

DANBURY POLICE DEPARTMENT

DPD General Order #5550		Subject: Internal Affairs	
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I. **PURPOSE**

The purpose of this policy is to provide information regarding the handling of complaints against department employees.

II. **POLICY**

The Danbury Police Department will investigate all complaints of employee misconduct or wrongdoing. Complaints may be verbal or written, expressed or implied. All complaints will be reviewed by the Chief of Police. Each investigation involving alleged employee misconduct or wrongdoing will be conducted in a lawful, fair and impartial manner while protecting the integrity of the Department, the safety of the community and the rights of all persons. In furtherance of these principles, all complaints shall be received and investigated in an unbiased manner, without regard to sex, age, race, color, religion, ancestry, national origin, disability, sexual orientation, gender identity, language proficiency or citizen status. The Internal Affairs Office within Professional Standards is responsible for managing all complaints against department personnel. The Office of the Chief of Police reserves the right to alter this process at anytime when it is deemed to be in the best interest of the Department.

III. **PROCEDURES**

A. **General Considerations**

1. The success of the Danbury Police Department in fulfilling its mission depends to a large extent on the trust that exists between the Department and the community at large. The Danbury Police Department welcomes public scrutiny of policies, procedures and methods to improve the quality of public service. A key basis for maintaining the trust lies in our internal affairs function.
2. Employees must be free to exercise good judgment and take enforcement action without fear of reprisal. At the same time, citizens must be encouraged to bring their grievances about employee conduct to the Department's attention without fear of reprisal. The employees of the Department and the community depend upon a thorough, fair and expeditious investigation of complaints and a disposition when the investigation is completed.
3. The Department will document and investigate all complaints made against department employees. Anonymous complaints will be documented and investigated by a supervisor.
4. The Civilian Complaint Report shall be used to accept a complaint alleging misconduct or wrong doing. All employees must courteously inform an individual of their right to make a complaint if the individual objects to an employee's conduct.

B. **All Personnel**

1. All personnel witnessing employee misconduct or wrongdoing have a duty to report the incident to a supervisor and in more serious cases involving the abridgement of an individual's rights or criminality, employees must intervene to

stop the misconduct or wrongdoing. Officers, who withhold information, fail to cooperate with departmental investigations or who fail to report alleged misconduct or wrongdoing of employees to a supervisor shall be subject to disciplinary action.

2. All personnel receiving complaints will be courteous, responsive and helpful. Personnel will put the complainant in contact with a supervisor and provide any other assistance that may be required. No employee shall refuse to assist any person who wishes to file a citizen complaint or discourage, interfere with, hinder, delay, or obstruct a person from making a citizen complaint.
3. There shall be no retaliation in any form by any member of this agency directed at an individual who makes a complaint.
4. During the complaint intake process, no questions shall be asked of a complainant regarding their immigration status.
5. Personnel may file their own complaint regarding misconduct without fear of reprisal. Complaints may be filed with supervisors in their chain of command, the Professional Standards Office, Internal Affairs Office, Office of the Chief of Police or the City of Danbury Human Resources Office.
6. When a department member is approached in the field by a complainant expressing an allegation of misconduct, he will contact the Field Supervisor, or in his absence, the Shift Commander for instructions. In most cases, the complainant will be advised to meet the supervisor at Police Headquarters or other appropriate arrangements may be made.
7. Frequently, citizens contact the Department with questions regarding a policy, procedure or tactics used by the Department. Such inquiries may be handled by any member of the Department. By listening and giving a responsive explanation of the activity in question, the concerns of the citizen or employee may be resolved. These cases do not require a Civilian Complaint Form. Unresolved cases need to be referred to a supervisor.
8. All personnel shall cooperate in department investigations, shall truthfully answer questions and render complete and accurate statements upon request. Omissions of material facts during an internal investigation may be characterized as a failure to cooperate with an investigation and will be subject to disciplinary action.

C. Supervisors

1. Supervisors shall scrutinize all areas of police action and department operations under their command to discover violations of department policies, procedures, rules and regulations, the code of conduct as well as applicable City of Danbury policies and State and Federal laws.
2. Supervisors shall investigate all complaints involving their subordinates that are minor or routine in nature. Such complaints include rudeness, tardiness, uniform violations, motor vehicle violations and dissatisfaction with an investigation or response etc.
3. Complaints may be accepted in writing, verbally, in person by mail, telephone (TDD), facsimile, and electronically, or by any other means. Anonymous and third party complaints will be accepted.
4. During the course of any investigation that may lead to disciplinary action, the investigating supervisor should contact the Internal Affairs office and attempt to get a copy of the officer's disciplinary record, if one exists. This will allow the supervisor to ascertain if this violation is a first offense or a subsequent one.

