

 Chief of Police Paul J. Melanson	FARMINGTON POLICE DEPARTMENT POLICIES AND PROCEDURES	 Page 1 of 11
	General Order: <b>610.1</b> Subject: <b>Internal Affairs</b>	
	Amends/Rescinds/Revised: 1/14/2019      Effective Date: 1/31/2019	

**PURPOSE**

The purpose of this policy is to comply with C.G.S. Sec. 7-294bb and to provide a uniform policy to accept process, investigate, take appropriate action upon and resolve complaints from a member of the public relating to alleged misconduct or malfeasance committed by Farmington Police Department employees.

Complaints may allege abuse of authority, corruption, criminality, poor or slow service, or other misconduct or malfeasance on the part of agency personnel.

**POLICY**

The agency shall respond to allegations of misconduct or malfeasance against its employees consistent with this policy and fairly and impartially investigate all complaints or allegations of such conduct to determine their validity. The Department shall impose any disciplinary or non-disciplinary corrective actions that may be warranted in a timely manner. The Department shall accept and document all complaints against any employee regardless of whether the complaint is filed in writing, verbally, in person, by mail, by telephone (or TDD), by facsimile, electronically, or anonymously.

There shall be no retaliation in any form by any member of this agency directed at an individual who makes a complaint.

During the complaint intake process, no questions shall be asked of a complainant regarding their immigration status.

Any officer who withholds information, fails to cooperate with department investigations, or fails to report alleged misconduct or malfeasance of employees to a supervisor shall be subject to disciplinary action.

**610.1.1 DEFINITIONS**

Complaint: An allegation of employee misconduct or malfeasance.

Complainant: Any person who files a complaint regarding misconduct or malfeasance on the part of an agency employee.

Complaint Control Number (CCN): A unique numerical code used to identify and track citizen complaint investigations. This will be generated as a case number through LEAS, classified as "INTERNAL AFFAIRS COMPLAINT" under call type.

Discipline: Adverse action taken by the agency against any employee as the result of a sustained internal affairs investigation including, but not limited to, a written reprimand, suspension, demotion or dismissal.

Employee: Any person employed by the agency, whether sworn or non-sworn.

Internal Affairs Division or Unit: The designated division, unit or person with primary responsibility to conduct investigations of administrative or Citizen Complaints of misconduct or malfeasance.

Malfeasance: Illegal or dishonest activity especially by a public official.

Misconduct: Any act or omission by an employee that is illegal or which violates established policy.

Supervisor: Includes those holding the rank of Sergeant or higher.

## **610.1.2 Procedures**

### Internal Affairs Responsibility

The Chief of Police has primary oversight and authority over investigation of complaints made against employees. The designated Internal Affairs Officer is the Executive Officer. The Internal Affairs Officer shall report directly to the Chief of Police and notify the Chief upon receipt of any IA complaint. The Internal Affairs Officer may investigate the complaint or may assign the complaint to another supervisor if deemed appropriate.

The designated investigating supervisor shall be responsible for:

Conducting a thorough, fair and impartial investigation of every complaint received regardless of the method of receipt.

Investigating and determining the nature, facts and circumstances of every complaint.

Reporting to a supervisor up to and including the Chief of Police, if warranted, the results of the investigation, any recommendations and the resolution of that investigation.

Identifying and recommending for appropriate investigation and prosecution criminal misconduct discovered on the part of any individual during the course of an internal affairs investigation.

Preparing suggested revisions of Agency Policies and Procedures where existing deficiencies have been a contributing factor to misconduct.

## **610.1.3 Acceptance, Filing and Intake of Complaints**

### General

All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance of employees of this agency. All sworn and civilian employees shall be required to accept a complaint alleging misconduct or malfeasance by agency personnel. All employees must courteously inform an individual of his or her right to make a complaint if the individual objects to an employee's conduct. Employees have a duty to assist any person who wishes to file a citizen's complaint by documenting the information and allegations they provide, advising the individual how to proceed, and by promptly putting the complainant in contact with a supervisor who can assist them with filing their complaint. 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.

