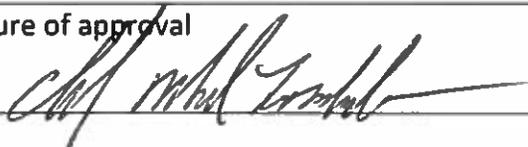




Trumbull Police Department Policy

SUBJECT Investigation of Employee Misconduct	NUMBER A-8
RESCINDS	EFFECTIVE DATE February 11, 2013
Signature of approval 	Revised Date July 1, 2015

I. PURPOSE

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

II. 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, by telephone (TDD), by facsimile, electronically or anonymously.

1. There shall be no retaliation in any form by any member of the Trumbull Police Department directed at an individual who makes a complaint.
2. During the complaint process no questions shall be asked of a complainant regarding their immigration status.
3. Officers who withhold information, fail to cooperate with department investigations or who fail to report alleged misconduct or malfeasance of employees to a supervisor shall be subject to disciplinary action, up to and including termination.

III. THE INTERNAL AFFAIRS UNIT ORGANIZATION

The Internal Affairs Unit is a component of the Professional Standards Office. Officers assigned to the Professional Standards Office shall report to, and serve at the pleasure of the Chief of Police.

The Professional Standards Unit 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.

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

The Professional Standards Unit shall be staffed by one commanding officer holding the rank of Lieutenant or above, and any other personnel that the Chief deems necessary. These additional investigators shall report to the commanding officer, who shall report directly to the Chief of Police.

IV. INTERNAL AFFAIRS ACTIVITIES

The Internal Affairs Unit 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 Unit 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 Internal Affairs Unit 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.

V. INTERNAL COMPLAINTS (GENERAL)

An appropriate investigation shall be conducted for all complaints made against the Trumbull Police Department or its members. Complaints may be submitted 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 inquiries 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.

VI. COMPLAINT PROCEDURE

When a complaint is made regarding alleged employee misconduct, the ranking supervisor on duty of the Division to which the employee is assigned shall be summoned to receive the complaint. If there is no supervisor available from a particular Division, 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 complainant to be told to return at another time, or that no one is available to handle their complaint.

The following steps shall apply to all complaints:

- A. The supervisor receiving the complaint shall gather all pertinent details regarding the complaint including but not limited to:
- Obtaining names and addresses of any witnesses to the incident
 - Securing any available physical evidence
 - Taking necessary photographs
 - Taking a written statement from the complainant and/or witnesses
- B. The supervisor receiving the complaint shall fill out the Civilian Complaint Form (TPD Form 65) and give a completed copy to the complainant. 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. The supervisor shall also inform the complainant of the complaint and investigation process.
- C. The supervisor receiving the complaint shall forward the completed Civilian Complaint Form along with any other documentation or pertinent information to the Shift or Unit Commander.
- D. The Shift or Unit Commander shall review the complaint and based upon the type of complaint and available information, shall forward the complaint to the Deputy Chief of the Specific Division 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, who will determine what course of action, is necessary.
- E. The Chief 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
- F. If an Internal Investigation is warranted, the Chief of Police shall notify the commanding officer of the Professional Standards Unit in writing to initiate an Internal Investigation. In addition, the Chief 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 of which he has personal knowledge
- information brought to his attention by a member of the Department

- information brought to his attention by any other source

The Chief shall forward to the Professional Standards Unit all complaints made by motor vehicle operators who feel they were stopped in violation of the Racial Profiling Policy.

Professional Standards shall also 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 law.

VII. CONDUCT OF INTERNAL INVESTIGATION

The Internal Affairs Unit shall assign an IA case number to each complaint received from the Chief and shall begin a proper investigation. Pursuant to existing 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 Unit 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 functional supervision of the Professional Standards Unit commanding officer.

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 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.

VIII. INVESTIGATIONS CONDUCTED AT THE DIVISION LEVEL

If it has been concluded by the Chief that due to the nature of the complaint, it is to be handled at the Division level, the Chief 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. All complaint dispositions are determined by the Chief of Police.

After resolution, the case shall be forwarded to the Internal Affairs Unit for review and recording purposes. The complaint shall be logged in the Internal Affairs Unit records.

The Internal Affairs Unit shall be a resource to commanding officers of other Divisions in conducting investigations of less serious nature.

- Internal Affairs Unit will assign case numbers
- Provide guidance
- Conduct a review of the officers disciplinary history prior to any discipline

IX. 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.

X. NOTIFICATION OF EMPLOYEE RIGHTS

When an employee of the Trumbull Police Department 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 acknowledge 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. There are certain investigations that require the employee not to be notified for various reasons. In these cases only the Chief of Police makes this determination.

XI. RECORDS OF COMPLAINTS

The Internal Affairs Unit is responsible for maintaining accurate and complete records of all complaints against the department and its employees. The unit shall provide annual statistical summaries of investigations for dissemination to the Chief of Police.

XII. PUBLIC AND EMPLOYEE NOTIFICATION OF COMPLAINT PROCEDURES

The Trumbull Police Department shall make available to the public, procedures for registering complaints against the department or its employees. This information shall be made available through the Department's website, and another municipal building located within Trumbull, other than a municipal building in which the Trumbull Police Department is located shall also be disseminated to all agency employees.

XIII. NOTIFICATION TO CHIEF 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.

XIV. NOTIFICATIONS 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 commanding officer of the Professional Standards Unit of the Chief of Police shall contact the complainant in the matter and notify them of the outcome of the complaint. In addition, complainants should be contacted periodically by the Professional Standards Unit during the course of lengthy Internal Investigations. All such contacts shall be appropriately documented in the investigation file.

XV. SECURITY/CONFIDENTIALITY OF INTERNAL AFFAIRS RECORDS

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

XVI. INTERNAL INVESTIGATIONS - OTHER PROCEDURAL GUIDELINES

- A. 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.
- B. Photographs of all agency employees shall be maintained on file in the department's Records Management System and/or personnel files. 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.
- C. 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 an internal investigation. 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.
- D. No employee shall have an assigned locker or storage space searched except in their presence or with their consent or unless a valid search warrant has been obtained or when he/she has been notified that a search will be conducted. This section shall not apply under exigent circumstances.
- E. Photographs shall be taken of any injuries sustained by an officer or any person as a result of any police action or investigation. The photographs shall be maintained with the appropriate police file.
- F. At the conclusion of any Internal Affairs Investigation or Administrative inquiry the Chief of Police shall render a disposition of the complaint. The employee shall be notified of the disposition in writing and in accordance with the present Collective Bargaining Agreement.

Disposition Classifications:

Disposition Classifications shall be selected from those provided below:

- A. Not sustained-lacking enough information or evidence to draw a conclusion.
- B. Exonerated-completely cleared actions of officer in accordance with regulations.
- C. Sustained-a determination that a violation(s) did occur.
- D. Unfounded-Investigation revealed that the incident as reported did not occur.
- E. Misconduct not based on Original Complaint. Misconduct or malfeasance which was not the basis of the original complaint but discovered during the course of the investigation.

XVII. TIME LIMITS FOR INTERNAL INVESTIGATIONS

Pursuant to the Collective Bargaining Agreement Article 17, all internal investigations shall be completed within ninety (90) days; provided, however, that the officer assigned to conduct the investigation may need to extend this period upon written request to the Chief, indicating that there are extenuating circumstances which have prevented concluding the investigation.

Within thirty (30) days of the conclusion of the investigation, the Chief shall bring charges, if any, against the employee who was the subject of the investigation.