

## CHAPTER 2.0

### ORGANIZATION AND MANAGEMENT

#### 2.7 INTERNAL COMPLAINTS

##### 2.7.1 Purpose and policy

The purpose of this policy is to inform employees and the public of departmental procedures for addressing complaints of misconduct.

##### Policy

It is the policy of this department to investigate all complaints of alleged employee misconduct and to equitably determine whether the allegations are valid or invalid and to take appropriate action. All allegations of departmental or employee misconduct shall be properly investigated whether such complaints are received verbally, in writing, through a third party, or anonymously.

##### 2.7.2 Internal Affairs function

The chief of police shall ensure that the integrity of the department is maintained through an internal system where objectivity, fairness, and justice are assured by intensive, impartial investigation and review.

The chief shall review all complaints of misconduct and assign supervisory staff as necessary to conduct Internal Investigations.

##### 2.7.3 Internal Affairs activities

The chief of police is responsible for the following activities:

- recording, registering and controlling investigations of complaints against agency personnel
- supervising and controlling investigations of alleged misconduct within the department
- maintaining the confidentiality of records of all internal investigations

The supervisor assigned to conduct an investigation is responsible for developing sufficient information to support an appropriate disposition of each matter being investigated. Every legitimate course of action shall be diligently pursued by the investigators in their efforts to obtain facts.

It is not the responsibility of the investigator to adjudicate matters which he or she has investigated. It is a fact-finding process which will present completed investigations to the chief of police for final disposition.

##### 2.7.4 Internal complaints (general)

An appropriate investigation shall be conducted for all complaints made against the Coventry Police Department or its members. Complaints may be received in any manner including verbally, in writing, by telephone, through a third party, or anonymously. It is also the policy of this department to appropriately address citizen's inquires concerning

departmental regulations, procedures and policies, action taken by agency employees in the performance of their duties, and similar issues which involve the department and its members.

### **2.7.5 Complaint procedure**

When a complaint is made regarding alleged employee misconduct, the ranking supervisor on duty shall be summoned to receive the complaint. If there is no supervisor on duty, the ranking officer on duty shall receive the complaint. If a complaint involves a supervisor, an officer of the next higher rank shall receive the complaint.

The following steps shall apply to all complaints:

1. The supervisor receiving the complaint shall gather all pertinent details regarding the complaint including but not limited to:
  - names and addresses of any witnesses to the incident
  - receiving any available physical evidence
  - taking necessary photographs
  - requesting the complainant and or witnesses to give a written statement regarding the complaint
2. The supervisor receiving the complaint shall fill out the Civilian Complaint Form (CPD 004) and give a copy of the completed form to the complainant, which acknowledges and verifies that the complaint has been received. The supervisor shall also inform the complainant of the complaint and investigation process.
3. Personnel complaints will not be entered into the CAD system.
4. The supervisor receiving the complaint shall forward the completed Civilian Complaint Form along with any other documentation or pertinent information to the chief of police.
5. The chief shall review the complaint, and based upon the type of complaint and available information, shall determine whether the seriousness of the allegations warrant an internal investigation. In general, internal investigations shall be ordered for:
  - use of excessive force complaints
  - allegations of civil rights violations
  - claims of serious unethical conduct which may or may not be criminal
  - as required by other agency directives or by law
6. If an internal investigation is warranted, the chief of police shall notify the assigned supervisor in writing to initiate an internal investigation and the assigned supervisor shall report directly to the chief on this matter. In addition, the chief shall notify the complainant in writing that an internal investigation into the matter has been ordered.
7. Based upon the nature and circumstance of the allegation or subsequent investigation, the chief of police may seek assistance in the investigative process from an outside law enforcement agency or private investigative service. To the extent necessary or required, the chief shall summon outside resources in consultation with the town manager.

