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	Policies and Procedures. Subject: Department Role and Authority/Law Enforcement Function		
		Issue Date: 10/10/17	
	Subject/Title:	South Central Connecticut Regional Water Authority Police Department	
	Citizens Complaint Process	Effective Date:10/10/17	
Issuing Authority:	Review Date: 10/02/20		
Captain Paul Ruggiero			
References and Attachments:	Rescinds:		
CLESP 2			
	Amends:		

This order consists of the following sections:

- 2.7.1 POSITION RESPONSIBLE FOR INTERNAL INVESTIGATIONS
- 2.7.2 COMPLAINTS AGAINST THE DEPARTMENT OR ITS EMPLOYEES
- 2.7.3 PROCEDURES ON NOTIFICATION OF CHIEF OF POLICE REGARDING INTERNAL AFFAIRS COMPLAINTS
- 2.7.4 TIME LIMITS ON COMPLETING INTERNAL INVESTIGATIONS
- 2.7.5 NOTIFICATION OF COMPLAINANT REGARDING STATUS OF INVESTIGATION
- 2.7.6 EMPLOYEE NOTIFICATION AND RIGHTS REGARDING STATUS OF INVESTIGATION
- 2.7.7 USE OF SCIENTIFIC, MEDICAL OR OTHER INVESTIGATORY METHODS IN INTERNAL INVESTIGATIONS
- 2.7.8 RELIEF FROM DUTY IN INTERNAL INVESTIGATIONS
- 2.7.9 CONCLUSION OF FACT IN INTERNAL INVESTIGATIONS
- 2.7.10 CONFIDENTIALITY AND SECURITY OF INTERNAL RECORDS
- 2.7.11 ANNUAL STATISTICAL SUMMARY OF INTERNAL INVESTIGATIONS

2.7.12 AVAILABILITY OF CITIZEN COMPLAINT PROCEDURES TO THE PUBLIC

PURPOSE: To establish a written directive that describes the Department's procedures for the investigation of complaints against the Department and its employees through a formal Internal Affairs investigations function.

POLICY: It is the policy of the Regional Water Authority Police Department to have an Internal Affairs function that is designed to be responsive to allegations of misconduct by accepting and investigating all complaints against the Department and its employees. It is the function of Internal Affairs to offer fact-finding assistance to the Captain of Police by providing a thorough, systematic, and impartial method of investigating such complaints in an effort to determine their validity and impose appropriate corrective action.

DISCUSSION: Maintaining the highest degree of professionalism is dependent upon the personal integrity and discipline of each employee. The public trust and confidence is enhanced by an internal system where objectivity, fairness and justice are assured by intensive and impartial investigation and review. The purpose of such investigation and review is to clear the innocent, establish guilt of wrongdoers and facilitate fair, suitable and consistent disciplinary action.

RELATIONSHIP TO MISSION AND VALUES: To a large degree, the public image of the Department is determined by the quality of the Internal Affairs function in responding to allegations of misconduct by the agency or its employees. In order to be effective in the delivery of police services to the community, the integrity and character of the Department and its personnel must be beyond reproach. The Regional Water Authority Police Department is committed to providing the highest levels of service, integrity and professionalism to the public.

DEFINITIONS:

Criminal Investigation: A separate investigation from which criminal charges may result.

Internal Affairs Investigation: An administrative investigation of serious allegations of misconduct assigned to the Captain of Police, from which Departmental disciplinary action may result. The administrative investigation is conducted separate and apart from any parallel criminal investigation if this situation should arise.

Supervisory Investigation: An administrative investigation of less serious allegations of misconduct.

Class 1 Complaints: Serious allegations of misconduct that have the potential to damage the reputation of the Department and bring discredit upon its members.

Class 2 Complaints: Less serious allegations of misconduct that warrant an investigation, but do not rise to the level of a Class 1 complaint.

Class 3 Complaints: Minor complaints concerning an employee's conduct or demeanor; or an informal complaint questioning the validity of a Department policy, practice or procedure; or a tactic employed by one of its members.

