person shall be encouraged to wait until the earliest opportunity after regaining sobriety to do so. When a ranking officer determines the circumstances require immediate action, preliminary details of the complaint will be taken by the supervisor, when available, regardless of the person's sobriety. The complaint will be submitted to the division commander who will forward it to the Chief of Police for review and assignment.

- D. INTERNAL AFFAIRS INVESTIGATIONS TIME LIMIT: To achieve a timely resolution to all internal affairs issues, an internal affairs investigation will generally be completed within thirty (30) days of the assignment. The Chief of Police shall be apprised of the status of these investigations on a weekly basis. In cases where extenuating circumstances exist, the time limit for the conclusion of the investigation may be extended by the Chief of Police.

- E. INTERNAL AFFAIRS INVESTIGATION STATUS NOTIFICATION: Officers assigned an administrative review or administrative investigation will comply with the following procedures:
 1. COMPLAINT RECEIPT: The Chief of Police or officer assigned to investigate an internal affairs matter will verify receiving the complaint by issuing a receipt to the complainant, if identified within five (5) business days of receiving such complaint. This procedure shall apply to complaints received via telephone or mail, but not necessarily to those received in person. The letter or notice of receipt of complaint will include the name and contact information for the ranking officer and complaint number assigned the investigation.

 2. STATUS REPORTS: The officer assigned to investigate an internal affairs matter will periodically advise the complainant as to the status of the investigation. There is no need to make an advisement if the investigation is concluded within thirty days.

 3. RESULT NOTIFICATION: The Chief of Police or officer assigned the investigation will notify the complainant and employee(s) subject to the investigation of the results in writing after the Chief of Police has reviewed

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the matter.

- F. **COMPLAINT ADVISEMENT:** Employees of this Department who are the subject of an administrative review or administrative investigation shall be notified of that fact in writing. The notification will occur as soon as practicable after the receipt and review of the complaint. The only exception is when an employee of this Department is alleged to have committed a crime or is engaged in continuing criminal conduct. The written notice includes the following:
1. **ALLEGATION:** Written statement of the allegation of wrongdoing;
 2. **EMPLOYEE RIGHTS:** The employee's rights as outlined in the respective collective bargaining agreements and/or the Personnel Procedures Manual for the Town of Monroe;
 3. **EMPLOYEE RESPONSIBILITIES:** The employee's responsibilities relative to an internal affairs investigation are as previously outlined. Refer to paragraph I, subparagraph B, section 4 of this directive.
- G. **INTERNAL AFFAIRS MANDATORY DISCLOSURES:** There may be an instance, due to the nature of a particular complaint, which may require the collection of evidence in the course of the investigation. In these cases the following will apply:
1. **MEDICAL AND LABORATORY EXAMINATIONS:** The Chief of Police may, for cause, require an employee to submit to a physical or laboratory examination by a doctor of the Department's choice. The cost of this examination shall be paid by the Police Department.
 2. **PHOTOGRAPHS:** Photographs of employees may not be specifically required in regards to an internal affairs investigation. However, a photo log will be maintained of all Department employees. The Chief of Police may require Department employees to submit to photographs for a periodic updating of the employee photo log at any given time. The use of photographs shall be in accordance with applicable state and federal laws and court decisions.
 3. **LINE-UP:** The Chief of Police may require an employee of this Department to participate in a line-up when this action is specifically related to a

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particular internal affairs investigation. The line-up shall be conducted in a manner consistent with applicable state and federal laws and court decisions.

4. **FINANCIAL DISCLOSURES:** The Chief of Police may not require a Department employee to submit financial disclosure statements for use in an internal affairs investigation. However, employees may offer to provide these disclosure statements of their own volition.
 5. **DETECTION OF DECEPTION DEVICES:** An employee may offer to submit to a detection of deception device. The results of the examination could never be used in the prosecution of a criminal matter. The results, however, may be used administratively. Under no circumstances shall any detection of deception device be employed without the full knowledge and consent of the employee.
- H. **RELIEF FROM DUTY:** The Chief of Police may initiate action to ensure the adherence to Department rules and to hold employees accountable for violations of these rules. Included in these actions is suspension or relief from duty. Whenever an employee is relieved from duty the Chief of Police will immediately notify all command staff in writing of the decision. Employees may be relieved from duty with or without pay when:
1. **CONDITION:** Their physical or emotional condition hampers performance of the duties of their position.
 2. **INTERNAL INVESTIGATION:** An internal affairs investigation concerning criminal or administrative misconduct is pending or when an employee is found guilty of the misconduct.
 3. **UNSUITABLE:** An employee reports for duty and is deemed unable to adequately perform the employee's assigned duties. The employee's supervisor shall prohibit the employee from beginning the tour of duty and immediately notify the Shift Commander.
- I. **CASE DISPOSITIONS-STANDARDS:** For each charge or allegation of misconduct or malfeasance which forms the basis for an internal affairs investigation, such charge or allegation shall be classified upon closing of the investigation in one of the following manners:

