



# Suffield Police Department

## General Order # 1-10

**Chapter 1: Law Enforcement Role and Authority**  
**Section 10: Internal Affairs**

**Effective Date: November 5, 2014**

**Rescinds: N/A**

### **PURPOSE**

To provide guidelines and procedures for the investigation and disposition of complaints and allegations of misconduct, policy and procedure violations and or any other violations involving sworn and non-sworn employees of the Suffield Police Department.

### **POLICY**

It will be the policy of the Suffield Police Department to receive and investigate complaints related to internal discipline in a manner that will assure the community of prompt corrective action when Department employees conduct themselves improperly and to protect the Police Department and its employees from unwarranted criticism pursuant to the discharge of official duties.

### **APPLICABILITY**

This General Order will apply to all sworn and non-sworn employees of the Suffield Police Department regardless of the employee's job description.

### **Definitions:**

1. **Misconduct:** Any violation of any legal statute, written law, department policy, rule, regulation or order. Any conduct which, by its nature, will reflect unfavorably upon the Department.
2. **Rules of Conduct:** This refers to the Rules and Regulations of the Suffield Police Department, which each employee acknowledges by signing the Read and Sign Book.
3. **Suffield Police Department General Orders:** The collection of Administrative, Operations, Investigations, Personnel, Special Orders, Policy and Procedures and Rules of Conduct issued by the Chief of Police.
4. **Informal Inquiry:** A meeting by supervisory or command personnel with an officer upon whom an allegation of misconduct has come to the attention of such supervisory or command personnel, the purpose of which meeting is to mediate a citizen complaint or discuss the facts to determine whether a formal investigation should be commenced. In lieu of a meeting, a "To/From Memo" explaining the officer's actions or the circumstances involved may be requested. Misconduct which comes to light in an informal inquiry will be handled as a matter of routine discipline and in accordance with the procedures outlined in this Order.

5. **Formal Investigation:** The process of investigation ordered by a commanding officer and to which the questioning of an employee is intended to gather evidence of misconduct which may be the basis for seeking his or her disciplinary action which may include demotion, removal, discharge or suspension.
6. **Complaint:** A verbal or written accusation or charge brought against an employee by anyone including the public, fellow employees or a supervisor. The complaint can be considered formal or informal based on severity.
7. **Interrogation:** The questioning of an employee pursuant to the formal investigation procedures in connection with an alleged violation of rules which may be the basis for seeking his/her oral reprimand, written reprimand, suspension, demotion, or termination. The term does not include questioning as part of an informal inquiry or relating to minor infractions of agency rules which may be noted on the officer's record but which may not in themselves result in , demotion, termination or suspension in excess of three days.
8. **Administrative/Pre-disciplinary Hearing:** Any non-judicial hearing by the Chief of Police to seek the suspension, demotion, removal or termination of an employee after charges have been filed as a result of an investigation or inquiry.
9. **Administrative Leave:** The temporary relief of an employee's normal duty assignment. All employees are bound by the Rules and Regulations of the Suffield Police Department while on Administrative Leave, except those requiring the exercise of direct police action by an employee.

**Duties of Employees:**

1. Each employee of the Department will perform the duties and will assume the obligations of his or her rank and position in the investigation of complaints or allegations of misconduct against any employee of the Department.
2. Each employee of the Department will cooperate fully with whoever is conducting the investigation.
3. Any employee of the Department, regardless of rank or position, who has knowledge of circumstances surrounding a complaint or any information regarding misconduct by any employee will immediately submit a written report to his or her immediate supervisor. This report will be accurate and will include all information that is known to the employee. Failure to do so will constitute a violation by that employee.

**Supervisory Authority: (The rank of Sergeant or above)**

1. First line supervisors will be responsible for detecting those instances and actions when disciplinary actions are warranted for employees under their immediate or indirect supervision. These responsibilities include:
  - a. Investigating allegations of employee misconduct when within the scope of their authority and responsibility.
  - b. Counseling employees to improve job performance or correct minor infractions of departmental rules, regulations, and procedures.
  - c. Identifying training needs.

