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	State Accreditation: 1.5.9, 2.6.12, 2.8.3, 3.3.24	Review: R2
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Section 1 Purpose:

1.1 To provide a system to receive, process and investigate, thoroughly and objectively, all complaints made by any source against any member of the Southington Police Department (State Standard 1.5.9a).

Section 2 Policy:

2.1 The department will respond to allegations of misconduct or malfeasance against its employees consistent with this policy to fairly and impartially investigate all complaints or allegations of such conduct to determine their validity:

- a. The Department will impose any disciplinary or non-disciplinary corrective actions that may be warranted in a timely manner.

2.2 The Department will accept and document all complaints against any employee regardless of whether the filed complaint is in writing, verbal, in person, by mail, by telephone (or TDD), by facsimile, electronic media, or anonymous: (State Standard 1.5.9c)

- a. There will be no retaliation in any form by any member of this department directed at an individual making a complaint.
- b. During the complaint intake process, no questions will be asked of a complainant regarding their immigration status.
- c. Officers, who withhold information, fail to cooperate with department investigations, or fail to report alleged misconduct or malfeasance of employees to a supervisor will be subject to disciplinary action.


Section 3 Definitions:

3.1 Administrative Review (AR): Any complaint that on its face would not result in discipline or would have a training disposition will be given an AR number:

- a. The Administrative Review (AR) is not an Internal Affairs investigation. If, during the course of the review, it becomes apparent that the investigation may lead to more stringent administrative penalties or criminal charges, the investigation will be upgraded to an Internal Affairs Investigation.

3.2 Chief of Police: Will also mean “or his designee” with the authority of this order.

3.3 Class A Complaint: Complaint of alleged conduct whose possible disciplinary impact upon an employee may result in a suspension, termination, demotion or referral for criminal investigation and will be issued a complaint control number.

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3.4 Class B Complaint: Any complaint, which on its face would not result in discipline more serious than a written reprimand will be given a complaint control number.

3.5 Complaint: An allegation of employee misconduct or malfeasance:

- a. Formal Complaint: Involves an allegation of misconduct, for which discipline may be imposed, if the allegation(s) are sustained.
- b. Informal Complaint: Involves a minor complaint or concern which will be documented for record. The incident being reported would not result in formal discipline; however, the incident would be discussed with the employee.

3.6 Complainant: Any person who files a complaint regarding misconduct or malfeasance on the part of a Southington Police Department employee.

3.7 Complaint Control Number: A unique numerical or alphanumeric code used to identify and track citizen complaint investigations.


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

3.9 Employee: Any person employed by the Southington Police Department, whether sworn or non-sworn.

3.10 Garrity Warning: Warning or rights issued on behalf of the employer (Chief of Police) by the investigating supervisor during an internal investigation. Upon issuance of the Garrity Warnings, the subject employee can be compelled to answer questions. Upon being compelled to answer such questions, the information obtained cannot be used against the employee in any criminal proceeding. When issued, this should be done in writing and the subject employee should sign the Garrity Notice. The subject employee will be advised upon the Garrity Warnings that “Failure to answer questions, skating around the question and/or lying to the investigator is grounds for discipline including termination of employment”.

3.11 Internal Investigator: Any designated supervisor directed by the Chief of Police or his designee with primary responsibility to conduct investigations of administrative or Citizen Complaints of misconduct or malfeasance. The investigator should be at least one (1) rank above the subject of the investigation.

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

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

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

Section 4 Internal Affairs Responsibility:

4.1 The Office of the Chief of Police has primary oversight and authority over investigation of complaints made against employees. Upon receipt of a complaint, the Chief of Police will assure that the complaint is assigned to a designated supervisor for investigation through the appropriate procedure and chain of command.

4.2 The designated supervisor will be responsible for:

- a. Conducting a thorough, fair and impartial investigation of every complaint received regardless of the method of receipt.
- b. Investigating and determining the nature, facts and circumstances of every complaint.
- c. Reporting to the Deputy Chief of Police and the Chief of Police, if warranted, the results of the investigation, any recommendations and the resolution of the investigation.
- d. 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.
- e. Preparing suggested revisions of department policies and procedures where existing deficiencies have been a contributing factor to misconduct.