PROCEDURE:

2.7.1 POSITION RESPONSIBLE FOR INTERNAL INVESTIGATIONS

The Captain of Police will investigate allegations of police misconduct, police-involved shootings, use of force incidents, in-custody deaths, and police pursuits. In addition, the Captain of Police will conduct pre-employment background investigations, audits and inspections, and any other investigation deemed necessary to ensure Department integrity and public trust.

Misconduct Investigations

Misconduct is the commission of any prohibited act or the omission of any act that is required by law or policy. It can be defined as conduct that amounts to a violation of a state or federal law, city ordinance, or a Department General Order, Rule & Regulation, Standard of Conduct, or directive. Such violation, if sustained, may result in progressive disciplinary action against the employee.

Serious allegations of misconduct

Any minor allegations of misconduct, including complaints against employees from different work groups

Any allegations requiring investigation, as determined by the Captain of Police to promote public trust and confidence

Police-Involved Shootings and Use of Force Investigations

Intentional discharge of a weapon involving injury or death

Intentional discharge of a weapon that does not involve injury or death, but occurs during the course of a legitimate police action

Unintentional discharge of a weapon during the course of a legitimate police action

Unintentional, non-injury related discharge of a weapon.

Use of force incidents resulting in serious physical injury

In-Custody Death Investigations

Incidents where a person dies while in police custody

Incidents where a person dies following police contact

Driving Incident Investigations

Police pursuits resulting in death, personal injury and /or significant property damage

Police pursuits resulting in police-involved shootings

Employment Background Investigations

Pre-employment police candidate background investigations

Other employment background investigations, as determined by the Captain of Police

Non-Investigative Functions

Acts as a point of contact for citizen complaints

Maintains the Department's administrative investigation records and responds to FOI requests for public records

Provides training and acts as an advisor to Department personnel.

Inspections, Audits and Reports

The Captain of Police is responsible for conducting and overseeing all internal audits and inspections within the Regional Water Authority Police Department and document findings in the form of an official report. Audits and inspections provide management with independent, objective feedback concerning policy compliance. In many cases, auditors identify opportunities to improve systems and processes within the operation and make recommendations for corrective action.

2.7.2 COMPLAINTS AGAINST THE DEPARTMENT OR ITS EMPLOYEES

The Regional Water Authority Police Department is committed to maintaining a positive working relationship with the community by investigating all complaints and correcting any actions, practices, or attitudes on the part of its members deemed contrary to the mission of the agency or considered professionally unacceptable.

It is the goal of the Regional Water Authority Police Department to protect the rights and interests of private citizens and Department members by conducting thorough and impartial investigations of all complaints, including anonymous complaints, made against the Department and its employees. In addition, it is the goal of the department to assure the community of prompt corrective action, and to protect department personnel from unwarranted allegations arising from the lawful discharge of their official duties.

Initiation of Complaints

The Regional Water Authority Police Department will accept all written and / or verbal complaints of employee misconduct, whether from an internal or external source. Complaints may be initiated by any person, employee or supervisor, anonymously or in person, and may be communicated either by mail, telephone, electronic message, or memo.

Source of Complaints (Internal & External Complaints)

Internal Complaints – Allegations of misconduct made by an employee or supervisor involving another employee or supervisor. Any member of the Department who has knowledge of any act of misconduct on the part of another employee will bring it to the attention of the Captain of Police. If the alleged misconduct involves the Captain of Police, the information will be related to Employee Relations Learning and Growth Division of the Regional Water Authority

External Complaints – Allegations of misconduct made by anyone other than a Department employee

Internal Affairs Complaint Form

The Regional Water Authority Police Department's *Complaint Form* will be utilized to record allegations of employee misconduct and inquiries concerning Department policies, procedures, or tactics.