5. Supervisors are responsible for maintaining the confidentiality of the contents of an investigation under their control. Supervisors will obtain a Civilian Complaint Report and forward a copy to the Internal Affairs Office.
6. Supervisors will conduct and document their investigation in an internal report and take disciplinary action pursuant to the Code of Conduct when necessary. The supervisor will then forward the complaint through the chain of command along with all related documents including statements, photographs, video etc to the Chief of Police for review.
7. When a minor or routine complaint is received and the appropriate supervisor is not working, an on-duty supervisor will speak with the complainant and fill out a Civilian Complaint Report. A complainant will never be told to “come back” or “call back” at a later time to speak with an employee’s supervisor.
8. After the complaint is received and properly documented on a Civilian Complaint Report, the complainant may be placed under oath and requested to sign the complaint after reading or having it read to them the warning for perjury or false statement. If the complainant refuses to sign the complaint or acknowledge the oath, the complaint will still be accepted and investigated; however, the refusal to sign or acknowledge the oath shall be noted. In any event, the complaint form should be completed and the complaint will be assigned a Complaint Control Number and forwarded as directed.
9. A supervisor, upon receiving a civilian complaint taken in his absence, shall personally contact the complainant and review the complaint. The supervisor will then conduct an appropriate investigation as outlined above.
10. When a complaint involves serious misconduct by an employee, the Chief of Police and the Professional Standards Office shall be notified immediately. Serious complaints include, but are not limited to, corruption, excessive force, civil rights violations and criminal misconduct. The Professional Standards Office may, based on the complaint, provide guidance and direction to the supervisor as to how to proceed. Absent a response from the Professional Standards Office, on-duty supervisors will interview and take statements from all available complainants and witnesses. The Shift/Division Commander will review the statements for completeness and will forward the matter to the Professional Standards Office.
11. Any incident involving deadly force requires the immediate notification of the Chief of Police, The Professional Standards Office and the State’s Attorney’s Office.
12. The Internal Affairs Office within Professional Standards is a resource for supervisors conducting internal affairs investigations and is available to assist supervisors in their investigations. Supervisors should contact the Professional Standards/Internal Affairs Office whenever they are unsure as to how to proceed with an investigation or complaint.

D. Internal Affairs Office

1. The Internal Affairs Office within the Professional Standards Division acts on behalf of and reports to the Commander of Professional Standards as a staff investigative body with the following areas of responsibility:
 - a. Assign a Complaint Control Number used to identify and track citizen complaint investigations. Recording, registering and controlling investigations of complaints against agency personnel.

- b. Supervising and controlling investigations of alleged misconduct within the department.
 - c. Maintaining the confidentiality of Internal Affairs investigations and records
 - d. Professional Standards employees, when properly assigned, have the authority to investigate, regardless of rank, superiors of higher rank who may be in command of a unit or division..
2. The Internal Affairs Officer will notify the Commander of Professional Standards for each civilian complaint received by the Department. Most minor or routine complaints will be handled at the division level through the employee's chain of command. The Internal Affairs Office will investigate cases involving serious employee wrongdoing or misconduct unless otherwise directed by the Chief of Police.
 3. The Internal Affairs Officer is a fact finder who investigates cases of serious employee misconduct or wrongdoing and forwards completed investigations to the Commander of the Profession Standards for review and ultimate forwarding to the Chief of Police for disposition.
 4. The Internal Affairs Office may investigate any act of misconduct or wrongdoing within the Department. The Internal Affairs Office will usually request a supervisor to investigate employee misconduct or wrongdoing within the chain of command of the alleged offender. Serious transgressions will be investigated by the Internal Affairs Office or by assignment by the Chief of Police.
 5. The Chief of Police maintains the right of assignment regarding criminal investigations involving employees of the Department. Criminal investigations will generally be assigned to the Detective Division and with due regard to personal and professional relationships. The Chief of Police may request that State's Attorney's Office assign the criminal investigation to a law enforcement agency other than the Danbury Police Department. In addition the State's Attorney's Office may elect on it's own to assign a criminal investigation to an outside agency.
 6. The Internal Affairs Officer will suggest revisions of Departmental Policies and Procedures where an existing deficiency has been indentified and is a contributing factor to misconduct.

E. Validity and Timeliness of Complaints

1. Complaints by persons Under the Influence of Alcohol or Drugs: When a person who is noticeably intoxicated or impaired wishes to make a complaint, he or she shall be encouraged to wait until the earliest opportunity after he or she has regained sobriety to do so. When the Supervisor determines the circumstances require immediate action, preliminary details of a complaint should be taken by a Supervisor, when available, regardless of the person's sobriety. In that event, the internal affairs designee should re-interview the person after he or she has regained sobriety
2. Delayed or Untimely Complaints: Complaints of misconduct or malfeasance shall be accepted regardless of when the alleged misconduct or malfeasance is alleged to have occurred. However, the timing of a complaint is one of the circumstances that the agency may consider in determining whether misconduct or malfeasance can be reliably substantiated and, if so, the nature and extent of discipline to be imposed. Where a delay in reporting alleged misconduct may call into question the veracity of the complainant, or has resulted in the loss or

destruction of evidence or the inability to locate witnesses due to the passage of time, the facts and circumstances should be detailed in the report.

Although allegations of criminal behavior may be made past the expiration of the applicable statute of limitations and criminal prosecution may no longer be possible, a criminal violator may still be held accountable administratively.