4.3 The Deputy Chief of Police or his/her designee is designated as the Record Keeper of all Internal Affairs Investigations, Administrative Reviews, and reports directly to the Chief of Police. The Deputy Chief of Police or his/her designee is responsible for:

- a. All complaints received are processed and investigated properly.
- b. Assigning a complaint control number.
- c. Maintaining the Internal Affairs Log. (The log will also include the date the complaint was received, name of the complainant, nature of the complaint (or specific Officer the complaint is against), the investigator and the disposition of the investigation/review).
- d. Maintaining the Administrative Review Records.

Section 5 Acceptance of Complaints:

5.1 All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance of employees of this department.

5.2 Complaints may be accepted in writing, verbally, in person, by mail, telephone (TDD, facsimile, and electronic media, or by any other means:

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- a. Anonymous and third party complaints will be accepted.

5.3 The [Southington Police Department Commendation/Complaint form](#) will be completed for all complaints regarding misconduct or malfeasance on the part of a department employee.

5.4 Complainant(s) who have difficulty understanding the English language will receive assistance to permit them to file their complaint and assist, as needed, in the investigation:

- a. The name and identifying information of any person providing such language assistance to a complainant will be recorded on the complaint form or in the body of the report.
- b. [Southington Police Department Commendation/Complaint form \(Spanish Version\)](#).

5.5 All sworn and civilian employees will be required to:

- a. Accept a complaint alleging misconduct or malfeasance by department personnel.
- b. Courteously inform an individual of his/her right to make a complaint if the individual objects to an employee's conduct.

5.6 All sworn and civilian employees have a duty to:

- a. Promptly put the complainant in contact with a supervisor who can assist them with filing their complaint.
- b. Assist any person who wishes to file a citizen's complaint by documenting their information and allegations.
- c. Advise the person how to proceed in the complaint process.
- d. Providing complaint form(s) and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained.

5.7 No employee will 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.


Section 6 Complaint Intake Procedures:

6.1 All employees who receive information in any manner (in writing, verbally, in person, by mail, telephone (TDD, facsimile, and electronic media) reporting allegations of police misconduct will:

- a. As soon possible call for or report the information to a supervisor.

6.2 If a supervisor is not readily available, the employee will inform the complainant:

- a. They will be contacted by a supervisor as soon as practical.
- b. Obtain a brief description of the allegation from the complainant.
- c. Record the complainant's contact information (if provided).

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- d. If applicable, the employee can inform the complainant where [Commendation/Complaint Form](#) can be obtained

Section 7 Supervisor Intake Procedures:

7.1 Supervisors' investigating initial complaints of police misconduct received in any manner (in writing, verbally, in person, by mail, telephone (TDD, facsimile, and electronic media) will:

- a. Gather enough information to complete the [Commendation/Complaint Form](#) and determine the course of the investigation.
- b. If the complaint is of an informal nature, and occurred during the course of the Supervisor's shift, he/she will investigate and attempt to resolve the matter.

7.2 If the complainant is available in person (field, or walk-in complaint):

- a. The [Commendation/Complaint Form](#) will be properly completed and 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.
- b. 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 will be noted.


7.3 The supervisor will forward **ALL** [Commendation/Complaint Forms](#), and all associated documents along with a summary of the initial interaction to the Deputy Chief of Police for assignment or disposition:

- a. The supervisor will make sure the [Commendation/Complaint Form](#) is accurate and complete.
- b. The [Commendation/Complaint Form](#) will be signed by the supervisor taking the initial complaint.

7.4 The Deputy Chief of Police will complete a detailed review of the complaint and the associated documents to determine the assignment and status of the complaint.

7.5 The Deputy Chief of Police will be notified immediately by the receiving supervisor for the following types of allegations: (State Standard 3.3.24)

- a. Criminal behavior.
- b. Allegations of excessive use of force.
- c. Serious ethics violations.
- d. Incidents where there may be a question as to the department's liability.
- e. Incidents which may result in heightened community interest.
- f. The Chief of Police will be notified in a timely basis for less serious incidents.
- g. Other supervisory personnel may be notified as deemed necessary by the Chief of Police.

