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## **I. PURPOSE / POLICY**

In the interest of the *public trust*, the Wilton Police Department will investigate all complaints against its officers. The integrity of the department is of paramount concern. It is also a paramount concern to protect officers against false or malicious complaints.

The purpose of the police internal affairs unit is to maintain the integrity of the department by the use of an internal system in which objectivity, fairness, and justice are ensured by an impartial investigation.

The Wilton Police Department Internal Affairs process shall serve the following objectives:

1. Protection of the public.
2. Protection of department personnel.
3. Protection of the department.
4. Training of personnel.
5. Identify policy deficiencies and training needs of personnel.

The Wilton Police Department Internal Affairs Unit will report directly to the Chief of Police or their designees.

Internal Affairs records are to be secured and maintained in the Deputy Chief's office to ensure their confidentiality.

As with any other investigation officers who conduct internal affairs investigations are impartial fact-finders.

All officers of the Wilton Police Department are obligated to fully cooperate and assist internal affairs investigators.

## II. RESPONSIBILITY

It is the responsibility of all department personnel to adhere to this Standard Operating Procedure. The internal affairs division and supervisory personnel shall additionally 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 a supervisor up to and including the Chief of Police, if warranted, the results of the investigation, any recommendations and the resolution of that investigation.
4. Identifying and recommending for appropriate investigation and prosecution criminal misconduct discovered on the part of any individual during the course of an internal affairs investigation.
5. Preparing suggested revisions of Standard Operating Procedures where existing deficiencies have been a contributing factor to misconduct.

## III. DEFINITIONS

**Complaint** - An allegation of employee misconduct or malfeasance.

**Complainant** - Any person who files a complaint regarding misconduct or malfeasance on the part of a Wilton Police Department employee.

**Complaint Control Number** - A unique numerical or alphanumeric code used to identify and track citizen complaint investigations and internal affairs investigations.

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

**Employee** - Any person employed by the Wilton Police Department, whether sworn or non-sworn.

**Internal Affairs Division** - The designated personnel with primary responsibility to conduct investigations of administrative or Citizen Complaints of misconduct or malfeasance.

**Malfeasance** -- Illegal or dishonest activity especially by a public official.

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

**Supervisor** - Includes those holding the rank of Sergeant or higher.

#### IV. PROCEDURES

##### A. 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 the Wilton Police Department. All sworn and civilian employees shall be required to accept a complaint alleging misconduct or malfeasance by Wilton Police Department personnel. All employees must courteously inform an individual of their 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.

A Complaint cannot be received from any person less than 16 years of age unless accompanied by a parent or guardian. The exception to this would be if circumstances dictate that the complaint should be taken immediately in the absence of a parent or guardian. If this is the case then notification shall be made to the parent or guardian as soon as practical.

###### 2. Acceptance of Complaint

Each complaint shall be taken using the standardized form in this policy, assigned a Complaint Control Number (CCN) to track the Complaint, and filed in a separate Complaint File.

Complaints may be accepted in writing, verbally, in person, by mail, telephone (TDD), facsimile, and electronically, or by any other means. Anonymous and third-party complaints will be accepted.

All employees will assist those who express a desire to lodge complaints against any member of the Wilton Police Department. This includes:

- a. Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.
- b. Explaining the department's complaint procedures.
- c. Providing complaint form(s) and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained.
- d. 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.
- e. All personnel who are approached by a person seeking to make a complaint will, when possible, call a supervisor; or obtain a brief description of the allegation, and record contact information from the complainant if provided and immediately forward this information to the shift supervisor. No personnel shall discuss this information with anyone other than, a supervisor, an administrative officer of the Wilton Police Department, attorney, union representative or internal affairs officer.
- f. If a supervisor is not readily available, the officer will inform the complainant that they will be contacted by a supervisor or the person assigned to the investigation by the next business day.
- g. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.
- h. All complaints shall be documented to include the date, time, location, and nature of the complaint, complainant's information (name, address, DOB, phone number, or other contact info), if provided, date and time the complaint was received, and the name, rank and/or title of the person receiving the complaint.
- i. During the complaint intake process, no questions shall be asked of a complainant regarding their immigration status.