- d. Forwarding internal investigations with recommended disciplinary action to be approved by the Captain and Chief of Police.
2. Supervisors who substantiate employee misconduct have the authority to exercise limited disciplinary actions:
    - a. If, in the judgment of the supervisor, the misconduct is very minor, such as a minor infraction of procedures or a case of poor judgment which has not significantly impeded effective departmental operations, the supervisor is authorized to take immediate corrective action in the form of counseling. The action taken will be documented by the supervisor. All documented counseling will be forward to the Captain for retention and review.
    - b. If, in the judgment of the supervisor, misconduct falls within the category of informal complaint or necessitates disciplinary action at the oral or written reprimand level, the corrective action will be taken by the supervisor and documentation will be forwarded through the chain of command to the Captain and in turn to the Chief of Police.
    - c. If, in the judgment of the supervisor, the disciplinary action is at a higher level than a written reprimand, the supervisor will make such recommendation through the chain of command to the Captain. The Captain will forward his/her recommendation to the Chief of Police for final disposition.
    - d. If, in the judgment of the supervisor, the misconduct is very serious, such as a violation of criminal law, gross negligence involving loss of life or potential loss of life, intoxication on duty, gross insubordination, or when deemed to be in the best interest of the Department, the supervisor may impose an immediate relief of duty. The Captain will be immediately notified through the chain of command. The employee so relieved will be ordered to report to the office of the Chief of Police at 0900 hours on the next business day unless there exists circumstances that dictate a different course of action be taken.

### **Complaint Categories:**

1. The type and nature of a complaint will determine whether it can be handled and resolved at the line supervisory level or be referred to the Captain for a formal internal investigation.
2. Not all complaints can be automatically categorized. Supervisors are required to exercise good judgment and common sense when they are made aware of a complaint. The following types of complaints are examples or those which are categorized as "formal", requiring referral to the Internal Affairs process, or "informal", which may be resolved at the first line supervisory level.
  - a. Formal Complaint -- Allegations of but not limited to:
    - Brutality;
    - Misuse of Force;
    - Breach of Civil Rights
    - Criminal Misconduct, and;
    - Insubordination
  - b. Informal Complaint -- Allegations of but not limited to:
    - Tardiness
    - Rudeness/Attitude
    - Improper Radio Procedure
    - Grooming and dress

3. Falling within the scope of their duties and responsibilities, supervisors shall have the authority to conduct Internal Investigations; and therefore do not need the Chief's or Captain's permission to conduct and or initiate such investigations. However, proper chain of command notifications shall be made when initiating internal investigations and this section shall not be construed with the right to conduct surreptitious investigations.

**Internal Affairs:**

- A. The Captain will be responsible for maintaining all Internal Affairs matters and for the assignment of Internal Affairs (IA) Numbers. The Captain will report directly to the Chief of Police in regards to the status of any ongoing Internal Affairs Investigation.
- B. The completed IA Report will be maintained in a confidential file and will contain sufficient accurate information detailing the allegation and the outcome of the investigation. All IA Reports shall be maintained at a secure location within the Chief's complex.

**PROCEDURE**

Reporting Procedures

1. All complaints made against the Department or its employees will be investigated, including anonymous complaints.
2. Supervisors, upon receiving a serious complaint, will conduct a preliminary investigation and prepare an internal affairs packet, documenting the complaint:
  - a. Have the complainant complete the Citizen Complaint Form and obtain an Internal Affairs Number.
  - b. The complainant will sign the complaint form and attest to its accuracy via a sworn affidavit. In the event the complainant refuses to sign, the supervisor shall advise the complainant that department policy requires that complaints be supported by a sworn affidavit. If the complainant still refuses to sign, the supervisor taking the complaint will write "Refused" on the signature line and attest in a sworn affidavit to the facts of the complaint as stated or as written, whichever is applicable, and adopt the complaint as his or her own.
  - c. If the supervisor is taking a complaint over the telephone, he/she will ask the complainant to come to the station to sign and attest to the complaint and/or offer to mail the complaint for signing and attesting. In the event the complainant refuses to sign, the supervisor shall advise the complainant that department policy requires that complaints be supported by a sworn affidavit. If the complainant still refuses to sign, the refusal will be noted. The supervisor will attest in a sworn affidavit to the facts of the complaint as stated and adopt the complaint as his or her own.
    4. Complete the Complaint Receipt Form and include a copy in the internal affairs packet.
    5. Conduct a preliminary examination of the allegation or the complaint.
3. Supervisors will make immediate notification through the chain of command to the Captain when any of the following allegations are made against an employee of the Department:
  - a. Any violation of the law, regardless of whether the violation occurred on duty or off duty.
  - b. All allegations of substance abuse on or off duty.