F. Investigations

1. The objective of an investigation involving employee misconduct or wrongdoing is to determine the truth and to protect the integrity of the Department. All investigations shall be conducted with full regard for the employee's constitutional and legal rights as well as the employee's reputation.
2. All Investigative findings will be supported by a preponderance of the evidence and documented in writing.
3. Internal investigations will be conducted by supervisors within the employee's chain of command, the Internal Affairs Office or by assignment by the Chief of Police. The Chief of Police may refer an investigation to a law enforcement agency outside of the Department. All internal Investigations will be completed within 30 days, unless approved otherwise by the Chief of Police.
4. No investigation shall be closed simply because a subject or complainant is unavailable, unwilling, or unable to cooperate, including refusal to provide medical records or proof of injury.
5. When an employee is notified that they are the focus of a complaint or investigation, they will be advised in writing of the allegation(s) against them and a written summary of their rights and responsibilities relative to the investigation. This notification may come from the Internal Affairs Office or from the involved member's chain of command.
6. Employees will be advised prior to an interview whether the interview relates to a criminal or internal investigation. To further protect the integrity of the Department, the Internal Affairs Office and the Detective Division Commander will maintain liaison with the State's Attorney's Office.
7. Employees have the right to union representation and or legal counsel during any interview involving an internal or criminal investigation. Employees are required to truthfully and completely answer all questions that are specifically related to the allegations of misconduct involving an internal investigation.
8. Employees may be required to submit to photographing or participation in a line-up, when these actions are specifically related to a particular internal affairs investigation. A line-up shall be conducted in a manner consistent with applicable state and federal laws.
9. Employees may be required to submit financial disclosure statements when it is material to an internal affairs investigation. The order for disclosure shall be limited to the specific issue(s) under investigation and the employee shall be informed of the items at issue, prior to the request for disclosure.

G. Medical Testing

1. Employees may be required to submit to medical or laboratory examinations. Tests will be conducted at the City of Danbury's expense. Tests will be specifically directed and narrowly related to a particular internal affairs investigation.
2. Employees suspected of having a substance abuse problem are encouraged to contact the Employee Assistance Program (G.O. #5000) or other professional help. Employees suspected of on-duty intoxication from alcohol or drug use may

be ordered to submit to a medical evaluation in accordance with G.O. #5010 (Drug Testing) and the *Collective Bargaining Agreement*. Refusal by the employee to obey such an order will result in punitive disciplinary action.

3. The Danbury Police Department recognizes substance abuse as an illness, and as part of the discipline process and under certain circumstances, assist the employee in obtaining treatment to overcome their illness through procedures outlined in G.O. #5010 (*Drug Testing*) and the *Collective Bargaining Agreement*.
4. A member of the Department may be required to undergo testing based on “reasonable suspicion” when objective facts and observations are brought to the attention of a superior officer; and based upon reliability and weight of such information, the superior officer can reasonably infer or suspect that the member is using illegal drugs, is abusing legal drugs or alcohol or is reporting for duty under the influence of drugs or alcohol. Any report of facts or observations made to the superior officer shall be confirmed in writing, under oath. Further procedures are contained in G.O. #5010 (*Drug Testing*) and the *Collective Bargaining Agreement*.

H. **Disposition**

1. The following dispositions are available for use by supervisors at the conclusion of internal investigations.
 - a. **SUSTAINED:** There is sufficient evidence to establish that the facts and circumstances support the determination that these actions constitute misconduct as reported in the allegation. Disciplinary action will be taken if warranted.
 - b. **NOT SUSTAINED:** There is insufficient evidence to clearly prove or disprove the complaint or incident.
 - c. **EXONERATED:** There is sufficient evidence which indicates that the act or incident did occur, but the actions were justified, lawful and proper.
 - d. **UNFOUNDED:** There is sufficient evidence to prove the complaint or incident is false or not factual and did not occur.
 - e. **OTHER:** There is sufficient evidence to establish that the facts and circumstances support the determination that a violation was committed other than what was originally reported.

I. **Notification**

1. At the completion of an internal investigation, the affected employee shall receive written notification of the disposition from the Chief of Police or his designee.
2. Complainants will receive written notification of the disposition of their complaint through a letter from the Chief of Police or his designee.

J. **Internal Reports and Record Management**

1. The Internal Affairs Office is the repository of all internal investigation records for the Department. All internal affairs records are secured and considered confidential. Written permission from the Chief of Police is required before any copies can be made of anything contained in an internal affairs file.
2. All files will be maintained in accordance with State of Connecticut record retention guidelines.
3. The Internal Affairs Office will furnish to the Chief of Police a statistical summary of all complaints made against department employees at the end of each calendar year. The disclosure of these statistics does not violate the confidentiality of the internal affairs function.

K. **Training:**

All supervisory personnel will be required to attend periodic training, as determined by the department, regarding policies and procedures contained herein and professionally accepted practices related to conducting internal investigations.

L. **Public Information and Access:**

Informational materials including copies of this policy, the Citizen's Complaint Report, and the Citizen's Commendation Report shall be available to the public at police headquarters, on the police department web site, and at the Mayor's Office at City Hall, and at other designated facilities.

Patrick A. Ridenhour
Chief of Police