



**NEW CANAAN POLICE DEPARTMENT**

**SUBJECT: INTERNAL AFFAIRS**

**GENERAL ORDER NUMBER: 87-4-39**

**FILE: ADM-12**

**OPERATIONS SUPPORT**

**I PURPOSE/POLICY**

It is the policy of the New Canaan Police Department that the Internal Affairs function is important for the maintenance of professional conduct.

The purpose of this general order is to ensure the integrity of the police department by establishing procedures that will assure the prompt and thorough investigation of alleged or suspected personnel misconduct. Such procedures will:

- 1 Clear the innocent;
- 2 Establish guilt of wrong doers;
- 3 Facilitate prompt and just disciplinary action; and
- 4 Uncover defective procedures or material

Emphasis will be placed on the positive approach rather than the negative or punitive aspects of discipline. This order is based on the premise that discipline is a function of command and a well disciplined force is one which voluntarily and ungrudgingly conforms to all departmental policies and regulations.

**II RESPONSIBILITY**

It shall be the responsibility of all departmental personnel to adhere to this general order.

**III PROCEDURES (ADMINISTRATION)**

**A** The Chief of Police is responsible for the Internal Affairs function of the police department. The Commander of the Staff Services Division will have the functional responsibility for Internal Affairs Investigations and shall report directly to the Chief of Police.

**B** Internal Affairs is a function of the Staff Services Section. Its function is to ensure that the integrity of the agency is maintained through an internal system where objectivity, fairness and justice are assured by intensive and impartial investigation and review to clear the innocent, establish guilt of wrong-doers, and facilitate fair, suitable and consistent disciplinary action.

- C** Activities of the Internal Affairs function will include the following:
- 1 Recording, registering and controlling the investigation of complaints against department employees;
  - 2 Supervising and controlling the investigation of alleged or suspected misconduct within the department;
  - 3 Maintaining the confidentiality of the Internal Affairs investigation and records.
- D** The Internal Affairs function shall not involve itself with the inadequacies of procedural matters, poorly written reports, matters of dress, or similar violations, except when such violations may be indicative of something more serious. For the most part, such concerns are the focus of the supervisory staff.
1. Internal Affairs is concerned with complaints or information received of personal abuse, illegal action or unethical conduct generally classified as follows:
    - a. Class I - Commission of any crime defined by state statute as felony or misdemeanor, i.e.: burglaries, larcenies, or other crime.
    - b. Class II- The acceptance of gifts and gratuities, referring cases to bondsmen and lawyers, favored treatment, or any activity or conduct which is prejudicial to the policy or rules and regulations of the town or department.
- E** All department employees will receive a copy of this general order and any subsequent addendum as they may occur.
- F** When a department employee is notified that they have become the subject of an Internal Affairs investigation, the department will issue the employee a written statement of the allegations and the employee's rights and responsibilities relative the investigation. (See Appendix I and II).

#### **IV PROCEDURES (COMPLAINT PROCESSING)**

- A** All alleged or suspected violations of law, ordinances, department rules, regulations or orders must be investigated. This includes:
1. Those violations reported to supervising or command officers by:
    - a. Members of the department, either orally or in writing; and
    - b. Citizens (including prisoners) in person, by telephone, or by correspondence either signed or anonymous.
  2. Those violations observed or suspected by supervising or command officers;
  3. Any alleged or suspected breach of integrity or case of moral turpitude from whatever source it may be reported or developed;
  4. Any situation in which a citizen has been injured or killed by an officer, whether on duty or not;

5. Any situation involving the discharge of firearms by an officer with the following exceptions:
  - a. Accidental discharge which does not involve death or injury.
  - b. Killing injured animals.
  - c. Firearms Training or other legitimate firearms events.
6. Assisting any member of the department by investigating cases of personal harassment, threats, false accusations, or continued situations which may be harmful to the department member.

**B** All complaints received in person or via telephone will follow the procedures as set forth below: Exceptions are anonymous complaints where the Shift Commander will fill in the known information on the appropriate department form and forward as required.

1. Persons who wish to file a formal complaint against any member of this department shall immediately be directed to the Office of the Shift Commander or Acting Shift Commander.
2. Should the complainant, after speaking with the Shift Commander, and being advised of the complaint procedure, insist on filing his complaint personally with a higher authority, the Shift Commander shall make appropriate arrangements to refer the complainant to that higher authority.
3. Following a verbal discussion as to the substance of the complaint, the Shift Commander shall furnish the complainant with a single blank copy of the Police/Citizen Complaint Form, NC-001.
4. After the complainant has prepared the form to the extent possible, the Shift Commander shall review the contents for legibility. If a word is not legible, the Shift Commander shall inquire of the complainant and print the proper word directly above the complainant's written or typed word.
5. Following a review of the form by the Shift Commander, the complainant shall sign the accompanying statement of affirmation in the space provided. The complainant statement shall be notarized. If a Notary, Police Sergeant or Police Lieutenant is not available on the duty shift, one will be called back to duty for this purpose.
6. The Shift Commander shall then complete the appropriate portion of the "For Police Department Use Only" section of the Police Citizen Complaint Form by first signing his name and indicating the date and time he received the report from the complainant.
7. In the "Accepting Member's Observation of the Complainant" section of the form, the Shift Commander shall include a brief comment relative to the complainant's apparent rationality and demeanor. Should he suspect that the complainant is under the influence of an intoxicant or drug, or is suffering from a mental disorder, or evidence any other trait or condition bearing on his credibility, he shall note these conditions, together with any other pertinent remarks in the space provided.
8. In those instances where a complainant has alleged the use of excessive force on the part of a department member, the Shift Commander shall carefully note the presence of any unusual marks, bruises or abrasions on the person of the complainant. He shall record all such injuries by the use of color photography.