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7.6 The Deputy Chief of Police upon any notification will advise the Chief of Police as soon as possible.

Section 8 Validity and Timeliness of Complaints:

8.1 Complaints will not be taken from a person believed to be intoxicated or under the influence of medication, narcotics or any combination of:

- a. If it is determined by the supervisor the individual making the complaint is under the influence of an intoxicating substance, they will advise the individual to return when the effects of the intoxication are gone to file their complaint.
- b. The supervisor will file a written report of the alleged complaint and his advisement to the complaint. This report will be sent to the Deputy Chief of Police or his designee.

8.2 Delayed or Untimely Complaints: Complaints of misconduct or malfeasance will be accepted regardless of when the alleged misconduct or malfeasance is alleged to have occurred:


- a. The timing of a complaint is one of the circumstances that the department may consider in determining whether misconduct or malfeasance can be reliably substantiated and, if so, the nature and extent of discipline to be imposed.
- b. 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.
- c. 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.

8.3 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: (State Standard 1.5.9e)

- a. Complainants should be asked to provide the basis for their concerns, if possible, and the information provided should be noted in the complaint.
- b. The supervisor or internal investigator should be made aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

Section 9 Citizen Inquiry:

9.1 Frequently citizens contact the Southington Police Department with questions regarding a policy, procedure or tactic used by officers. When a citizen questions the actions of a member of this department, the matter will 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 the incident being questioned would require an investigation pursuant to this General Order.

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- a. When processing a “Citizen Inquiry” the handling supervisor will completed a summary report for the inquiry and send it to the Deputy Chief of Police for review and retention.
- b. A summary report can be submitted in the following ways:
 - a. Email format sent to the Deputy Chief of Police.
 - b. Supervisors Letter Head and left in the Deputy Chief of Police mail tray.

Section 10 Conducting the Investigation: (State Standard 3.2.64a)

- 10.1 All investigations of Class "A" Complaints will be completed within a sixty (60) day period of time:
- a. If circumstances cause a delay beyond the time parameter, a written authorization for extension must be submitted from the investigator to the Deputy Chief of Police or his/her designee detailing the reason for the delay and the projected date of completion.
- 10.2 All investigations of Class "B" Complaints will be completed within a thirty (30) day period of time:
- a. If circumstances cause a delay beyond the time parameter, a written authorization for an extension must be submitted from the investigator to the Deputy Chief of Police or his/her designee detailing the reason for the delay and the projected date of completion.
- 10.3 All Administrative Reviews will be completed within a fifteen (15) day period of time:
- a. If circumstances cause a delay beyond the time parameter, a written authorization for an extension must be submitted from the investigator to the Section Lieutenant detailing the reason for the delay and the projected date of completion.
 - b. If the Section Lieutenant is conducting the review then written authorization will be made to the Deputy Chief of Police.

Section 11 Investigations of Administrative Review (AR):

- 11.1 Complaints will be coordinated through the Deputy Chief of Police. All AR reports will be reviewed by the appropriate Section Lieutenant, prior to submission to the Deputy Chief of Police:
- a. If the investigation is conducted by a Section Lieutenant, review will be conducted by the Deputy Chief of Police.
- 11.2 Every officer conducting an Administrative Review will utilize a standardized format issued by the Chief of Police, including: Administrative Review report form
- 11.3 Employees involved in an Administrative Review investigation will maintain the same rights outlined in this order if they desire:
- a. Union Notification is not required for an Administrative Review investigation.

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Section 12 Investigations of Class "A" and "B" Complaints:

12.1 Complaints and investigative reviews will be coordinated through the Office of the Deputy Chief of Police.

12.2 The Chief of Police will have final authority relative to determining the proper disposition of the case.

12.3 Nothing in this procedure precludes the Chief of Police from calling in an outside investigative department such as the State Police, Federal Bureau of Investigation or other federal or state department if such action would be in the best interest of the department.

12.4 At the onset of the investigation, employees who are subjects of allegations will be notified in writing of the general nature of the complaint and the dates of occurrence, if known. This notification will be made by the investigator, when such notification will not hinder the investigative process. The current collective bargaining agreement will be a consideration in the investigative process.