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1. EXONERATED: The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation;
2. UNFOUNDED: The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of did not occur;
3. NOT SUSTAINED: The investigation was unable to determine by a preponderance of the evidence whether or not the misconduct or malfeasance complained of occurred, or whether or not it was committed by the subject of the investigation;
4. SUSTAINED: The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of occurred and that it was committed by the subject of the investigation;
5. MISCONDUCT NOT BASED ON ORIGINAL COMPLAINT: The investigation determined by a preponderance of the evidence that other misconduct or malfeasance which was not the basis for the original investigation occurred, was discovered during the course of the original investigation, and was committed by the subject of the investigation;
6. WITHDRAWN: At some point prior to the completion of the investigation, the complainant notified the agency that he/she wished the investigation to be discontinued and concurrence for this action was obtained from the Chief of Police;
7. SUMMARY ACTION: Disciplinary action in the form of an oral reprimand, or counseling documented in writing, was taken by an employee's supervisor or commander for minor violations of department rules, policies or procedures as defined by this agency. Summary actions are the lowest level of disciplinary action or remediation;
8. RECONCILED: At the discretion of the Chief of Police, the process of reconciliation may be encouraged in lieu of any of the above dispositions. When authorized by the Chief of Police, supervisors receiving complaints shall, to the extent possible, bring together the complainant and the officer or employee involved in the minor violations and attempt reconciliation.

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This may be used where the complaint is from a misunderstanding on the part of the affected officer, employee or the complainant. Reconciliation may be employed for complaints of a minor nature that do not reflect:

- a. Discredit upon the agency;
- b. Discredit upon the involved employee;
- c. Commission of a criminal offense;
- d. Allegations of racism, bigotry or prejudice against any race, religion, creed, natural origin, sexual orientation, or circumstances beyond the individuals control.

Reconciliation must be documented through the chain of command to the Chief of Police or his or her designee. Reconciliation does not preclude further corrective action on the part of the agency.

- J. ADMINISTRATIVE REVIEW COMPLAINT RECORD: All complaints specified in subparagraph A, section 1 of this paragraph made against Department employees or Department policy and procedure will be recorded. These complaint records will include the date of the complaint, the name of the complainant if known, the complaint control number, disposition and the supervisory officer assigned to the investigation. The confidentiality of these records is important and security precautions will be taken. A secured complaint control file will be kept in Chief's office. The disposition of these complaints resulting in discipline will be placed in the individual employee's file.
- K. ADMINISTRATIVE INVESTIGATIONS: All complaints or investigations at this echelon, made against department employees will be recorded. These complaint records will include the date of the complaint, the name of the complainant if known, the complaint control number, disposition and the supervisory officer assigned to the investigation. The disposition of these complaints will be placed in the individual officer's file.
- L. INTERNAL AFFAIRS ANNUAL SUMMARY: The Deputy Chief/Captain shall

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compile an annual statistical summary report based on the records of the internal affairs investigations for the Chief of Police. The summary will be a break down the number of complaints along with dispositions of these investigations. The Chief of Police shall include this summary in the annual report to the Board of Police Commissioners.

M. PUBLIC INFORMATION AND ACCESS

1. An informational packet is made available to the public at police headquarters, the Department website, the town government website, Monroe Town Hall, and through police personnel;
2. In addition to police headquarters, copies of this general order and citizen complaint forms are available at the Monroe Public Library. The citizen complaint form is available in both English and Spanish.

N. TRAINING: All supervisory personnel will receive training on this general order regarding the citizen's complaint process and the responsibilities of a ranking officer for receipt of these complaints and conducting internal investigations. All supervisory personnel are required to complete annual refresher instruction on this general order and accepted practices related to the internal affairs investigative process.