9. After reviewing all of the available material pertaining to the complainant, the Shift Commander shall indicate the name of the member who is under investigation together with his rank and current assignment in the space provided.
10. Following a final review of those portions of the Police/Citizen Complaint Form for which he is responsible, the Shift Commander shall forward the complaint, either in person or by sealed envelope, to the Chief of Police. If the Chief of Police is not on duty, the complaint will be placed in a sealed envelope and deposited in the door mail slot of the Commander of Staff Services.

**C** The department will maintain a record of all complaints against the department or its employees. This records activity is a function of Internal Affairs component and is an exception to the personnel records and the central complaint file to the extent that the investigative work product will be filed separately and under the control of the Chief of Police.

1. In order to maintain confidentiality, records pertaining to Internal Affairs investigations shall be properly secured by the individuals responsible for the Internal Affairs function.

**D** After a complainant has contacted the department about an alleged violation, the department will respond in writing to the complainant that the complaint has been received and an internal investigation will be initiated. This responsibility will rest with the Chief of Police or his designated subordinate.

1. Barring extenuating circumstances the Chief of Police or his designee shall provide the complainant with a status report pertaining to the progress of the investigation every 30 days, at a minimum.

**E** At the completion of the investigation and after a finding has been determined, the department will fully advise the complainant of the decision and any subsequent action resulting from the investigation. This responsibility will rest with the Chief of Police or his designee.

## **V PROCEDURES (OPERATIONAL)**

- A** The police department shall maintain liaison with the prosecutor's office in investigations involving alleged criminal conduct on the part of an employee.
- B** Each supervising or command officer will assume the duties and obligations of his rank in the investigation of all areas of police action under his purview in an effort to discover inefficiency or misconduct at its earliest stages. He will not look to higher authority to initiate inquiry when subjects complained of are within the scope of his own authority and responsibility, except when the complexity of the case (or is a CLASS I complaint) justifies assistance from the Internal Affairs function or the Chief of Police, which he may request at any time.

## **VI PROCEDURES (DISCIPLINARY AUTHORITY)**

- A** A supervisor or command officer may impose an emergency suspension against a department member under the following conditions: NOTE: An emergency suspension under this authority would be considered a temporary administrative action due to a member's physical or psychological fitness for duty.

1. When there are indications that the department member has been drinking and/or is under the influence of drugs.

**NOTE:** Any person so suspended shall be instructed to report to the office of the Chief of Police at 0900 hours on the next business day, unless the circumstances dictate a different course of action. The supervisory officer imposing or recommending the emergency suspension will report at the same time.

**B** Supervisory personnel may take the following disciplinary measures:

1. Oral reprimand;
2. Written reprimand;
3. Emergency suspension; and
4. Written recommendations for other penalties.

Final departmental authority and responsibility rests with the Chief of Police. The Chief of Police retains the prerogative and right to sanction or withhold any disciplinary action until such time as any appeal has been concluded.

## **VII PROCEDURES (EMPLOYEE REQUIRED TO ANSWER QUESTIONS)**

- A** An employee can be required to answer questions directly relating to his/her duties, and he/she can be disciplined up to and including dismissal for refusal to answer such questions.
- B** Any required statements can be used against an employee in a disciplinary action or in an administrative proceeding. However, these required statements would be inadmissible in subsequent criminal proceedings.
- C** Voluntary statements or confessions made by an employee while being questioned would be admissible in criminal proceedings.

## **VIII PROCEDURES (MIRANDA WARNINGS)**

- A** It is not necessary to give an employee Miranda Warnings during departmental investigations of non-criminal matters. However, Miranda Warnings must be given to an employee who has been accused of a criminal matter, and who is being interviewed concerning that matter.

## **IX PROCEDURES (SPECIAL TESTS)**

- A** An accused employee may request an intoxilyzer test or polygraph test if he/she believes such a test would be beneficial to his/her defense.
1. An on-duty supervisor is required to direct an employee to submit to an intoximeter test when the level of inebriation is a factor directly related to duty performance or to operating a departmental vehicle.
- B** If an employee is required to submit to drug testing, the procedures outlined in Article 39 of the current labor agreement should be followed.

