

UConn HEALTH

POLICE DEPARTMENT

NUMBER: I-32

APPROVED: Joseph Curreri (Signed)
Joseph Curreri, Chief of Police

EFFECTIVE: 06/30/15

SUPERSEDES: SOP-20-1

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SUBJECT: Internal Affairs

I. PURPOSE:

A relationship of trust and confidence between members of the Department and the community is essential to effective law enforcement. Law enforcement officers must be free to exercise their best judgment and to initiate enforcement action in a responsible, lawful and impartial manner without fear of reprisal.

Public Act No. 14-166 requires a policy to accept, process, investigate, take appropriate action upon and resolve complaints from a member of the public relating to alleged misconduct or malfeasance committed by law enforcement agency personnel in the State of Connecticut. Complaints may allege abuse of authority, corruption, poor or slow service, or misconduct or malfeasance on the part of agency personnel. Every person has a right to file a complaint and all alleged or suspected violations of law, ordinances, Department orders and University rules must be investigated.

The UConn Health Police Department acknowledges its responsibility to establish a complaint system and disciplinary procedures, which not only will subject the employee to corrective action when there is improper conduct, but also will protect the personnel from unwarranted criticism when official duties are properly discharged.

II. POLICY:

- A. It is the policy of the UConn Health Police Department to provide prompt, just, open and expeditious disposition of complaints/allegations of misconduct or malfeasance against its employees consistent with this policy and fairly and impartially investigate all complaints or allegations of such conduct to determine their validity.
- B. The Department shall impose any disciplinary or non-disciplinary corrective actions that may be warranted in a timely manner. The Department shall accept and document all complaints against any employee regardless of whether the filed

complaint is written, verbal, in person, by mail, by telephone (or TDD), by facsimile, electronic, or anonymous.

- 1) There shall be no retaliation in any form by any member of this agency directed at an individual who makes a complaint.
- 2) During the complaint intake 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.

III. DEFINITIONS:

- A. Complaint: A statement made alleging that a Department member (sworn or non-sworn) has engaged in an act constituting misconduct. Complaints can be made by members of the public and Departmental personnel.
- B. Complainant: The person who files a complaint with the Department alleging the commission of a major violation or infraction by a member or members of the Department, and includes any aggrieved party and any person or group who assists in filing the complaint.
- C. Code of Conduct: All members of the department must be thoroughly familiar and comply with all department rules, regulations, policies, procedures and orders.
- D. Disposition: The status assigned to a case by the Chief following the conclusion of the investigation.
- E. Infraction: A violation of departmental rules and regulations defining transgressions that are not major violations.
- F. Major Violations:
 - 1) Any violation of statutes and regulations defining criminal activity.
 - 2) The use of unnecessary or excessive force.
 - 3) Abuse of authority.
 - 4) Conduct which violates a person's civil rights.
 - 5) The use of abusive or insulting language or conduct, which is derogatory of a person's race, religion, lifestyle, or national origin.
- G. Employee: Any person employed by the agency, whether sworn or non-sworn (includes temporary and part-time positions).
- H. Misconduct: Under these procedures, it is shown by a preponderance of the evidence that a member of the Department has;
 1. Violated any rule, procedure, or lawful order of the Department.
 2. Violated any law, whether codified by state statute, or federal statute, or constitutional provision.
- I. Discipline: Adverse action taken by the agency against any employee as the result of a sustained internal affairs investigation, including, but not limited to, a written reprimand, suspension, demotion or dismissal.
- J. Rules and Regulations: The administrative acts promulgated by the Chief which are designed to regulate Departmental standards of conduct and appearance.

- K. Malfeasance: Illegal or dishonest activity especially by a public official.
- L. Witness: A person who can produce evidence relevant to an alleged major violation or infraction.
- M. Supervisor: Includes those holding the rank of Sergeant or higher.
- N. Complaint Control Number: A unique numerical or alphanumerical code used to identify and track citizen complaints or dismissal.

