

## CHAPTER 2.0

### ORGANIZATION AND MANAGEMENT

#### 2.8 INTERNAL AFFAIRS

##### 2.8.1 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 officer misconduct shall be properly investigated whether such complaints are received verbally, in writing, through a third party, or anonymously.

##### 2.8.2 The Internal Affairs Unit Organization

The Internal Affairs function is a component of the Professional Standards Division. Officers assigned to Internal Affairs working under the direction of the Deputy Chief of Administration shall have the authority to report directly to the Chief of Police in matters related to the Internal Affairs function.

Internal Affairs will 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.

Internal Affairs coordinates and exercises staff supervision over investigations of complaints or allegations of misconduct against the Norwalk Department of Police Service and its members.

##### 2.8.3 Internal Affairs Activities

The Internal Affairs function 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 Internal Affairs function 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 Internal Affairs to adjudicate matters which it has investigated. It is a fact-finding body which will present completed investigations to the Chief of Police for final disposition.

#### **2.8.4 Internal Complaints (general)**

An appropriate investigation shall be conducted for all complaints made against the Norwalk Department of Police Service or its members. Complaints may be in any manner including verbally, in writing, by telephone or mail, through a third party, anonymously or electronically. The supervisor shall accept and document all complaints against any employee regardless of when the alleged misconduct or malfeasance occurred. It is also the policy of this department to appropriately address citizens 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.

#### **2.8.5 Complaint Procedure**

When a complaint is made regarding alleged employee misconduct or malfeasance, the ranking supervisor on duty of the division or unit to which the employee is assigned shall be summoned to receive the complaint. If there is no supervisor available from a particular division or unit, the ranking patrol supervisor on duty shall receive the complaint. If a complaint involves a supervisor, an officer of the next higher rank shall receive the complaint. In no event is a complaint to be told to return at another time or that no one is available to handle their complaint.

##### Manner of Compliant

- Mail – a letter of acknowledgement must be prepared advising complainant that the matter is being investigated and they will be contacted by the assigned investigator.
- Telephone – details shall be obtained and a supervisor shall be dispatched to the complainant's location to receive complaint.
- In the Field – the employee shall request a supervisor respond. If the complainant is unable to await the arrival, he/she should be informed that they may respond to Headquarters to make the complaint.
- Person under the influence – he/she shall be encouraged to wait until they have regained sobriety to do so. If a supervisor determines the circumstances require immediate action, preliminary details shall be obtained and documented should that person need to be re-interviewed after regaining sobriety.
- Any employee about their own conduct – he/she shall immediately refer the complaint to a supervisor.

Personnel who withhold information, fail to cooperate with a department investigation, or who fail to report alleged misconduct or malfeasance of employees to a supervisor shall be subject to disciplinary action. There shall be no retaliation in any form by any member of this department directed at an individual who makes a 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
  - taking a written statement from the complainant and/or witnesses
  - drawing a case number if no specific case is cited

- no questions shall be asked of a complainant regarding their immigration status
2. The supervisor receiving the complaint shall fill out the Civilian Complaint Form with a incident case number. The complainant maybe placed under oath and requested to sign the complaint. If the complainant refuses to sign, the complaint will still be accepted and investigated. However, the refusal shall be noted in report. The supervisor shall give the completed receipt to the complainant and inform the complainant of the complaint and investigation process.
  3. The supervisor receiving the complaint shall forward the completed Civilian Complaint Form along with any other documentation or pertinent information to the division commander. If a complainant expresses fears of retaliation, they should provide the basis for their concerns and this information should be noted in the report.
  4. The division commander shall review the complaint and based upon the type of complaint and available information, shall forward the complaint to their respective Deputy Chief with a recommendation for an Internal Investigation to be initiated or with a recommendation that the complaint be handled at the division level. The Deputy Chief will review the recommendation and forward the information to the Chief of Police.
  5. The Chief of Police shall base his decision on the following criteria whether the nature and seriousness of the allegations warrant an Internal Investigation. In general, Internal Investigations will be recommended for:
    - use of excessive force complaints
    - allegations of civil rights violations
    - claims of serious unethical conduct which may not be criminal
    - domestic violence complaint or arrest
  6. If an Internal Investigation is warranted, the Chief of Police shall notify the Internal Affairs commander, in writing, to initiate an internal investigation. In addition, the Chief of Police shall notify the complainant in writing that he has ordered an Internal Investigation into the matter.

In addition to the above procedure, the Chief of Police may at any time initiate an Internal Investigation based on:

- a matter he has personal knowledge of
- information brought to his attention by a member of the Department
- information brought to his attention by any other source

The Chief of Police shall forward to the Internal Affairs commander all complaints made by motor vehicle operators who feel they were stopped in violation of Directive 4.3.1 (Uniform Enforcement Procedures). Internal Affairs 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 C.G.S. 54-1m.

Complainants shall be notified in writing within five (5) business days of receipt that:

- their complaint has been received by the agency and is currently pending
- the complaint number that has been assigned to their case
- that they will be notified in writing the outcome promptly following the conclusion

- that they may contact the designated investigator for further information while investigation is pending (include name, telephone, and/or email)

### Training

All supervisors will be required to attend training on the department's Complaint Procedure and the responsibilities of the supervisor internal investigations.

All supervisors will be required to attend periodic refresher training, as determined by the Chief of Police, regarding the policy and procedures of the citizen complaints and accepted practices related to conducting internal investigations.