## **610.1.4 Acceptance of Complaint**

The use of a standardized form to record complaints shall be implemented using the standardized form adopted by the Police Officer Standards and Training Council for such documentation. Each complaint shall be assigned a CCN to track complaints and a copy of this form shall be filed in a separate Complaint File.

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.

All employees will assist those who express a desire to lodge complaints against any member of the agency. This includes:

Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.

Explaining the Department's complaint procedures.

Providing complaint form(s) and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained.

Ensuring that complainants who are unable to read, write or understand the English language with sufficient proficiency to fill out the complaint form, or to be interviewed regarding their knowledge of the incident complained of, receive adequate language assistance to permit them to file their complaint and assist, as needed, in the investigation thereof. 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 report.

All personnel who are approached by a person seeking to make a complaint will, when possible, call a supervisor, obtain a brief description of the allegation and record contact information from the complainant if provided. A CCN will be generated through LEAS. That number will be provided to the complainant.

If a supervisor is not readily available, the officer will inform the complainant that they will be contacted by a supervisor or the person or unit assigned to conduct internal affairs investigations by the next business day.

Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.

All complaints shall be documented to include the date, time, location, and nature of the complaint, complainant's information (name, address, date of birth, telephone number, or other contact information, if provided, date and time the complaint was received, and the name, rank and/or title of the person receiving the complaint.

The withdrawal of a complaint does not prohibit the agency from completing an investigation.

If complaints are received by mail, all correspondence received containing allegations shall be forwarded to the Chief of Police or the Chiefs designee where they will be officially received. These complaints shall be assigned a CCN. The Chief of Police will send a letter of acknowledgment advising the complainant that the matter is being investigated and that they will be contacted by the assigned investigator.

Walk-in complaints shall be referred to a supervisor who shall then forward the complaint to the Executive Officer. After the complaint is received and properly documented, 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 shall be noted. In any event, the complaint will be assigned a CCN and forwarded as above.

Telephone complaints shall be referred to a supervisor or the Executive Officer. The party who receives the complaint shall obtain the details of the complaint as soon as practicable, dispatch a supervisor to the complainant's location, and proceed as described in the foregoing paragraph.

#### **610.1.5 Validity and Timeliness of Complaints**

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.

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.

#### Complainant Who Fears Retaliation Associated With Filing A Complaint:

If a complainant expresses fears of retaliation as a result of filing a complaint, they must be assured that those fears will be taken seriously. Complainants should be asked to provide the basis for their concerns, if possible, and the information provided should be noted in the complaint. This will allow the unit, supervisor or internal affairs designee to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

### **610.1.6 Investigation of Complaints**

The Chief of Police or the Chiefs designee shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Internal Affairs investigations shall generally be completed within thirty days. The Chief of Police may grant extensions for good cause. If investigations are not completed in thirty days the complainant will be notified periodically regarding the status of the investigation.

Complainants shall be notified in writing within five (5) business days of receipt that; (1) their complaint has been received by the agency and is currently pending; (2) that a complaint number has been assigned (including the assigned number); (3) that they will be informed in writing the conclusion of fact of the investigation, and (4) that they may contact the designated investigator (identify by name, telephone and/or email) at any time for further information while the investigation is pending.

The employee of the investigation shall be promptly notified of the complaint in accordance with the provisions of applicable labor agreements including: (1) the fact that a complaint has been made, (2) the identity of the complainant, if known, (3) the substance of the complaint, (4) the law or policy that is alleged to have been violated, and (5) the date upon which the investigation is expected to be completed.

An employee who is the subject of an internal affairs investigation shall be notified that they have the right to the presence of a union official at any stage of the investigation where they are required to give a statement that could result in discipline. Employees may consult privately with union representatives during the interview. Unless the employee requests the presence of a union official, the right will be deemed waived. Employees may review any reports or statements they made on the subject of the investigation prior to being interviewed.

Employees may be interviewed about off-duty behavior where that conduct involves actions taken as a police department employee or where their behavior reflects upon the Town of Farmington.