- c. All allegations of improper use or display of a weapon.
  - d. All allegations of intoxication on duty.
  - e. Any allegation of improper conduct that may impact public safety.
  - f. Any incident where an employee is intoxicated and the matter has been referred to the local authorities, regardless of whether the employee was arrested or not.
4. The supervisor will forward the entire IA packet through the chain of command to the Captain. Upon receipt of the packet, an IA number will be assigned and the complaint logged.
  5. Supervisors will make timely notifications through the chain of command to the Captain of any of the following allegations against an employee:
    - a. Allegations of insubordination by any employee.
    - b. Any other violation that is non-criminal in nature.
    - c. Allegations of discourtesy or conduct that is unbecoming an employee of the Department.
  6. The Captain will notify the Chief of Police in a timely manner for any and all complaints.

**Notification of Department Employee:**

1. At an appropriate point of the investigation, the Captain will notify the affected employee in writing of the matter under investigation.
2. Based on the severity of the allegations made against an employee, the Captain, Chief of Police or specified designee, may place the affected employee on Administrative Leave.

**Investigation of the Complaint:**

1. Investigation of complaints against department employees will generally be completed within forty-five (45) days of the assignment to the investigator. The investigator may request extensions of the time period from the Chief of Police when extenuating circumstances exist. If the request for extension is approved, a report on the status of the investigation will be submitted to the Chief every seven days.
2. The investigator will contact the complainant to confirm receipt of complaint and to discuss the content of the complaint. Periodic status reports may be provided to the complainant thereafter. The complainant will be notified of the results of the investigation when concluded.
3. The investigator will conduct the investigation into the complaint in a fair and impartial manner.
4. All interviews deemed necessary to accumulate evidence and facts in the matter under investigation will be conducted. Prior to scheduling an interrogation, the accused employee will be served with the Notification of Charges/Allegations completed by the investigator.
5. The Chief of Police or his designee can require an employee submit to being photographed, participate in a line up, submit financial disclosure statements, submit to medical, psychological or laboratory examinations when such actions are specifically related to the matter under investigation. Failure of the employee to follow this direct order from the Chief of Police or his designee will constitute a separate infraction.

6. An employee under investigation cannot be compelled to submit to a polygraph or similar type examination used to detect deception. An employee may voluntarily submit to such examinations by express written consent and should be advised that the results of that examination will not be used in any commission hearing, or trial court to prove guilt or innocence.

**Report of Findings/Conclusion of Fact:**

1. The investigating supervisor, upon completion of the internal investigation, will submit to the Captain a detailed report which will outline the results of the investigation. The report will contain one of the following dispositions:
  - a. Exonerated: The act(s) alleged did occur, but the act(s) were justified, lawful and proper.
  - b. Not Sustained: The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
  - c. Sustained: The investigation disclosed there is sufficient evidence to clearly prove the allegations made in the complaint.
  - d. Partially Sustained: The investigation disclosed sufficient evidence to clearly affirm at least one of the allegations made is not sustained.
  - e. Unfounded: The investigation indicates the act(s) alleged did not occur or that it failed to involve employees of the Department.
  - f. Withdrawn: At some point prior to the completion of the investigation, the complainant notifies the department that he/she wishes the investigation discontinued.

**Administrative Review of the Investigation and Reports:**

1. Upon receiving the final report of the investigation, the Captain will review the report and ensure it is complete.
2. If there are no sustained allegations, the file will be forwarded to the Chief of Police for review, along with any discrepancies noted.
3. If there are sustained allegations, the following steps will be taken:
  1. The Captain will review the disciplinary history file as well as any prior commendations and mentions of exceptional performance by the accused employee and make a recommendation as to what course of disciplinary action is appropriate.
  2. The file will then be forwarded to the Chief of Police who will review the file and concur or make a final recommendation as to disciplinary action.
  3. Final approval of the findings of the investigation and disciplinary action will be the decision of the Chief of Police's recommendation to the Board of Police Commissioners.