## Complaints/Internal Affairs

- j. The withdrawal of a complaint does not prohibit the Wilton Police Department from completing an investigation.
- k. If complaints are received by mail, all correspondence received containing allegations shall be forwarded to the Chief of Police or their designee where they will be officially received. These complaints shall be assigned a Complaint Control Number. 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.
- l. Walk-in complaints shall be referred to a Supervisor who shall then forward the complaint to the Internal Affairs designee. 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 a Complaint Control Number and forwarded as above.
- m. Telephone complaints shall be referred to a Supervisor or the internal affairs designee. 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 forgoing paragraph.
- n. Complaints from the field in which any member of the Wilton Police Department is approached by a complainant expressing allegations of misconduct or malfeasance shall immediately be reported to a supervisor. The complainant shall be requested to await the arrival of the supervisor. If a supervisor is unavailable, or the complainant is unable to await the arrival of a supervisor, the complainant should be informed that they may respond to the Wilton Police Department to make their complaint.

### 3. Validity and Timeliness of Complaints

- a. *Complaints by person under the influence of Alcohol or Drugs* - When a person who is noticeably intoxicated or impaired wishes to make a complaint, they shall be encouraged to wait until the earliest opportunity after they have regained sobriety to do so. When the supervisor determines the circumstances require immediate action, preliminary details of the 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 they have 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 Wilton Police Department may consider in determining whether misconduct or malfeasance can be reliably substantiated and, if so, the nature and extent of discipline to be imposed. 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.
- c. *Complainant Who Fears Retaliation Associated with Filing A Complaint* - If a complainant expresses fears of retaliation as 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 designee to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

#### 4. Complaint Classification

The Wilton Police Department assigns internal investigations into one of two categories:

- 1. Citizen Complaint – CC #
- 2. Internal Affairs – IA #

It is possible that the focus of an initial investigation may change over time, in which case the investigation can be escalated into a higher classification.

##### a. Citizen Complaint

Complaints generated externally and are of a less serious nature to include, but not limited to:

## Complaints/Internal Affairs

- i. Complaints by a citizen who contacts the Department questioning or informally complaining about a policy, procedure or tactic used by the Department or employee.
- ii. Complaints by a citizen desiring to make an informal complaint against an employee, generally involving an employee's conduct or behavior, such as rudeness, offensive language, and demeanor.
- iii. Allegations of a non-serious nature and violations of Standards of Conduct, SOPs, and other directives of a non-serious nature.

The investigation of Citizen Complaints can typically be handled at the First-Line Supervisor or Command level. However, the intake will be reported to the Internal Affairs Supervisor as soon as practical in order to facilitate appropriate classification, notifications, assignment, and filing.

## b. Internal Affairs

Allegations that have the potential to damage the reputation of the Department or its personnel, and generally include, but are not limited to, allegations of serious misconduct, serious violations of Standards of Conduct, and other directives or criminal conduct. Examples include, but are not limited to:

- i. Excessive and/or improper use of force
- ii. Brutality
- iii. False arrest
- iv. Unlawful search and/or seizure
- v. Corruption
- vi. Dishonesty and untruthfulness
- vii. Gross insubordination
- viii. Violation of civil rights
- ix. Bias-based profiling
- x. Sexual harassment

- xi. Workplace violence
- xii. Violation of criminal statutes

## 5. Investigation of Complaints

The Chief of Police or their Designee shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Investigations shall be completed in a timely manner within 30 days. In the event more time is needed a request for an extension shall be given to the Chief with the reason for the extension and the time needed to complete the investigation. Extensions will be at the sole discretion of the Chief of Police. The subject of the investigation should be provided notice of all extension approvals.

Complainants shall be notified in writing within five (5) business days of receipt that;

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

The subject of the investigation shall be promptly notified of the complaint in writing within five (5) business days of the receipt of such complaint of;

- a. The fact that a complaint has been made;
- b. The identity of the complainant, if known;
- c. The substance of the complaint;
- d. The law or policy that is alleged to have been violated;
- e. The date upon which the investigation is expected to be completed.



Where prior notification of the subject of a complaint is reasonably likely to impede the progress of an investigation, result in 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.

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.

No employee shall be required to submit to any medical examination as part of an internal affairs and/or administrative investigation as outlined in this SOP except as otherwise provided in the collective bargaining agreement between the Town and employee's bargaining agent.