Employees may invoke their 5<sup>th</sup> Amendment right against self-incrimination and may refuse to answer questions regarding their involvement in criminal activity. They may not invoke this right for matters of an administrative nature for which there is no criminal liability.

When there are indications an employee is on duty under the influence of alcohol, the employee may be required to submit to visual, field sobriety, and blood alcohol tests. The results will be recorded. A blood or urine test may be required of any employee suspected of using any illegal drug or controlled substance on or off duty.

Any officer who uses a firearm on duty resulting in injury to a person will be required to submit to a blood and/or urine test to determine any use of alcohol or un-prescribed drugs.

Employees may be required to submit to photographing or participation in a line-up if probable cause exists to believe they were involved in a criminal offense and if the evidence is material to a particular offense being investigated.

Employees may be required to submit financial disclosure statements when it is material to an internal affairs investigation.

Polygraph examinations may be administered during the investigation of a very serious incident or complaint.

Employees may be required to participate in the creation of an audio/video recording exemplar.

Each complaint shall be classified as Level 1 or Level 2. A Level 1 investigation is generally conducted for more serious violations that may result in criminal charges, dismissal, or long-term suspension. A Level 1 investigation will be conducted or supervised by the Executive Officer. A Level 2 investigation is generally conducted for less serious violations and may be conducted by line supervisors at the discretion of the Executive Officer, who will review any such investigation.

Where notification is reasonably likely to impede the progress of an investigation, result in the loss or destruction of evidence, or jeopardize the safety of any individual, the Chief of Police may direct in writing that such notification be delayed, stating the reasons therefore and the anticipated extent of the delay.

Nothing in this policy precludes the Chief of Police from referring an internal affairs investigation to an outside agency if such action would be in the best interest of the municipality and of justice.

### **610.1.7 Review of the Investigation**

The designated internal affairs investigator's supervisor shall review the investigation to determine the thoroughness, completeness, accuracy and objectivity of the investigation.

The completed report of investigation, disciplinary recommendation if any and the recommended disposition shall be reviewed by the Chief of Police or the designee of the Chief of Police.

The Chief of Police will promptly notify the complainant, in writing, of the disposition of the complaint at the conclusion of the investigation.

Investigatory findings and any disciplinary recommendations shall be promptly conveyed, in writing, to the employee through the chain of command.

### **610.1.8 Case Dispositions/Conclusions of Fact**

For each charge or allegation of misconduct or malfeasance which forms the basis for an internal affairs investigation, such charge or allegation shall have a conclusion of fact and be classified upon closing of the investigation in one of the following manners:

- 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 minor violations and attempt reconciliation. 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; or
  - d. Allegations of racism, bigotry or prejudice against any race, religion, creed, national origin, sexual orientation, or circumstances beyond the individual's 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.

#### **610.1.9 Training**

All personnel will be required to complete annual policy review training on the department's Internal Affairs/Complaint policy and their respective responsibilities with regards to taking and investigating complaints.

#### **610.1.10 Public Information and Access**

The Chief of Police will:

Ensure informational materials are made available to the public through police personnel, the police department facility, the police agency web site, the general government web site of the agency, the internet, libraries, community groups, community centers and at other designated public facilities.

Ensure that copies of this policy and complaint forms are available at the town hall or another municipal building located within the municipality served by the law enforcement agency, other than a municipal building in which the law enforcement agency is located. This information should include relevant phone numbers and any addresses where complaints can be made. This information must explain the complaint process in English and Spanish.

The complaint policy and forms should be made available online where the agency, or the municipality served by the law enforcement agency, has an Internet website.

#### **610.1.11 Annual Reporting**

The Executive Officer shall maintain internal affairs records in a secure area. The Executive Officer shall provide an annual statistical summary based upon records of internal affairs investigations to the Chief of Police and make it available to the public via the police department's web site. The summary shall include the number and types of complaints (Level 1 or 2) and whether each was determined to be founded or unfounded.