**X PROCEDURES (INTERVIEW RIGHTS)**

- A** All interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is of such a degree that an immediate interview is required.
- B** The interviews will be held at either the police department or at a location agreeable to both parties.
- C** During the interview there will be one individual designated as the interviewer, and only that person will ask the interviewee questions.
- D** Prior to answering any questions or signing a statement, the accused employee shall be informed of the allegations made against him/her and (when applicable) receive a copy of the original complaint.
- E** The accused employee being interviewed shall not be subjected to offensive language or threatened with transfer, dismissal or disciplinary action. No promise or reward shall be made as an inducement to answer any questions.
- F** The complete interview shall be recorded. Any interruptions will be duly noted and any relevant discussions transpiring during breaks will be summarized, transcribed on a tape recorder, and verified for accuracy by the accused.
- G** Employees that are the subject of an internal affairs investigation will not be required to:
  - 1) Submit to photographs
  - 2) Participate in a photo line-up
  - 3) Disclose financial statements
  - 4) Participate in testing for the detection of deception

**XI PROCEDURES (INVESTIGATING OFFICER'S RESPONSIBILITIES)**

- A** Consistent with existing departmental policy, the investigating officer assigned to a particular complaint is authorized to employ all recognized investigative methods in conducting a meaningful investigation of a complaint filed against a member of the department.
- B** The impact of an Internal Affairs case on the integrity of the department and on employee morale necessitates a speedy resolution to such issues. The investigating officer is responsible for the completion of an assigned investigation within ninety (90) days of said assignment. There may be exceptions to the 90-day limit, but such extensions may only be granted in cases, in which extenuating circumstances exist.
- C** When the investigation is completed, the investigator will conclude his report with a final determination within one of the following categories:
  - 1. SUBSTANTIATED  
The allegation/Investigation is supported by sufficient evidence to justify a reasonable conclusion of a violation of law or department regulations.
  - 2. NOT-SUBSTANTIATED  
Insufficient evidence exists to either to prove or disprove the allegation/Investigation.

3. UNFOUNDED

All information firmly supports that the allegation is false. The department member involved is considered to be totally cleared/absolved of any misconduct.

4. EXONERATED

a. Proper Conduct - The incident occurred, but was lawful and proper. The department member involved is considered to be totally exonerated of any misconduct.

b. Policy Failure - The incident occurred, but was lawful and proper in accordance with department policy and procedure, however a review of such policies and/or additional training may be necessary to prevent future allegations of misconduct. The department member is considered to be totally exonerated of any misconduct.

**D** When the investigating officer determines that the allegation is substantiated, he will note in the final report, a brief summary of any prior disciplinary action of which the department member has been subject and of any commendations received or exceptional performance of duty for which he has been recognized.

**E** When the act complained of is a crime, and the evidence is such that had the action been by a private person, it would have resulted in his arrest, the investigating officer will explain the circumstances to the Chief of Police and request a decision as to whether:

1. The accused member should be arrested forthwith; or
2. A warrant for his arrest should be applied for; or
3. Whether criminal action should be delayed pending further investigation and consultation with the state's attorney's office.

**F** The investigative report will be forwarded to the Commander of the Staff Services Division. This Command Officer will either approve or make a specific alternate recommendation and will include a written statement supporting the alternate recommendation. When the Command Officer has taken this action he will forward the complete report to the Chief of Police.

**XII PROCEDURES (REVIEW & DISPOSITION BY THE CHIEF OF POLICE)**

**A** The Chief of Police will recognize that discipline is a function of command, and that an important purpose of his office is to promote the initiation of disciplinary action at the lowest level of supervision and command, and to assist in the investigation of incidents on request of officers and others who may fear that they are in a situation where they may be falsely accused.

1. After due consideration of all information pertaining to the complaint and investigation, including the recommendations of the investigating officer and the Commander of the Staff Services Division, the Chief of Police shall decide upon the disposition of the complaint.
2. After having arrived at his disposition of the complaint, the Chief of Police shall report his findings and recommendations to the Police Commission.

3. The Chief of Police may impose appropriate disciplinary action as specified in the Police Manual.
4. The Chief of Police, or his/her designee, shall take appropriate action to notify, not later than thirty (30) days after the matter has been reported to the Police Commission, both the complainant and the member(s) under investigation as to the disposition of the complaint.

**B** The Chief of Police will conduct a summary of internal affairs investigations on an annual basis. That information will then be compiled into an anonymous summary report and made available to the general public as part of the Department's Annual Report.

### **XIII DISTRIBUTION**

This general order will be reproduced in electronic and traditional media. All sworn personnel shall have access to Department general orders through a read-only file on their individual domain of the Department's computer network. Printed copies and/or CD's will also be placed in locations throughout headquarters so that they are easily accessible to all personnel.

### **XIV EFFECTIVE DATE**

This general order approved by the Police Commission September 16, 1987 and is effective September 16, 1987.  
Revised December 1990  
Revised January 1991  
Revised June 1992  
Reviewed April 2000  
Revised November 2000  
Reviewed July 2006  
Revised June 2009  
Revised September 2015  
Revised May 2019

Per Order,

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Leon Krolikowski  
Chief of Police