12.5 If it becomes apparent during the course of the Internal Investigation that criminal charges could possibly be lodged against an employee; the Chief of Police or his designee will be notified immediately. Should probable cause exist to substantiate a criminal charge, the Chief of Police or his designee will initiate a separate criminal investigation into the allegations.

12.6 During all criminal investigations involving a member of this department, liaison will be maintained with the proper States Attorney's Office and any other law enforcement entity necessary.


12.7 Every investigator conducting an internal investigation and/or review will utilize the standardized forms issued by the Chief of Police, including:

- a. Initial complaint form (Addendum I).
- b. Internal Investigation Format (Addendum II, Supervisors letterhead).
- c. Garrity Advisement Form (Addendum III, when used).

Section 13 Notifications:

13.1 The Deputy Chief of Police or his designee will send a registered letter acknowledging receipt of the complaint and informing the complainant of the name and rank of the person assigned to investigate the complaint. (State Standard 1.5.9d)

13.2 Complainants will be notified of the following information in writing within five (5) business days of receiving the complaint:

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- a. Their complaint has been received by the department and is currently pending;
- b. A complaint number has been assigned (including the assigned number).
- c. They will be informed in writing of the outcome of the complaint promptly following conclusion of the investigation.
- d. They may contact the internal investigator (identify by name, telephone and/or email) at any time for further information while the investigation is pending.

13.3 Upon receipt of a complaint, the Deputy Chief of Police or his designee will notify, by letter, an employee who is the focus of an Internal Affairs Complaint. The letter will specify the statement of allegations made against the employee and the employee's rights and responsibilities during the investigation. Notifications will also comply with any Collective Bargaining Contract Language. Upon completion of the investigation, the Deputy Chief of Police or his designee will notify the employee and the complainant of the investigative outcome. (State Standard 2.6.12)

Section 14 Investigative Process:


14.1 The assigned investigating supervisor's final reviewed report upon completion will be submitted directly to the Deputy Chief of Police. The report will include the following headings:

- a. Internal Affairs or Administrative Review Incident Number.
- b. Name of Subject Employee(s).
- c. Type of Investigation.
- d. Complainant Name, Address, Contact Information.
- e. Location of Incident.
- f. Investigating Supervisors Information.
- g. Alleged Policies and Orders that were violated.
- h. Synopsis.
- i. Detailed Narrative in chronological order of investigation.
- j. Findings (make a determination).
- k. Recommendations.

Section 15 Review of Internal Affairs Investigations: (State Standard 1.5.9b)

15.1 The Deputy Chief of Police will review the file for completeness and accuracy. He/she will then forward the case to the Deputy Chief of Police for recommended adjudication to the Chief of Police.

15.2 Upon completion of the investigation, the Deputy Chief of Police or his designee will send a register letter informing the complainant of the outcome of the investigation. (State Standard 1.5.9d)

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15.3 Each internal affairs investigation will have a conclusion of fact concerning the allegation(s) of misconduct, which will be classified as one of the following findings (State Standard 3.2.64b):

- a. Exonerated.
- b. Unfounded.
- c. Not Sustained.
- d. Partially Sustained.
- e. Sustained.
- f. Withdrawn.
- g. Conciliation.
- h. Policy Failure.

15.4 It is strongly recommended that any investigating supervisor conducting an Internal Affairs investigation audio record any interviews that are conducted. Regardless of whether written statements are obtained or not, the audio recordings should be transcribed. A copy of the audio recording as well as the transcription will become part of the case file. The Southington Police Department will provide equipment to complete the recording as well as a service to conduct the transcription.

15.5 Every investigator assigned to conduct an Internal Affairs Investigation will maintain the highest standard of confidentiality.

15.6 All Internal Affairs Investigation files and [Commendation/Complaint Form](#) completed by this department will be maintained and secured within the Records Division of the Southington Police Department. Each officer conducting an investigation will secure his/her investigative file while in their possession to maintain the highest security of the documents. (State Standard 2.8.3)


Section 16 Employee Rights:

16.1 The subject of the investigation will be promptly notified of the complaint in accordance with the provisions of applicable labor agreements.