No employee shall be required to submit to a laboratory examination except as otherwise outlined in the collective bargaining agreement between the Town and the employee's collective bargaining agent. Or where reasonable suspicion exists to support an allegation that such employee has engaged in misconduct, which, if proven would result in discipline under a just cause standard.

- a. Any such laboratory test required shall be limited to a non-invasive procedure, and narrowly tailored to produce only the specific information directly related to the investigation.
- b. The Department will bear the expense of such examination or laboratory test. This sub-section shall not be deemed to supersede specific provisions of applicable collective bargaining agreements. Non-invasive procedures shall be deemed to include forensic tests such as fingerprints, paraffin, shoe, ballistics and clothing tests, etc., but shall not include any DNA testing.

Employees may be photographed for the records of the Department, at the Department's expense, at the time of appointment or at any other time deemed necessary by the Chief of Police.

No employee shall be required to stand in a lineup in connection with any internal affairs investigation.

An employee's personal property, including his/her home, car, and other property, is protected from unreasonable search and seizure under the U.S. Constitution and Connecticut Constitution. Any evidence illegally obtained may not be used as evidence in an administrative proceeding.

Department property furnished to the officer, such as Department issued cellular telephones, computers, desks, lockers, or vehicles, etc., in which it is clearly understood in advance that an officer has "no expectation of privacy," may be searched without a warrant.

The Department may not compel the subject of an internal investigation to produce personal financial documents or information except where reasonable suspicion exists to support an allegation that such officer has engaged in misconduct, which, if proven, could result in discipline under a just cause standard. Any such request for documents or information must be narrowly tailored to produce only the specific information directly related to the allegation.

No employee shall be compelled to undergo testing for the detection of deception in connection with an internal affairs investigation except as otherwise expressly permitted by Connecticut General Statutes.

#### 6. Review of the investigation

The designated internal affairs supervisor shall review the investigation to determine the thoroughness, completeness, accuracy and objectivity of the investigation.

The completed report of investigation, disciplinary recommendation if any and the recommended disposition shall be reviewed by the Chief of Police or their designee.

The complainant shall be promptly notified in writing of the status and/or disposition of the complaint at the conclusion of the investigation by the Chief of Police or their designee.

### **B. Criminal Incidents**

Complaints that are criminal in nature are to be forwarded to the Chief of Police as soon as practical. Every effort will be made to contact the Chief. No enforcement action will be taken against an employee of this department without the approval of the Chief of Police, or in their absence the Executive Officer. The Shift Supervisor will take no action unless directed by a higher ranking officer.

### **C. Internal Affairs Unit Responsibilities**

The Internal Affairs unit will investigate all matters assigned to them by the Chief of Police. In addition, the Internal Affairs Unit will investigate any incident where any employee causes the death or serious injury to a third

party. During the internal review the employee shall be placed on paid administrative leave. The employee shall be removed from any assignment requiring contact with the public.

The Internal Affairs officer will attempt to interview the complainant, witnesses, officers involved and anyone else who they deem may be helpful in obtaining the facts of the circumstances surrounding the reported incident.

The Internal Affairs officer shall, to the best of their ability, list in their report to the Chief of Police any and all possible violations of department policy, which they deem are applicable to the incident. They shall also report if there does not appear to be any violations to the Chief of Police.

The Internal Affairs officer shall prepare a detailed report for the Chief of Police concerning the investigation.

A filing system, which shall include the officer who was the subject of the complaint, the complainant's name and year, will be kept. The system of which the complaint is filed under shall be by year and assigned a number in chronological order of occurrence.

Only those authorized by the Chief of Police will be permitted to have access to the reports and filing of Internal Affairs Investigations.

Internal Investigations shall be concluded and submitted to the Chief of Police no later than 30 days from the date which they were initiated. Exceptions to this rule would be when circumstances prohibit the timely conclusion such as unavailability of witness officers. Written notice will be given to the Chief and the subject under investigation when such extensions are necessary.

Investigations of criminal misconduct shall not have a conclusion deadline. They will be pursued without unreasonable delay.

Final reports shall contain all relevant information to the investigation. The investigator shall cite the applicable law or department policy listed in the original notification and if those charges are substantiated by the facts found.