IV. PROCEDURE:

- A. Classification of Complaints – complaints will be classified in one of two ways:

- 1. Administrative Review:

- a. The review of an incident or violation of Department or University policy to determine what action, if any, is necessary or if a recommendation to the Chief of Police for an internal investigation is warranted.
- b. Administrative reviews (AR) are usually initiated internally by Department personnel. (Examples include disciplinary measures and reviews that are the purview of Sergeants or a Command Officer.)
- c. Administrative Reviews are documented on a memorandum form.
- d. Administrative Review will be maintained within the Chief of Police's office and given a numerical file number which has AR before the number. For example, AR-2015-01, which would reflect the first administrative review for the calendar year 2015.

- 2. Internal Affairs Investigation:

- a. An investigation into an allegation of misconduct initiated by a citizen's complaint or any investigation into an allegation of serious misconduct by an employee of the Department.
- b. Internal affairs (IA) investigations will be assigned for investigation by the Chief of Police.
- c. Internal affairs investigations are usually documented on a Citizen's Complaint Form, but may be documented on a memorandum form.
- d. Internal affairs investigations will be maintained within the Chief of Police's office and given a numerical file number which has IA before the number. For example, IA-2015-01, which would reflect the first internal affairs investigation for the calendar year 2015.

3. Cases of interest of the Department/University:
 - a. There are instances wherein this Department/University is advised of situations that do not meet the criteria set forth in paragraphs IV, 1 and 2 above. Instances such as pending litigation for injuries received where no officer misconduct is alleged; other law suits against the Department/University; or, other situations of substantial interest to this Department/University are a few examples.
 - b. These files will be maintained within the Chief of Police's office and given a numerical litigation file (LF) number which has LF before the number. For example, LF-2015-01, which would reflect the first litigation case received for the calendar year 2015.

4. Citizen comment files:

- a. These files will contain comments from citizens regarding recognition of staff; suggestions; or, other items of interest that are not concerning a complaint or litigation matter.
- b. These files will be maintained within the Chief of Police's office and given a numerical citizen comment (CC) file number which has CC before the number. For example, CC-2015-01, which would reflect the first citizen comment for the calendar year 2015.

B. RECEIVING COMPLAINT RESPONSIBILITIES:

1. Allegations of misconduct may be received at any time of the day or night and may originate from within or outside the Department.
2. Complaints shall be accepted from any source, whether made in person, by mail or by telephone. Employees receiving complaints shall use the UConn Health Police Department Citizen Complaint Form.
3. Complaints by persons Under the Influence of Alcohol or Drugs: When a person who is noticeably intoxicated or impaired wishes to make a complaint, he or she shall be encouraged to wait until the earliest opportunity after he or she has regained sobriety to do so. When the Supervisor determines the circumstances require immediate action, preliminary details of a complaint should be taken by a Supervisor, when available, regardless of the person's sobriety. In that event, the internal affairs designee should re-interview the person after he or she has regained sobriety.

4. Complainant Who Fears Retaliation Associated With Filing a Complaint:

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

 - a. Any employee receiving information alleging misconduct or inadequate service shall not attempt to dissuade the person from making the complaint, even if the employee feels the complaint is of minor importance.
 - b. A request for clarification or explanation of a particular procedure is not a complaint.
5. Complaint Origin:
 - a. If a complainant will not make a written complaint, the Department member with whom the complaint was lodged will complete a written summary.
 - b. Anonymous complaints shall be investigated based on the seriousness of the reported violation. However, minor reported violations will be documented and reviewed by the Chief of Police or his/her designee for administrative purposes without requiring a complete internal affairs investigation.
 - c. Third party complaints of serious allegations shall be investigated.
 - d. A parent or legal guardian can lodge a complaint on behalf of their juvenile dependent.
 - e. Complaints based on hearsay information of employee misconduct, shall be routed to the employee's immediate supervisor for determination if there exists a preponderance of evidence to warrant an investigation.
6. Employees receiving complaints should refer the complainant directly to a supervisor who will accept the complaint.
 - a. If a supervisor is not readily available, any officer will take the complaint.
 - b. It is not advisable to request a citizen come back later or telephone when a supervisor will be available.

