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**RIDGEFIELD POLICE DEPARTMENT**

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# **General Order**

## **Title: Internal Affairs Procedures**

Date Issued: 01/01/03

Update: 09/28/07

Update: 08/28/09

Update: 03/22/15

Update: 11/12/15

### **Issued Under the Authority of the Office of the Chief of Police**

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Updated by: *Accreditation Officer*

Updated by: *Chief John Roche*

**State Standard Number: 1.2.34 General Management - Internal Affairs Procedures**

**Rescinds:**

General Order #16-79 Section II, Section III

General Order #15-79 Formulation of Internal Affairs Unit

General Order # 7-79 Reciprocal Agreement

General Order #16-70 Section III, Subsection D-3 & 4, Subsection E-3

**Replaces:**

**I. Purpose:**

Authority: The Board of Police Commissioners' mission has statutory authority to 'have general management and supervision of the police department of such town and of all property and equipment used in connection therewith, shall make all needful regulations for the government not contrary to law and may prescribe suitable penalties for the violation of any such regulation, including suspension or removal from office of any officer or member of such police department. Such Board shall have the sole power of appointment, promotion and removal of the officers and members of such police department under such regulations as it adopts for that purpose'.

**II. Policy:**

The Ridgefield Police Department shall respond to 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. 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 in writing, 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.

**DEFINITIONS:**

1. Complaint: an allegation of employee misconduct or malfeasance.
2. Complainant: any person who files a complaint regarding misconduct or malfeasance on the part of an agency employee.
3. Complaint Control Number: a unique numerical or alphanumeric code used to identify and track citizen complaint investigations.
4. 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.
5. Employee: Any person employed by the agency, whether sworn or non-sworn.
6. Internal Affairs Division: the designated unit with primary responsibility to conduct investigations of administrative or citizen complaints of misconduct or malfeasance.
7. Malfeasance: illegal or dishonest activity especially by a public official.
8. Misconduct: Any act or omission by an employee that is illegal or which violates established policy.
9. Supervisor: Includes those holding the rank of Sergeant or higher.

**III. Procedure:****A. Internal Affairs Responsibility:**

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 the Internal Affairs unit. The Internal Affairs unit will be responsible for:

- 1) Conducting a thorough, fair and impartial investigation of every complaint received regardless of the method of receipt.
- 2) Investigating and determining the nature, facts and circumstances of every complaint.
- 3) Reporting to the Chief of Police, the results of the investigation, any recommendation, and the resolution of that investigation.
- 4) Identify and recommend for appropriate investigation and prosecution, criminal misconduct discovered on the part of any individual during the course of an internal affairs investigation, after review by the Chief of Police.
- 5) Prepare suggested revisions of Department policies and procedures where existing deficiencies have been a contributing factor to misconduct.

**B. Acceptance, Filing and Intake of Complaints:****1. General:**

All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance of employees of this agency. All employees shall be required to accept a complaint alleging misconduct or malfeasance by agency personnel. All employees must courteously inform an individual of his or her right to make a complaint if the individual objects to an employee's conduct. Employees have a duty to assist any person who wishes to file a citizen's complaint by documenting the information and allegations they provide, advising the individual how to proceed, and by promptly putting the complainant in contact with a Supervisor who can assist them with filing their complaint. No employee shall 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.

**2. Acceptance of Complaint:**

- a) The use of a standardized form to record complaints shall be implemented using the standardized form adopted by the Police Officer Standards and Training Council for such documentation or standardized form that exceeds the model form adopted. Each complaint shall be assigned an Internal Affairs Number (IAN) to track complaints and a copy of this form shall be filed in a separate Complaint File with the Internal Affairs Unit.
- b) Complaints may be accepted in writing, verbally, in person, by mail, telephone (TDD), facsimile, electronically, or by any other means. Anonymous and third party complaints will be accepted.
- c) All employees will assist those who express a desire to lodge complaints against any member of the agency. This includes:
  1. Calling a Supervisor to the scene to conduct a preliminary inquiry and document the complaint.
  2. Treating the complainant professionally and explaining the Department's complaint procedures.
  3. Providing complaint form(s) and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained.