Receiving a Complaint

Any employee of the Department may receive information constituting a complaint or inquiry against an employee, policy, procedure, or practice of the Department. However, that employee shall then refer the complainant to the Captain of Police. Upon receiving such complaint, the Captain shall:

Determine the nature and extent of the allegation by conducting a cursory investigation

Explain the investigative process to the complainant and provide him/her with a copy of the *Complaint Form*

Advise the complainant that he/she may provide additional narrative or description of the complaint on a separate sheet of paper and attach it to the Complaint Form

Retain a copy of the *Complaint Form* for his/her records

If the complainant refuses to sign the Complaint Form, or makes the complaint by telephone and is unwilling to file a written report, the complaint will be handled in the same manner as other complaints, and will be investigated to the extent practical

Recording of Complaints / Role of Internal Affairs

Upon receipt of a *Complaint Form*, the Captain of Police shall record and process the complaint as follows:

Record the date the complaint was received

Assign a control number (The year followed by the sequential complaint for that period. Example:

IA-08-01)

Conduct an investigation and complete an *Internal Affairs Investigation Report*

Security of Internal Affairs Records

The Captain of Police will safeguard all records under his control and will permit no access to them.

Access to Completed Internal Affairs Records

Once all investigations are closed, the Captain of Police is responsible to safeguard and maintain all completed investigations, including statements, photographs, reports, and other evidence.

At the conclusion of an Internal Affairs investigation, an employee may view his/her completed file, upon request to the Captain of Police. Public access of these records shall comply with the state's public records laws (e.g., Freedom of Information Act) or judicial order.

Complaint Categories

The following chart depicts the types of complaints, which are defined by the seriousness of the allegation, along with whom the complaint is generally reviewed and investigated by:

TYPES	DESCRIPTION	EXAMPLES	HANDLED BY
CLASS 1	Allegations that have the potential of damaging the reputation of the Department or its personnel and generally include, but are not limited to, allegations of serious misconduct; serious violations of <i>Rules & Regulations</i> or <i>Standards of Conduct</i> and other written directives, or criminal conduct	Excessive or Improper Use of Force Brutality False Arrest Unlawful Search & Seizure Corruption Dishonesty / Untruthfulness Gross Insubordination Violation of Civil Rights Bias-based Profiling Sexual Harassment Workplace Violence Violation of Criminal Statutes	THE CAPTAIN OF POLICE Formal and documented with written statements and tape / video recorded interviews
CLASS 2	Allegations that generally include, but are not limited to, misconduct of a less serious nature; violations of <i>Rules & Regulations</i> , <i>Standards of Conduct</i> and other written directives of a less serious nature	Violation of policies, procedures or <i>Rules and Regulations / Standards of Conduct</i> other than those that constitute a Class 1 allegation Inappropriate conduct and / or behavior of a less serious nature, such as rudeness, discourtesy, and offensive language Violation of RWA Personnel Rules	THE CAPTAIN OF POLICE Formal and documented with written statements

CLASS 3	Minor complaints by a citizen desiring to make an informal complaint against an employee or questioning / complaining about a Department policy, procedure or tactic	When a citizen complains about the behavior of an employee, such as rudeness, but does not wish to file a formal complaint. When a citizen questions or complains about the procedures or tactics used by the Department or an employee, such as on-scene command presence, or why handcuffs were applied when detaining a subject, but does not wish to file a formal complaint.	THE CAPTAIN OF POLICE Informal and documented as informational purposes only

Complaints involving Criminal Misconduct

If during the course of an Internal Affairs investigation it is determined that a criminal offense has taken place, the matter will be brought to the attention of the Captain of Police, who will determine whether the investigation will be assigned to another appropriate law enforcement agency.

A parallel Internal Affairs investigation will be conducted to ensure no administrative departmental violations have occurred, but may be delayed until the resolution of the criminal investigation. During a criminal investigation, the accused employee shall be advised that no employment related disciplinary action will be imposed for merely exercising their constitutional rights. If employees choose to waive their constitutional rights, they shall be informed that the results of the interview can be used by the Department in both criminal and administrative proceedings.

2.7.4 TIME LIMITS ON COMPLETING INTERNAL INVESTIGATIONS

Generally, Internal Affairs investigations should be completed within (30) thirty days. However, the Captain of Police may waive this requirement for complex investigations or investigations that may involve extenuating circumstances.