c. Employees receiving complaints will:

- 1) Screen the complaint to make sure that Department personnel are involved;
- 2) Ascertain if there is validity to the complaint, as opposed to the lack of understanding of agency procedures. Sometimes a complaint may be resolved by a simple explanation of agency procedures.
- 3) If a complaint involves an alleged infraction on the part of a Department employee(s), the supervisor shall review the complaint and make every possible effort to resolve the allegation at intake, forwarding the complaint and his/her findings to the Lieutenant and Chief of Police.
- 4) If the complaint cannot be resolved at this level, the supervisor will forward the complaint to the Lieutenant who will review it and forward it to the Chief for assignment of investigation.
- 5) In the event of a major violation, the shift supervisor receiving the complaint shall record all pertinent information and undertake a preliminary investigation of the incident. He/she will take whatever action is appropriate and required given the severity of the situation (arrest, suspension, temporary relief of duty, etc.), and immediately notify the Chief of Police and the Lieutenant of the nature of the complaint and the action taken.

C. INVESTIGATION RESPONSIBILITY:

1. The Department does not have a designated Internal Affairs Investigator.
 - a. The primary responsibility for this function shall rest with the Lieutenant or his/her designee, who has the authority to report directly to the Chief of Police.
 - b. Complaints may be investigated by the Chief of Police, the Operations Lieutenant, Officer, or an assigned Sergeant.
 - 1) Any major violation shall be investigated by the Internal Affairs function (Chief of Police or his/her designee). Major violations include:
 - Any violation or statutes and ordinances defining criminal activity.
 - The use of unnecessary or excessive force.
 - Abuse of authority.
 - Conduct which violates a person's civil rights.

- The use of abusive or insulting language or conduct, which is derogatory of a person's race, religion, lifestyle, or national origin.

2) Types of complaints investigated by line supervisors (Sergeants) shall be infractions: A violation of departmental rules and regulations defining transgressions that are not major violations.

- c. All complaints received by line personnel shall be forwarded through the duty supervisor to the Chief of Police for review.
- d. Depending on the seriousness of the complaint, the investigation may be assigned either internally or externally for investigation. Major violations shall be reported to the Chief of Police immediately, followed with a written summary of the allegations within 48 hours.
- e. Complaints received directly by the Chief may be assigned for investigation at the Chief's discretion.
- f. At no time will an investigation be assigned to an individual who is either a party in the complaint or a primary witness.

D. Notifying Parties of a Complaint:

1. The Complainant:

- a. The complainant will be given a copy of the completed complaint form (Civilian Complaint Report, Appendix 3) at the time the complaint is filed, if filed in person. The process/procedure for investigating complaints will be followed. A copy of this order will be provided to the complainant upon request.
- b. The assigned investigator will provide periodic status updates to the complainant by telephone, or in more involved investigations in writing.
- c. At the conclusion of the investigation, the Chief of Police (or designee) will provide the complainant with a written complaint disposition.

2. The Accused Department Member(s)

- a. Shall be notified of the complaint as soon as practical and shall either be given a copy of the complaint or a written statement of the allegations.
- b. Shall be advised of their employee rights and responsibilities relative to the investigation.

E. Employee Rights during an Investigation:

1. If the complaint against a department member is both an allegation that the department rules were violated, and an allegation of criminal conduct, the investigation will be bifurcated.
2. In a criminal investigation, the officer has a right not to answer questions that would incriminate him or her, and they are entitled to all the rights of any other suspect.
3. In an administrative investigation, the officer does not have a right to refuse to answer questions when the questions relate to good order and efficiency of the agency. Refusing to answer a question will be considered insubordination and will result in appropriate disciplinary action up to and including dismissal.
4. The interview of any Department member shall be conducted at a reasonable hour, preferably when the member is on duty, unless the urgency of the investigation dictates otherwise. If such an interview occurs during off-duty hours of the employee being interviewed, the employee shall be compensated for his/her off-duty time.
5. Employees shall have the right to be represented by a union representative of his/her choice or an attorney, who may be present at all times during the interview. The representative or attorney shall not participate in the interview, except to counsel the employee. The employee may request a postponement of the initial interview to contact a union representative of his/her own choice in accordance with the rights established by Bargaining Agreements.
6. If a member waives his/her right to the presence of a union representative during questioning, a Waiver of Union Representation Form (Appendix 1) will be completed and added to the file. A member can change his or her rights decision in regards to union representation. The member will also be advised of his/her rights under Garrity decision using the Garrity Warning Form (Appendix 2).
7. An officer can be compelled to submit to a polygraph examination upon the approval by the Chief of Police.
8. There shall be no compelled financial disclosure except where pursuant to lawful process, conflict of interest is indicated or special assignment subject to bribes.
9. Any disciplined employees have the right to appeal through their collective bargaining unit.