#### **D. Chief of Police Responsibilities**

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.

The Chief of Police will review all cases investigated by the Internal Affairs Division and declare a disposition in the matter. The Chief will, if necessary, assign further investigation if they deem necessary.

The Chief of Police shall notify, in writing, the employee who is the subject of an internal investigation as well as those specific violations (criminal and non-criminal) they are suspected to have violated. At the conclusion of an internal investigation, the employee shall be notified in writing as the final disposition of the complaint. The employee will also be notified as to any disciplinary action which may be imposed.

Ensure information materials are made available to the public through police personnel, the police department facility, the police department website, the general government website of the Wilton Police Department, and at other designated public facilities.

Ensure copies of this policy and complaint forms are available at the town hall within the municipality served by the Wilton Police Department, other than a municipal building in which the Police Department is located. This information should include relevant phone numbers and any addresses where complaints can be made.

#### **E. Disposition Classifications**

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:

1. **Exonerated** - The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.
2. **Unfounded** - The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of did not occur
3. **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.
4. **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

5. **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.
6. **Withdrawn** - At some point prior to the completion of the investigation, the complainant notified the Wilton Police Department that they would like the investigation to be discontinued and concurrence for this action was obtained by the Chief of Police.
7. **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 policy as defined by the Wilton Police Department. Summary actions are the lowest level of disciplinary action or remediation.
8. **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:
  - a. Discredit upon the Wilton Police Department.
  - b. Discredit upon the involved employee.
  - c. Commission of a criminal offense; or
  - d. Allegations 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 their designee. Reconciliation does not preclude further corrective action on the part of the Wilton Police Department.

## **F. Officer Responsibilities and Rights**

When notified of an internal affairs investigation, officers of the Wilton Police Department are not to discuss the matter with anyone other than an

administrative officer of the Wilton Police Department, attorney, union representative or internal affairs officer.

### 1. Garrity Warnings

If the investigation is administrative in nature, Garrity Warnings will be administered when applicable for compelled statements. The subject officer will sign the form, which shall be held by the Internal Affairs Division.

**“You are being questioned as part of an official administrative investigation being conducted by your employer, the Wilton Police Department. During the course of this interview, you will be asked questions specifically, directly, and narrowly related to the performance of your official duties and/or your fitness for office. You are hereby ordered to answer each of the questions posed truthfully and completely. You are entitled to all of the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself, as well as any additional rights established by state law or contractual agreement between your employer (Wilton Police Department) and your labor organization, if any. You are advised that, if you refuse to answer questions related to the performance of your official duties and/or fitness for office, you will be subject to administrative disciplinary charges carrying the penalty of dismissal or termination from employment with this agency. If you choose to answer questions truthfully and completely, neither your oral testimony nor written statement, may be used against you in any pending or subsequent criminal proceeding. However, such testimony or statements may be used against you in this or any subsequent administrative disciplinary proceeding as evidence of misconduct or violation of the rules, regulations, policies or orders of your employer, the Wilton Police Department, pertaining to your job performance, or in decertification proceedings conducted pursuant to the provisions of Conn. Gen. Stat 7-294(c)(2)(1).”**

### 2. Miranda Warnings

When the investigation is criminal and the officer is under arrest or in custody.

## **G. Right to Counsel During Interviews**

### **1. Administrative**

- a. An officer may, at their request, have present during an internal affairs interview an attorney, union representative, supervisor or other person regarding allegations of misconduct by the officer.
- b. The representative present may not interfere in any way during the course of the interview.

### **2. Criminal**

An officer is afforded all rights under the constitution relative to criminal investigations

## **H. Record Retention**

The Department will retain and dispose of Civilian Complaint and Internal Affairs records in accordance with the Municipal Records Retention/Disposition Schedule published by the Connecticut State Library Office of the Public Records Administrator.

Approved by:

**Chief Thomas Conlan**

Digitally signed by Chief Thomas Conlan  
Date: 2023.11.27 15:08:56 -05'00'

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Chief Thomas Conlan

**APPENDIX**

- 1) Civilian Complaint form
- 2) Civilian Complaint form (Spanish)
- 3) Supervisor Complaint form
- 4) Supervisor Closing Report