In addition to the above procedure, the chief of police may at any time initiate an internal investigation based on:

- a matter of which the chief has personal knowledge
- information brought to the chief's attention by a member of the department
- information brought to the chief's attention by any other source

The chief shall also record and cause to be investigated, all complaints made by motor vehicle operators who feel they were stopped in violation of Directive 5.2.1. (Uniform Enforcement Procedures) which concerns biased based profiling. The chief shall forward a copy of such complaint along with the findings of the investigation to the Office of the Chief State's Attorney as required by 54-1m of the Connecticut General Statutes.

### **2.7.6 Conduct of Internal Investigation**

Supervisory personnel receiving the complaint shall make every effort to obtain a sworn, written statement from the complainant and any potential witnesses. However, if the complainant is unwilling or unable to give a statement, the complaint process will proceed as usual.

The chief shall assign an IA case number to each complaint received that results in an internal investigation and shall assign a supervisor to conduct a proper investigation. Employees who are subjects of the allegations shall be notified in writing of the general nature of the complaint and the dates of occurrence, if known.

Certain investigations requiring specific expertise may justify assigning other agency personnel to the investigation on a temporary basis. Such assignments shall be made by the chief of police as he determines necessary. During the investigation for which the assignment was made, the officer shall be under the direct supervision of the chief of police.

If it becomes apparent during the course of an Internal Investigation that criminal charges could possibly be lodged against an employee, the chief of police shall be notified immediately.

During all criminal investigations involving a member of this agency, liaison shall be maintained with the State's Attorney's office that may ultimately prosecute the case if an arrest were to be made.

Any criminal investigation shall be separate and apart from the Internal Investigation.

### **2.7.7 Investigations conducted at the supervisory level**

If it has been concluded by the chief that due to the nature of the complaint, it is to be handled at the supervisory level, the chief shall direct that such an investigation or inquiry be conducted. If practical, the immediate supervisor of the employee who is the subject of the complaint shall be assigned to conduct the investigation. In general, the types of investigations that will be conducted at the supervisory level shall include (but not be limited to):

- failure to follow procedures
- slow or no response to calls for service
- failure to take proper action
- improper operation of department vehicles
- tardiness in reporting for duty
- violations of department dress code
- poor demeanor or rudeness

Complaints resolved at the supervisory level shall be forwarded to the chief of police who shall review all relevant details to ensure appropriate procedures were followed, an adequate investigation was conducted, and an acceptable resolution was reached. After resolution, the case shall be filed for review and recording purposes. The complaint shall be logged in the internal affairs records.

#### **2.7.8 Citizen inquiries**

Frequently, citizens contact the agency with questions regarding a policy, procedure, or tactic used by the department. These are often simple inquiries and may be handled by any member of the department.

When a citizen questions the actions of a member of the agency, the matter shall be referred to an on-duty supervisor who will determine if the matter is merely an inquiry that may be handled by providing routine information or if it is a matter that may require an investigation pursuant to this directive.

#### **2.7.9 Public and employee notification of complaint procedures**

The chief of police shall make available to the public, procedures for registering complaints against the department or its employees. The process and necessary forms for making such complaints shall be available on the agency's website. The complaint process is available to agency employees through the directive system.

#### **2.7.10 Notification to chief of police regarding internal complaints**

As soon as practical, the chief of police shall be notified of all complaints against the department or its employees.

The chief of police shall be notified immediately in the event a department employee is arrested or charged with a criminal offense or found to be under the influence of alcohol or drugs while on duty. The required notification will be made by the officer receiving the report. The reporting officer shall ensure that all reports are completed and shall forward copies of those reports through the chain of command to the chief of police.

When an internal investigation has been concluded, the results shall be forwarded to the chief of police who will determine the appropriate action. The chief shall notify the complainant(s) and all employees involved in the allegation and advise them of the final disposition.

#### **2.7.11 Notification of employee**

When an employee of the Coventry Police Department becomes the subject of an internal investigation, that employee shall be notified in writing of the general scope and nature of the allegations made, and the employees' rights and responsibilities relative to the investigation. This notification shall normally take place within 24 hours of the receipt of the complaint, or on the employee's next work day. Notifications shall not apply to criminal investigations.