10. Searches:
 - a. State-owned desks, lockers, storage space, rooms, offices, equipment, work areas and vehicles are the sole property of the State of Connecticut, subject to inspection deemed necessary by the Chief of Police or other authority.
 - b. No officer shall have his/her locker or other space for storage that may be assigned to him/her searched except:
 1. In his/her presence;
 2. With his/her consent;
 3. If a valid search warrant has been obtained; or
 4. If he/she has been notified that a search will be conducted.
11. An employee shall not be required (unless subject to a random test procedure) to submit to a medical, laboratory, or field sobriety examination unless specifically directed and narrowly related to a particular internal affairs investigation. This includes a blood, breath or urine test for the purposes of determining the presence of a narcotic, drug, or alcohol unless:
 - a. The employee exhibits objective symptoms of being under the influence of alcohol, and/or narcotic or drug; or
 - b. There is a reasonable and articulated suspicion that the employee ingested or absorbed by the body in any other manner an alcoholic beverage, narcotic, or drug.
12. Any telephone call made or received on a Department telephone is the business of the Chief of Police and not confidential. Due to the very nature of the complex problems which face law enforcement and the need for accuracy in reporting, those using police telephones shall reasonably expect monitoring and/or recording of incoming and outgoing calls.
13. Photographs of all employees will be maintained in their department personnel file and in a separate folder for the purposes of identifying an officer involved in a complaint. With the exception of a criminal prosecution, employees of this Department will never be compelled to participate in a line-up.

F. INVESTIGATION PROCEDURES:

1. All interviews concerning the investigation should be recorded and transcribed.
2. The complainant and all witnesses will be interviewed.
3. It is the responsibility of the assigned investigator to thoroughly investigate the case and submit a completed investigation report as provided under these procedures. All relevant information obtained by the investigator shall be entered in the investigation report.
4. The investigation shall not be delayed or suspended because of any concurrent civil or criminal proceeding to which the complainant is a part, unless:
 - a. The complainant requests such a delay, and there is no reason to believe that the alleged conduct of the accused member is of a serious or continuing nature.
 - b. Upon the explicit advice of the University Attorney General or under the direction of the Chief.
5. The investigator assigned to investigate a complaint against an employee(s) shall conduct a thorough, accurate and objective investigation within thirty days. If the investigation cannot, for good cause, be completed within this time period, the investigator may be granted an extension (upon showing of good cause) by the Chief. The extension shall not exceed 7 calendar days, although consecutive extensions may be permitted. All requests for extensions will be documented and maintained in the investigative file.
6. The investigative report shall be organized into the following four sections:
 - a. Complaint - This section of the report shall consist of a summary of the complaint as made by the complainant. Each alleged act of misconduct, as set forth in the complaint, shall be itemized. Reference shall be made to those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are taken as true.
 - b. Investigation - This section shall consist of a chronological summary of the investigation. Included shall be pertinent facts obtained through interviews with the complainant, accused member(s), and all available witnesses. Summaries of written statements made by the above persons, description and analysis of physical evidence obtained, and all other information relevant to the investigation, shall be included.