**FARMINGTON POLICE DEPARTMENT**

**CIVILIAN COMPLAINT REPORT**

Please give this completed document to a Police Supervisor or send it to the Internal Affairs Unit of this agency at the following address or email: Chief Paul J. Melanson, Farmington Police Department, 319 New Britain Avenue, Unionville, Connecticut, 06085. Email: MelansonP@Farmington-CT.org

Date of Incident	Time of Incident	Date Reported	Time Reported
Location of Incident			
Complainant's Name		Complainant's Address (Street, City, State, ZIP)	
Complainant's DOB	Complainant's Home Phone#	Complainant's Work Phone#	
Complainant's Cell Phone#	Complainant's E-mail		
Employer		Occupation	
Employer's Address			Employer's Telephone
Name of Person Assisting Complainant	Address	Telephone	
Employee Complained about (if known): (Name or physical description, Badge #, Car #, etc.)			
Witness Information (Name, D.O.B., Address, Telephone #, etc.)			
Please provide answers to the following questions:			
	YES	NO	UNSURE
1. To your knowledge, was all or any part of the incident complained of video or audio taped by anyone?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Are you afraid for your safety, or that of any other person, for any reason as a result of making this complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Has anyone threatened you or otherwise tried to intimidate you in an effort to prevent you from making this complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are you able to read, write and speak the English Language?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. If your answer to Question #4 is "No" or "Unsure", have you been provided with adequate language assistance to help you understand and fill out this form?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>(If you answered "Yes" to any of the above questions, please provide details below.)</i>			



FARMINGTON, CT Departamento de Policías

Ciudadano Formulario de Queja

Por favor complete este formulario y llévelo a un supervisor en el departamento de policías o lo puede mandar por el correo o correo electrónico a la Oficina de Asuntos Internos (Internal Affairs Unit) de esta agencia. La dirección es: Chief Paul J. Melanson, Farmington Police Department, 319 New Britain Avenue, Unionville, Connecticut, 06085. Email: MelansonP@Farmington-CT.org

Date of Incident (Fecha del Incidente)	Time of Incident (Hora del Incidente)	Date Reported (Día denunciado)	Time Reported (Hora denunciado)
Location of Incident (Dirección donde ocurrió el incidente)			
Complainant's Name (Su Nombre)		Complainant's Address (Su Dirección: Calle, Ciudad, Estado, código postal)	
Complainant's DOB (fecha de nacimiento)	Complainant's Home Phone # (su # de teléfono)	Complainant's Work Phone# (Su # teléfono en el empleo)	
Complainant's Cell Phone# (Su número Celular)		Complainant's E-mail (Su Correo Electrónico)	
Employer (Empleador)		Occupation (Ocupación)	
Employer's Address (Dirección de su empleador)			Employer's Telephone (Teléfono de su empleador)
Name of Person Assisting Complainant (Nombre de la persona ayudándole)	Address (Dirección de la persona ayudándole)	Telephone (Teléfono)	
Employee Complained about (if known): (Name or physical description, Badge #, Car #, etc.) (El nombre de la persona (s) en quien tienes la queja o si no una descripción, número de placa, numero del carro).			
Witness Information (Name, D.O.B., Address, Telephone #, etc.) Información de los testigos: Nombre, fecha de nacimiento, teléfono).			
Por Favor conteste las siguientes preguntas:			YES/SI NO/NO UNSURE/ No estoy seguro
1. ¿En tu conocimiento, este incidente o parte del mismo, fue grabado en video o de audio?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2. ¿Tú tienes miedo por tu seguridad o la seguridad de otra persona, por cualquier razón o de resultado de hacer esta queja?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3. ¿Alguna persona te ha amenazado o tratado de intimidarte en un esfuerzo de evitarle que hagas esta queja?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4. ¿Puedes, leer, escribir, y hablar el lenguaje de inglés?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
5. Si contestaste la pregunta # 4 "No" o si no estás seguro, ¿has recibido suficiente ayuda para llenar este formulario?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Si contestaste afirmativo "Si" a una de estas preguntas, por favor, escribe los detalles utilizando el reverso de este papel.			