16.2 Where prior notification of the subject of a complaint 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 therefor and the anticipated extent of the delay:

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

16.3 Employees interviewed with respect to an Internal Investigation will:

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- a. Be entitled to know the specific incident which is being investigated, and if particular allegations have been made, the nature of the allegations.
- b. May be advised of their "Garrity Rights" prior to interview with Addendum III.
- c. Have the right to be represented by a Union Representative.
- d. Have the right to a reasonable delay (a maximum of five business days) of the interview, for the purpose of obtaining and reviewing their prior reports, if any, concerning the specific incident.
- e. NOT be required to submit to a polygraph examination.
- f. When an internal investigation results in departmental charges being filed against an employee, the employee, upon request, will be furnished with a copy of the reports of the investigation, prior to any departmental hearing.
- g. When a complaint or allegation against an officer is proven to be false, the Chief of Police, or his designee, upon request of the subject of the investigation, will meet with the subject of the investigation and review said file for possible criminal violations.

Section 17 Case Dispositions:

17.1 Exonerated: The acts, which occurred, were justified, lawful and proper.

17.2 Unfounded: The investigation indicates the act or acts complained about did not occur or failed to involve Southington Police Personnel.


17.3 Not Sustained: The investigation fails to clearly prove or disprove the allegations.

17.4 Partially Sustained: The investigation disclosed sufficient evidence to clearly prove that at least one of the allegations made is not sustained. However, other allegations are sustained and/or officer(s) actions are found to be in violation of [General Order 400-07 Employee Conduct](#).

17.5 Sustained: The investigation discloses sufficient evidence to clearly prove the allegation(s) made in the complaint.

17.6 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.

17.7 Withdrawn: At some point prior to the completion of the investigation, the complainant notifies the Department that he/she wishes the investigation discontinued and a written statement is taken from the complainant explaining the reason(s) for the withdrawal. Should the complainant refused to give a

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statement the investigator will prepare a supplement report explaining the facts and circumstances surrounding the withdrawal.

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

17.8 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 department. Summary actions are the lowest level of disciplinary action or remediation.

17.9 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 will 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 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 department. Reconciliation may be employed for complaints of a minor nature that do not reflect:

- a. Discredit upon the department.
- b. Discredit upon the involved employee.
- c. Commission of a criminal offense.
- d. Allegations of racism, bigotry or prejudice against any race, religion, creed, national origin, sexual orientation, or circumstances beyond the individual's control.


17.10 Policy Failure - The Southington Police Department does not have a policy which addresses the issues identified in the investigation and/or has policy, but does not clearly state the department's position on the particular issue, or two or more department policies conflict on the issue.

17.11 Issues that may arise in reference to internal investigations which are not addressed by this order will be reviewed by the Chief of Police and the appropriate modification will be made if required.

Section 18 Training:

18.1 Each member of the Southington Police Department will be given access to this General Order. Any changes or updates will be posted on the Department Intranet System.

18.2 All supervisory personnel will be required to attend training on the department's complaint policy and the responsibilities of supervisors conducting internal investigations:

	Town of Southington Department of Police General Order	Number: 700-01
	Subject: Internal Affairs	Effective: 08/20/2015
	State Accreditation: 1.5.9, 2.6.12, 2.8.3, 3.3.24	Review: R2
	<i>The Mission of the Southington Police Department is to protect and serve the community, in addition enforce laws and ordinances, provide information and/or direction to people in need and to promote a feeling of safety and security for all members of the community. The Southington Police Department will work in cooperation with the community to preserve and improve the quality of life, making the Town a safer, more pleasant place to live, work and visit.</i>	Priority: Medium
		Section: 700
	Chapter: 6	

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

Section 19 Public Information and Access:

19.1 The Chief of Police will ensure informational materials are made available to the public through police personnel, the police department facility, the Southington Police Department web site, the Town of Southington web site, town library, community groups, community centers and at other designated public facilities.

19.2 The Chief of Police will ensure that copies of the complaint forms are available at the town hall or other municipal buildings located within the Town of Southington:

- a. This information should include relevant phone numbers and any addresses where complaints can be made.
- b. This information will explain the complaint process in English and Spanish.