Time limits governing disciplinary action which may arise from internal investigations for police officers and civilian employees shall comply with any applicable state and federal statutes, city ordinances, and provisions of the respective labor agreements for sworn and non-sworn employees.

2.7.5 NOTIFICATION OF COMPLAINANT REGARDING STATUS OF INVESTIGATION

Acknowledging Receipt of Complaints

Upon receipt of the *Complaint Form*, the Captain of Police shall send a letter to the complainant, if known, acknowledging its receipt

Periodic Status Reports of Complaint Investigation

The Captain of Police will provide periodic status reports to complainants on all pending internal investigations. Such contact may be accomplished by telephone or email, in lieu of a written letter.

Notification of Results of Investigation upon Conclusion

For Class 1 and Class 2 complaints, the Captain of Police shall contact the complainant, preferably in writing, and report the findings. Class 3 or informational inquiries will not ordinarily require a letter. However, the Captain of Police should contact the complainant by phone and inform him/her of the findings. The Captain of Police, will notify employees who are the subject of an Internal Affairs investigation as to the final determination of fact. Such notification will be in writing.

2.7.6 EMPLOYEE NOTIFICATION AND RIGHTS REGARDING STATUS OF INVESTIGATION

General Guidelines

When an employee is the subject of an Internal Affairs investigation, the involved employee will be contacted as soon as practical. The employee will be furnished with a notice from the Captain of Police, unless such notification would jeopardize the impending investigation. This notice will include a statement of allegations and the employee's rights and responsibilities relative to the investigation.

Police Labor Agreement Rights

When a complaint is accepted by the RWAPD the Vice President of ERL&G will be notified that a complaint has been filed and what officer(s) is involved. Upon completion of the investigation the results will be provided to the Vice President of ERL&G.

The Department shall comply with any applicable provisions of the respective collective bargaining agreements for sworn employees that may govern specific procedures and rights regarding internal investigations of employees.

Conduct of Internal Affairs Investigations

All Internal Affairs investigations shall be governed by the following procedures:

Prior to conducting a formal interview of an employee, the Captain of Police will notify the employee in writing as to the allegations and nature of the complaint, including any additional allegations or modifications to the original complaint, as well as the date, time and location of the interview. The employee shall be given at least (7) days' notice prior to the Internal Affairs interview.

At the interview, and any subsequent interviews that may follow, an administrative rights form will be provided to and read to the employee, explaining his/her administrative rights and obligations during the Internal Affairs investigation, which include the obligation to cooperate by answering questions and telling the truth. The employee will be afforded an opportunity to sign the administrative rights form, indicating an understanding of his/her rights. Prior to administrative questioning, the employee will be informed:

That failure to answer questions truthfully or a refusal to cooperate with the administrative investigation may constitute an additional act of misconduct (i.e., insubordination).

That information obtained from the interview will be used for non-criminal, administrative purposes only

The employee has a right to have a representative present during an Internal Affairs interview

All persons who may have knowledge or information of the incident under investigation will be contacted.

2.7.7 USE OF SCIENTIFIC, MEDICAL OR OTHER INVESTIGATORY METHODS IN INTERNAL INVESTIGATIONS

No employee will be required to submit to a polygraph examination in the course of an internal investigation, unless he/she specifically requests to be so examined.

An employee may be required to submit to a medical and/or laboratory examination, at the agency's expense, when such examination is specifically directed and narrowly related to an internal investigation. An employee may also be required to submit to the following, when these actions are material to an internal investigation:

Photographing and participation in a photo line-up
Disclosure of financial statements

The provisions of this section shall be based upon state and federal law, case law and the Collective Bargaining Agreement.