4. Ensuring that complainants who are unable to read, write or understand the English language with sufficient proficiency to fill out the complaint form, or to be interviewed regarding their knowledge of the incident complained of, receive adequate language assistance to permit them to file their complaint and assist, as needed, in the investigation thereof. The name and identifying information of any person providing such language assistance to a complainant shall be recorded on the complaint form or in the body of the report.
  - d. All personnel who are approached by a person seeking to make a complaint will, when possible, call a Supervisor, obtain a brief description of the allegation, record contact information from the complainant, if provided, and obtain an Internal Affairs Number (IAN) which should be provided to the complainant.
  - e. If a Supervisor is not readily available, the Officer will inform the complainant that they will be contacted by a Supervisor or the Internal Affairs Unit by the next business day.
  - f. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complainant to a Supervisor. In the event the complaint is about a Supervisor, the complainant will be referred to the higher ranking officer.
  - g. All complaints shall be documented to include the date, time, location, and nature of the complaint, complainant's information (name, address, date of birth, telephone number, or other contact information, if provided, date and time the complaint was received, and the name, rank and/or title of the person receiving the complaint.
  - h. The withdrawal of a complaint does not prohibit the agency from completing an investigation.
  - i. If complaints are received by mail, all correspondence received containing allegations shall be forwarded to the Chief of Police, or the Chief's designee, where they will be officially received. These complaints shall be assigned an Internal Affairs Number (IAN). A letter of acknowledgment must be prepared advising the complainant that the matter is being investigated and that they will be contacted by the investigator assigned.
  - j. Walk-in complaints shall be referred to a Supervisor who shall then forward the complaint to the Internal Affairs Unit. After the complaint is received and properly documented, 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. 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 shall be noted. In any event, the complaint will be assigned an Internal Affairs Number (IAN) and forwarded as above.
  - k. Telephone complaints shall be referred to a Supervisor or the Internal Affairs Unit. The party who receives the complaint shall obtain the details of the complaint as soon as practicable, dispatch a Supervisor to the complainant's location and proceed as described in the foregoing paragraph.

### 3. Validity and Timeliness of Complaints:

#### a) **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 Unit should re-interview the person after he or she has regained sobriety.

b) **Delayed or untimely complaints:**

Complaints of misconduct or malfeasance shall be accepted regardless of when the alleged misconduct or malfeasance is alleged to have occurred. However, the timing of a complaint is one of the circumstances that the agency may consider in determining whether misconduct or malfeasance can be reliably substantiated and, if so, the nature and extent of discipline to be imposed. 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. 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.

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 Supervisor or Internal Affairs Unit to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

IV. Investigation of Complaints:

- a. The Chief of Police, or the Chief's designee, shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Internal Affairs investigations shall be completed in a timely manner within the time limits determined by the Chief of Police, including extensions granted by the Chief of Police, or Chief's designee, for good cause.
- b. The complainant shall be notified in writing within five (5) business days of receipt that:
  1. Their complaint has been received by the Department and is currently pending;
  2. That a complaint number has been assigned (including the IAN number);
  3. That they will be informed in writing of the outcome of the complaint promptly following conclusion of the investigation;
  4. That they may contact the designated investigator (identify by name, telephone, and/or email) at any time for further information while the investigation is pending.
- c. The subject of the investigation shall be promptly notified of the complaint in accordance with the provisions of applicable labor agreements. An employee who is the subject of a complaint shall be notified in writing within five (5) business days of the receipt of such complaint of:
  1. The fact that a complaint has been made;
  2. The identity of the complainant, if known;
  3. The substance of the complaint;
  4. The law or policy that is alleged to have been violated;
  5. The date upon which the investigation is expected to be completed.

**NOTE:** 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 therefore and the anticipated extent of the delay.

- d. Nothing in this policy precludes the Chief of Police from referring an internal affairs investigation to an outside agency if such action would be in the best interest of the municipality and of justice.
- e. If the complaint results in criminal charges against an Officer/Employee of the Department, the Supervisor shall notify the Executive Officer. The Executive Officer and the Chief of Police will consult with the State's Attorney's Office regarding the course of the complaint/investigation.

**V. Review of the Investigation:**

- a) The completed report of the Internal Affairs investigation, disciplinary recommendation, if any, and the recommended disposition shall be reviewed by the Chief of Police or the Chief's designee.
- b) The Chief of Police shall report such findings to the Chair of the Board of Police Commissioners and report, at the next Police Commission Meeting, the Internal Affairs investigation, findings, and administrative discipline action taken or recommended by the Chief of Police to the Board of Police Commissioners. The Chief of Police shall adhere to all Department regulations and Contractual obligations regarding complaints against Officers and Civilian personnel.
- c) The complainant shall be promptly notified in writing of the status and/or disposition of his or her complaint at the conclusion of the investigation by the Chief or Police, or his/her designee.
- d) Findings of completed investigations and disciplinary recommendations, if any, shall be promptly conveyed, in writing, to the employee.

**VI. Case Dispositions – Standards:**

For each charge or allegation of misconduct or malfeasance which forms the basis for an internal affairs investigation, such charge or allegation shall be classified upon closing of the investigation in one of the following manners:

- a) **Exonerated:** The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.
- b) **Unfounded:** The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of did not occur.
- c) **Not Sustained:** The investigation was unable to determine by a preponderance of the evidence whether or not the misconduct or malfeasance complained of occurred, or whether or not it was committed by the subject of the investigation.
- d) **Sustained:** The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of occurred and that it was committed by the subject of the investigation.
- e) **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.
- f) **Withdrawn:** At some point prior to the completion of the investigation, the complainant notified the Department that he/she wished the investigation to be discontinued and concurrence for this action was obtained from the Chief of Police.

- g) 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.
- h) 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 shall, 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 may be employed for complaints of a minor nature that do not reflect:
- 1) Discredit upon the Department;
  - 2) Discredit upon the involved employee;
  - 3) Commission of a criminal offense;
  - 4) Allegation of racism, bigotry or prejudice against any race, religion, creed, national origin, sexual orientation, or circumstances beyond the individual's control.
- Reconciliation must be documented through the Chain of Command to the Chief of Police or his/her designee. Reconciliation does not preclude further corrective action on the part of the Department.