**Disciplinary Power:**

1. Supervisory personnel may recommend the following disciplinary action against any employee when such action is necessary:
  - a. Oral Reprimand -- Written documentation of this action is issued by a supervisor.
  - b. Written Reprimand -Issued by a supervisor;

- c. Relief from duty (As outlined in Section IV, subsection B.3);
  - d. Written recommendation for other penalties;
  - e. Counseling/training for minor infractions, and;
  - f. Suspension from duty.
2. The Chief of Police has full power and authority to discipline any employee of the Suffield Police Department. Prior to any suspension or termination which can be issued without bringing charges before the Board of Police Commissioners, an administrative (pre-disciplinary) hearing will be conducted by the Chief of Police.
  3. Disciplinary action which results in a suspension of an employee will be documented with a copy served on the employee. A copy of the suspension will be placed in the employee's personnel file.
  4. Disciplinary action which results in a written or oral reprimand will be placed in the employee's personnel file.
  5. Any department employee may appeal disciplinary actions in accordance with the provisions outlined in the Collective Bargaining Agreement. Probationary employees have no appeal rights.

**Status of employees while on suspension:**

1. A sworn employee will NOT carry a firearm while on suspension.
2. All employees are bound by the Rules and Regulations of the Suffield Police Department while on suspension, except those which require the exercise of direct police action by an employee.
3. Employees will not be required to appear at court hearings of cases in which he/she was the arresting officer unless ordered to do otherwise, when such hearings are scheduled during the period of time the employee will be on suspension. In the event the Department receives notification of court cases requiring the appearance of an employee during such employee's period of suspension, the Court Liaison Officer will request continuances of the cases to a date subsequent to the employee's scheduled return to duty.
4. When an employee is ordered suspended, the employee must turn in his/her badge, identification card, departmental keys and any other departmental equipment (i.e. weapons, tactical gear, etc.) to the supervisor serving the suspension order. The items will be returned to the employee upon return to duty:
  - a. The return of departmental property/identification only applies to suspensions to be served for more than three days unless otherwise ordered by a supervisor.
  - b. A failure to turn in this property will result in further disciplinary action against the employee.

**Aids to Discipline:**

1. Procedures and Criteria for Use of Training:
  - a. The training function of the Department includes positive and constructive techniques for improving the effectiveness, productivity, conduct and morale of employees.

- b. Employees are required to diligently maintain an acceptable level of competence in the performance of their duties.
- c. Supervisors are required to identify any shortcomings, deficiencies or lack of knowledge in their employees' job performance. When appropriate, training recommendations will be made based on those areas identified.

## 2. Procedures and Criteria for Use of Counseling

- a. Counseling is an important aspect of the Department's disciplinary process. Supervisors will conduct periodic counseling sessions to help correct an employee's job performance or when minor infractions of departmental rules and procedures occur.
- b. Counseling is also an important aspect of the Department's career development program.
- c. The Town of Suffield Employee Assistance Program will be utilized when appropriate.

## **Confidential Nature of Investigations and Files**

1. Occasionally mistaken or deliberate false reports and accusations are made against employees. In some instances the most conscientious and hard working employees will be the subject of such allegations. In order to ensure the integrity of the Police Department is preserved, it is necessary to investigate complaints and accusations completely and thoroughly. This includes those complaints received from anonymous sources. This action is necessary and important to protect the reputations and the good names of innocent employees, as well as the effectiveness and the morale of the Police Department as a whole. The depth of the investigation is dependent upon the extent of information available.
2. When an internal investigation results in a finding of sustained or a finding of misconduct not based on original complaint, the results of the investigation as to disciplinary action will be placed into the employee's personnel file.
3. All internal investigation reports will be considered confidential in nature and the records of these investigations will be maintained in a separate file by the Captain in the Chief's complex. Investigators assigned to handle internal investigations shall not apprise any individual within the department of such investigations unless they are directly related to the investigation.
4. Counseling sessions issued by a supervisor will be forwarded to the Captain and placed in a 'desk' file and not the employee's personnel file for a period of twelve (12) months, after which time it may be removed unless there is a similar incident during that time frame. Oral and Written reprimands will remain in the employee's personnel file for a period of eighteen (18) months unless there is a similar such incident, after which time it may be removed. The removal of any reprimands will be determined after an employee makes a written request and is agreed to by the Chief of Police. When removed, all such reprimands will be transferred from the employee file to the Internal Investigation File and will be confidentially maintained for a period no less than five (5) years.

## **Employee Access to Personnel Files:**

Department employees may request to review their personnel file by filing a written request to the Chief of Police through the Chain of Command. When such requests are granted, the review will take place during normal business hours in the presence of the Administrative Assistant to the Chief of Police. The file and its contents will not leave the Administrative Office of the Police Department.