- c. **Conclusions/Findings** - The results (conclusion of fact) of the investigation of any allegation including the observations and conclusions of the investigator shall be placed in this section. This shall include one of the dispositions as noted below. Also the reason for the findings in connection with each allegation shall be set forth in this section.
 - d. **Recommendations** - This section shall include recommendations for discipline or additional training if any deficiencies were noted in the course of the investigation.
7. Each allegation in the complaint will be classified with one of the following dispositions:
- a. Not Sustained/Unfounded - When the investigation indicates the alleged action did not occur.
 - b. Not Sustained/Exonerated - When the investigation indicates the act occurred but it was justified, lawful, and proper.
 - c. Not Sustained/Inconclusive- When the investigation discloses insufficient evidence to clearly disprove or prove the allegations.
 - d. Sustained - When the investigation discloses that the allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt (by a preponderance of the evidence)
 - e. Suspended - When the complaining party and/or witness fail to cooperate after the investigation has commenced and this prohibits the department from arriving at the facts.
8. Upon receipt of a completed investigation, the Chief of Police shall:
- a. Order further investigation, if necessary and consult with the UCH Labor Relations Department.
 - b. Determine if any violation of law, Department policy or rules and regulations has occurred, as well determine if additional allegations exist that require further investigation. The Chief is not bound by the findings in the investigation by a subordinate, but may make new and separate findings based on the investigation results.
 - c. Make a decision for disciplinary action or other disposition, based on the findings and the employee's record of service.
 - d. Inform the accused in writing of the results of the investigation and disposition.
 - e. Direct that results and disposition concerning the investigation be preserved in the employee's personnel file.

9. Maintenance, Security, and Confidentiality of IA Records
 - a. Investigative reports, writings, and files of every complaint shall be maintained in a separate and secure file in the Chief's office. These records shall remain confidential.
 - b. Every sustained case which has resulted in a counseling form, letter of reprimand, suspension, loss of pay, demotion in rank, or termination shall require a written explanation of the disciplinary action taken along with a summary of the complaint to be placed in the employee's personnel file. This shall become a permanent part of the affected employee's personnel file.
 - c. If there are two or more employees involved in a citizen's complaint, individual summaries shall be prepared for each employee regarding his/her involvement and the disposition, then placed in each employee's personnel file. Each employee involved in a citizen's complaint will receive a copy of the summary.
 - d. Once completed and filed, only the Chief, or Lieutenant, shall have access to an IA record, except when:
 - 1) Access is required by law or court order; or
 - 2) Information contained in the file is relevant to a subsequent investigation or litigation.
 - e. All citizen complaints and investigative reports concerning sworn personnel are maintained in a confidential file in the Chief's Office to protect the rights of complainants, witnesses, and departmental personnel in accordance to Collective Bargaining Agreements. The records will be kept under the State Agencies Records Retention/Disposition Schedule (S10) for Public Safety Personnel Records.
 - f. Annual Summaries and Public Availability:
It is the responsibility of the Chief of Police to direct that annual summaries of officer/agency misconduct complaints be compiled, based upon records of complaint and made available to the public and department employees.
10. Arrests of Department Members:
 - a. When a member of this Department is arrested by this Department or another jurisdiction, the Chief of Police shall be notified immediately. If the Chief is unavailable, the Lieutenant or designee in his/her absence shall be notified.

- b. The Supervisor shall proceed to the place of confinement and if the seriousness of the charges warrants, advise the member that he/she is suspended immediately, (with pay) pending further investigation. If suspended, the employee shall be relieved of Department property in his/her immediate possession, and such property shall be delivered to the Chief. Steps will be immediately taken to obtain the departmental weapon, badge and identification card of the involved employee, if it is not in his/her possession.
- c. A preliminary investigation shall be conducted immediately and results communicated to the Chief.
- d. If the cause for arrest was serious and justified, a departmental investigation shall be initiated immediately, through the Chief.

V. APPENDICES:

- 1. Waiver of Union Representation Form
- 2. Garrity Warning Form
- 3. Citizen Complaint Form

WAIVER OF UNION REPRESENTATION

I, _____, waive my right to Union Representation
at the

_____ held _____.
Type of Meeting Date

Employee Signature Date

Witness Date