**VII. Training:**

All Supervisory personnel will be required to attend training on the Department's Complaint Policy and the responsibilities of Supervisors conducting internal investigations upon the implementation of this policy.

All Supervisory personnel will be required to attend periodic refresher training, as determined by the Department, regarding the policies and procedures contained herein and professionally accepted practices related to conducting internal investigations.

**VIII. Public Information and Access:**

The Chief of Police will:

1. Ensure informational materials are made available to the public through police personnel, the police department facility, the police web site, the Town web site, the internet, libraries, community groups, community centers and at other designated public facilities.
2. Ensure that copies of this policy and complaint forms are available at the Town Hall or other municipal building located within the municipality served by the law enforcement agency, other than a municipal building in which the law enforcement agency is located. This information should include relevant phone numbers and any addresses where complaints can be made. This information must explain the complaint process in English and Spanish
3. The complaint policy and forms should be made available online where the agency or the municipality served by the law enforcement agency has an Internet website.

IX. **Reciprocal Internal Affairs Agreements** (Modified 9/28/07, 3/22/15)

When an Officer from another agency is the subject of an incident that requires investigation or police action of any type:

1. The Shift Commander shall be immediately notified and respond to the scene.
2. The Shift Commander shall conduct the investigation.
3. The Shift Commander shall oversee the investigation to its conclusion.
4. The Shift Commander shall notify the Chief of Police or, in his/her absence, the Major, who in turn will notify the offending Officer's department of the incident.



# Ridgefield Police Department

## Civilian Complaint Report

PLEASE GIVE THIS COMPLETED DOCUMENT TO A POLICE SUPERVISOR OR SEND IT TO:  
RIDGEFIELD POLICE DEPARTMENT, 76 EAST RIDGE ROAD, RIDGEFIELD, CT 06877 ATTN: INTERNAL AFFAIRS UNIT  
PHONE: 203 438.6531 FAX: 203 431.2741 - E-MAIL: rpdlau@ridgefieldct.org

Date of Incident: \_\_\_/\_\_\_/\_\_\_ Time of Incident: \_\_\_\_\_ Date Reported: \_\_\_/\_\_\_/\_\_\_ Time Reported: \_\_\_\_\_

### Complainant's Information

Complainant: \_\_\_\_\_ Date of Birth: \_\_\_/\_\_\_/\_\_\_  
Residence: \_\_\_\_\_  
Home #: ( ) \_\_\_\_\_ - \_\_\_\_\_ Cell #: ( ) \_\_\_\_\_ - \_\_\_\_\_ Work #: ( ) \_\_\_\_\_ - \_\_\_\_\_  
Business: \_\_\_\_\_ Occupation: \_\_\_\_\_  
Business Address: \_\_\_\_\_ Business #: ( ) \_\_\_\_\_ - \_\_\_\_\_  
Person Assisting Complainant, if any:

Name Address Contact #:

Witness Information, if any:

Name DOB Address Contact #:

### Complaint

**Location of Incident:** \_\_\_\_\_

Please answer the following questions:

Yes No

Unsure

1. To your knowledge, was all or any part of the incident complained of video or audio taped by anyone?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Are you afraid for your safety, or that of any other person, for any reason as a result of making this complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Has anyone threatened you or otherwise tried to intimidate you in an effort to prevent you from making this complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are you able to read, write and speak the English language?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. If your answer to Question #4 is "No" or "Unsure", have you been provided with adequate language assistance to help you understand and fill out this form.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you answered "Yes" to any of the five (5) questions above, please provide details below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Details of Incident**

Please provide a full description of the circumstances that prompted your complaint. Attach supporting documentation, as appropriate; including letters, e-mails, photographs, video or audio tapes, etc.

Lined area for providing a full description of the circumstances that prompted the complaint.

(Attach additional pages, if necessary)

I have read, or had read to me, the above and attached complaint and statement consisting of \_\_\_ pages. All of the answers are true and accurate to my knowledge. I understand that making a false statement intended to mislead a law enforcement officer in his/her official function is a violation of Connecticut General Statute 53a-147b and could result in my arrest and being fined and/or imprisoned.

Complainant's Signature: _____	Date: ___/___/___      ___ hrs.
On this the ___ day of _____, _____ before me, the undersigned Officer, personally appeared the complainant whose name is subscribed above and acknowledged that he/she truthfully executed this instrument for the purposes herein contained.	Notary: (for Authority, see CGS 1-24, 3-94a et seq.): _____
	PRINT Rank / Name / ID Number: _____ # _____

**Person Receiving the Complaint**

PRINT Rank / Name / ID Number: \_\_\_\_\_ # \_\_\_\_\_      Date Received: \_\_\_/\_\_\_/\_\_\_      Time Received: \_\_\_\_\_ hrs.

Method of Contact: Telephone       In-Person       Mail       E-Mail       Other

**Signature of Person Receiving Complaint:**

**Internal Affairs Number:**