### **2.8.6 Conduct of Internal Investigation**

Internal Affairs shall assign an IA case number to each complaint received from the Chief and shall begin a proper investigation. Pursuant to existing collective bargaining agreements, 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 Internal Affairs function on a temporary basis. Such assignments shall be made by the Chief of Police as he determines necessary. During the investigations for which the assignment was made, the officer shall be under the supervision of the commanding officer of Professional Standards.

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.

Should probable cause exist to substantiate a criminal charge, the Chief of Police shall direct the Detective Division commanding officer or his designee to conduct a criminal investigation of the matter.

During all criminal investigations involving a member of this agency, liaison shall be maintained with the prosecutor, Superior Court (Assistant State's Attorney for Part A or Part B offenses, depending on the severity of the alleged crime).

Any criminal investigation shall be separate and apart from the internal investigation.

### **2.8.7 Investigations Conducted at the Division Level**

If it has been concluded by the Chief of Police that due to the nature of the complaint, it is to be handled at the division level, Chief of Police shall direct that such an investigation be conducted. The commanding officer of the division shall be assigned to conduct such an investigation. In general, the types of investigations that will be conducted at the division level include:

- 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 division levels 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 forwarded to Internal Affairs for review and recording purposes. The complaint shall be logged in the Internal Affairs records.

Internal Affairs shall be a resource to commanding officers of other divisions or units in conducting investigations of a less serious nature.

#### **2.8.8 Citizen Inquiries**

Frequently, citizens contact the agency with questions regarding a policy, procedure, or tactic used by the department. This is a simple inquiry 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.

#### **2.8.9 Notification of Employee Rights**

When an employee of the Norwalk Department of Police Service becomes the subject of an internal investigation, that employee shall be notified in writing of the scope and nature of all allegations made. The written notification shall also include a listing of the employee's rights and responsibilities relative to the investigation.

Employee rights shall be governed by this directive and by existing bargaining agreements representing agency employees.

#### **2.8.10 Records of Complaints**

The Internal Affairs function is responsible for maintaining accurate and complete records of all complaints against the department and its employees. The Professional Standards Division shall provide annual statistical summaries of investigations for dissemination to the Chief of Police. These summaries shall be made available to the public and agency employees in the department's annual report.

#### **2.8.11 Public and Employee Notification of Complaint Procedures**

The Community Services Division shall make available to the public, procedures for registering complaints against the department or its employees. This shall be accomplished through the use of the media, the Department's website, and informational brochures disseminated by the department and available at City Hall. Information shall also be disseminated to all agency employees.

#### **2.8.12 Notification to Chief of Police Regarding Internal Complaints**

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 commanding officer receiving the report. The commanding 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 of Police shall notify the complainant(s) and all officers involved in the allegation and advise them of the final disposition.

### **2.8.13 Notifications to Complainants**

When an internal investigation is ordered by the Chief of Police, written notification to the complainant is made of that fact. In addition, a schedule for status notification to the complainant is made by the Internal Affairs Unit within 45 days of the initial order by the Chief of Police. All such contacts shall be appropriately documented in the investigation file. At the conclusion of an Internal Investigation, the Chief of Police or his designee shall contact the complainant in the matter and notify them of the outcome of the complaint.

### **2.8.14 Security/Confidentiality of Internal Affairs Records**

Internal affairs investigation records shall be kept in a locked file cabinet in the Professional Standards office. The Chief of Police, the Professional Standards Division and Internal Affairs Unit staff shall be the only personnel authorized to access these files, except as otherwise required by law.

### **2.8.15 Relief from Duty**

Supervisors or command officers may issue a temporary administrative suspension, with pay, for up to a period of 3 days to an employee under the following circumstances:

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

Pursuant to the existing collective bargaining agreement between the City of Norwalk and the Norwalk Police Union, sworn members suspended under this section shall be entitled to a prompt meeting with the Chief or his designee to determine whether continuation of the suspension is warranted or to restore the officer to active duty, unless that employee remains unfit for duty. If it becomes necessary to remove an employee from duty for an extended period of time, the Chief of Police shall take the required action pursuant to said agreement.

### **2.8.16 Polygraph Use in Internal Affairs Investigations**

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

### **2.8.17 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 the appropriate existing 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. Photographs of all agency employees shall be maintained on file in the department's Identification Unit. 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.
3. No employee shall be required or requested to disclose any item of his 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.
4. 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.
5. The assigned locker space, desk space, mailboxes, or other areas located within the police headquarters building remain under control of the City and are subject to search at the direction of the Chief of Police, or pursuant to a search and seizure warrant.
6. All forms of communications including email, voice mail, radio transmissions, written and electronically stored documents shall be attainable by the City in order to determine if City or departmental policies have been complied with.
7. Photographs shall be taken of any injuries sustained by an officer or any person as a result of any police action or investigation. The SD memory card will be turned in to the Identification Unit lockers outside of Room 249. Photographic images taken by patrol will be downloaded into the Identification Unit computer and then burned onto a monthly DVD and stored in the Identification Unit. Still photographic images shall be maintained in a secure file in the Identification Unit. The photographs shall be maintained with the appropriate police file.

#### **2.8.18 Time Limits for Internal Investigations**

Pursuant to the Collective Bargaining Agreement Article 19, Section 5, all internal investigations shall be completed within 60 days; provided, however, that the officer assigned to conduct the investigation may extend this sixty-day period by up to thirty (30) days upon written notice to the Chief of Police and Union that there are extenuating circumstances which have prevented concluding the investigation. Within twelve (12) days of the conclusion of the investigation, the Chief of Police shall bring charges, if any, against the employee who was the subject of the investigation.