2.7.8 RELIEF FROM DUTY IN INTERNAL AFFAIRS INVESTIGATIONS

In keeping with the best interests of the Department and community, and/or the safety of the employee involved, a police supervisor, acting upon reasonable belief, shall have the authority to relieve a police employee from duty with pay, until the next business day, as described below:

Considerations

Immediate relief from duty is normally appropriate when:

The Captain of Police observes employee conduct that is extremely serious in nature, creates a safety

hazard, and/or creates actual or potential harm to the officer or others

The employee's demeanor, appearance and/or actions lead the supervisor to reasonably believe that he/she is unfit for duty, due to physical or psychological factors (e.g., indications of alcohol and/or drug use, intoxication, uncontrollable rage, gross insubordination, etc.)

Procedure for Relief from Duty

With the exception of investigations involving the use of deadly force, the supervisor who relieves an employee from duty shall:

Inform the employee that he is being relieved from duty. This should be done by the Captain of Police in a private area

Obtain the employee's Department-issued identification card, keys to access the facility, service weapon and electronic control device

Inform the employee that he or she is temporarily prohibited from using RWA equipment, including vehicles, and is unauthorized to perform any law enforcement duties

Call for medical attention if required

Escort the employee out of the facility and off the premises providing transportation.

If the reason for the relief from duty is alcohol or drug intoxication, the employee should not be allowed to drive away and should be escorted home by a responsible person

Notify the Vice President of Employee Relations Learning and Growth as soon as practical

Document the incident in memorandum form and forward it to the Vice President of Employee Relations Learning and Growth

Action of the Captain of Police

Depending upon the nature of the complaint, when an employee has been relieved from duty and/or is the subject of an Internal Affairs investigation, the Captain of Police may take any of the following actions:

Retain the employee in his assigned position

Continue the relief from duty with pay for a portion of, or the duration of the internal investigation.

In such instances, the employee shall be afforded a continuation of all benefits, as provided by the Collective Bargaining Agreement and RWA personnel policies

Impose any other action that is deemed appropriate, depending on the nature of the complaint or incident

2.7.9 CONCLUSION OF FACT IN INTERNAL AFFAIRS INVESTIGATIONS

At the conclusion of the investigation the Captain of Police will categorize the complaint with one of the following dispositions for each allegation of misconduct:

Exonerated: There is sufficient evidence to find that the accused employee committed the alleged act, but that the employee's actions were lawful, proper, and consistent with policy and training

Unfounded: There exists sufficient evidence to conclude that the accused employee did not commit the allegation, or the allegation was patently false, or there is no credible evidence to support the complaint

Not Sustained: There is insufficient evidence to prove or disprove the allegation

Sustained: There exists, by preponderance of the evidence, sufficient proof to reasonably conclude that the accused employee is guilty of the allegation(s), which may be a violation of criminal law, Departmental policy and procedure, and/or the Standards of Conduct / Rules & Regulations

Misconduct not based on the Original Complaint: The investigation reveals sustained acts of misconduct that were not alleged in the original complaint

Complaint Withdrawn: The complainant withdraws the complaint prior to the completion of the investigation and no further action is required

Policy Failure: The officer's actions were proper and in accordance with policy, but there is a flaw in the policy that permitted the actions or caused the incident

The Captain of Police reserves the right to make the final Departmental determination on the "finding" or "conclusion of fact" of any internal investigation conducted by the Department.

The Captain of Police will act swiftly and deliberately to impose proper sanctions and just disciplinary action in cases where warranted. Any action taken shall comply with all applicable statutes, ordinances, labor agreements, and policy.

2.7.10 CONFIDENTIALITY AND SECURITY OF INTERNAL RECORDS

The Captain of Police is responsible for safeguarding the confidentiality, security, and maintenance of all such investigations. These investigations shall be kept in the RWA Police Office, and will be secured when not in use.

2.7.11 ANNUAL STATISTICAL SUMMARY OF INTERNAL AFFAIRS INVESTIGATIONS

The Captain of Police shall prepare an annual statistical summary based upon the records of Internal Affairs investigations of the previous year.

2.7.12 AVAILABILITY OF CITIZEN COMPLAINT PROCEDURES TO THE PUBLIC

The RWA Police Department shall make available to the public information on procedures for registering complaints against. Complainants will be notified that there will be no retaliation associated with filling a complaint against an officer.