### **2.7.12 Notification to complainants**

When an internal investigation is ordered by the chief of police, the chief shall send written notification to the complainant of that fact. At the conclusion of an internal investigation, the chief shall contact the complainant in the matter and notify them of the outcome of the complaint. In addition, the assigned investigator shall contact the complainant(s) by phone or in writing at least every four weeks to give them a status update of the investigation. All such contacts shall be appropriately documented in the investigative file.

### **2.7.13 Security/confidentiality of internal affairs records**

The chief of police is responsible for maintaining accurate and complete records of all complaints against the department and its employees. The records shall remain in a locked cabinet under the control of the chief. The chief and the administrative assistant shall be the only personnel authorized to access these files, except as otherwise required by law.

The chief shall compile a yearly statistical summary of complaints and investigations for dissemination through the department's annual report.

### **2.7.14 Relief from duty**

Supervisors may issue a temporary administrative suspension, with pay, for up to a period of 24 hours to an employee under the following circumstances:

- employee misconduct, personally observed by the supervisor or which is extremely serious in nature and/or creates actual or potential harm to the employee or others
- the employee is unfit for duty due to physical or psychological reasons (e.g. intoxication)

If a supervisor acts under this section, the chief of police shall be notified immediately in order to determine the appropriate course of action.

The chief of police may relieve an employee from duty under the following circumstances:

- pending the outcome of an internal investigation
- while awaiting testing to determine the employee's psychological or physical fitness for duty
- other circumstances in which it is in the best interest of the agency that the employee not be on active duty

### **2.7.15 Polygraph use in internal affairs investigations**

Polygraph examinations will not be administered in internal investigations unless the employee who is the subject of the investigation, the complainant(s), or any witness, specifically requests to be so examined.

### **2.7.16 Internal investigations - other procedural guidelines**

1. When there are indications an employee is on duty under the influence of alcohol or drugs, actions shall be initiated by the employee's supervisor consistent with this directive, the town of Coventry Personnel Policies and Procedures Manual and any applicable provisions of the current Collective Bargaining Agreement.
2. Employees may be required to participate in a lineup if probable cause exists to believe they are involved in a criminal offense.

3. Photographs of all agency employees shall be maintained on file with the chief of police. These photographs may be used to conduct photographic lineups in order to identify an employee accused of misconduct. Any lineup conducted pursuant to this section shall meet the standards required for photographic lineups in criminal investigations.
4. No employee shall be required or requested to disclose any item of his or her property, income, assets, source of income, debts, or expenditures (including those of any member of their family or household) unless it becomes necessary for the department to ascertain the desirability of assigning the employee to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.
5. No such financial information shall become a part of an internal investigation unless that information is obtained under state law or other proper legal procedure.
6. The assigned locker space, desk space, mailboxes, or other areas located within the police headquarters building remain under control of the town and are subject to search at the direction of the chief of police, or pursuant to a search and seizure warrant, if necessary as part of a criminal investigation.
7. All forms of communications including email, voice mail, radio transmissions, written and electronically stored documents shall be attainable by the town in order to determine if town or departmental policies have been complied with. This shall be done consistent with the town of Coventry policy on Workplace Privacy dated June 4, 2001. (Appendix A)
8. Photographs shall be taken of any injuries sustained by an employee or any person as a result of any police action or investigation. The photographs shall be maintained with the appropriate police file and consistent with established evidence procedures.

#### **2.7.17 Time limits for Internal Investigations**

All internal investigations will normally be completed within sixty (60) days. However, extenuating circumstances may prevent concluding the investigation within this time period. If these circumstances indicate that it may take longer to conclude the investigation, the employee and the police union will be notified in writing that the investigation will last longer than (sixty) 60 days. Within ten (10) days of the conclusion of the investigation, the chief shall bring charges, if any, against the employee who was the subject of the investigation.