

WATERTOWN POLICE DEPARTMENT GENERAL ORDER



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CHIEF OF POLICE**

Effective Date: XXXX	Rescinds: Amends:	Number:
Subject: Internal Complaints and Investigative Procedures		Re-evaluation Date:
Distribution: ALL PERSONNEL	Related CALEA Standards:	

This order consists of the following numbered sections:

1. Purpose
2. Policy
3. Definitions
4. Complaints
5. Relief from Duty
6. Internal Investigation Procedure
7. Reports of Investigations
8. Appeals
9. Document Records

1. **PURPOSE**

The purpose of this General Order is to establish guidelines for the reception, assignment, and investigation of complaints that involve the general public and any Watertown Police Department or any Police Department personnel.

2. **POLICY**

As the caretaker of the public safety, it is the policy of the Police Department to properly investigate all complaints against the Department or its personnel; to equitably determine whether the allegations are valid or invalid; and to initiate appropriate closure and /or corrective action as deemed necessary.

3. **DEFINITIONS**

- A. **CIVILIAN COMPLAINT REPORT** – a form utilized to properly document any allegation(s) of misconduct involving the agency or its personnel when the complaint is made by citizen.
- B. **COMPLAINT TRACKING FORM** – a form utilized to properly document and track any allegation(s) of misconduct involving the agency or its personnel.
- C. **COMPETENT AUTHORITY** - Those employees within the Police Department whose supervisory responsibility is the direction of other personnel.
- D. **COMPLAINT**-Any allegation of misconduct, violation of law, or violation of agency policy, procedure or regulation.
- E. **FINDINGS OR CONCLUSION**- an opinion rendered by an investigator, supervisor, or other competent authority to summarize an investigation or inquiry.
 1. **EXONERATED** - That specific acts did occur, but were justified, lawful, and/or proper.
 2. **UNFOUNDED** - That the specific act(s) complained of did not occur, or failed to involve Police Department personnel.
 3. **NOT SUSTAINED** - Failure to discover sufficient evidence to clearly prove the allegation(s) made in a complaint.
 4. **SUSTAINED** - The investigation disclosed sufficient evidence to clearly establish the allegation(s) made in the complaint.
 5. **POLICY FAILURE** - The allegation(s) is/are true, however, the employee was acting in a manner consistent with Police Department policy. This finding must clearly detail how any particular policy is incorrect and may necessitate further review and/or revision of the specific policy.
- F. **INQUIRY** - The preliminary review and evaluation of information related to any suspected violation of agency policy or procedure to determine whether a reasonable belief exists to warrant a more formal investigation. An inquiry by competent authority may be necessary before a formal investigation is undertaken.
- G. **INTERNAL INVESTIGATION** - An official review and evaluation of information relative to any suspected violation of agency policy or procedure where sufficient information exists to reasonably believe

that the employee(s) may have committed the violation. The findings of an investigation could lead to disciplinary action.

- H. **RECORDING** - Any type of electronic device that retains record of any audible proceeding (i.e., Dictaphones, tape recorders, video cameras, etc.). Recordings may also be any written statements by witnesses or written admissions by the accused in any investigation.
- I. **REPRESENTATIVE** - An individual who appears with the employee during a formal interview/interview providing support and advice to the employee. This individual may or may not be a member of the agency. This individual is prohibited from participating directly during the interview/interview process; he/she may consult with the employee, or otherwise provide support and advice to the employee that does not obstruct or interfere with the interviewer.
- J. **PROFESIONAL STANDARDS** - A component of the Administrative Services Division that is responsible for monitoring all complaints and/or allegations of misconduct against the Police Department or its personnel. The Captain of Administrative Services will report directly to the Chief of Police on all internal investigations.

4. COMPLAINTS

Complaints against the Police Department or its personnel may be made by any person. Initial complaints may be made in person, by telephone, by email, or in writing. Any employee who receives a complaint will report the complaint immediately to the on-duty supervisor. The on-duty supervisor receiving the complaint will talk with the complainant, if possible. The on-duty supervisor will initiate a Complaint Tracking Form.

- A. The receiving on-duty supervisor may determine via inquiry that the complaint **does not** involve improper conduct on behalf of the agency or any employee. In this case, supervisors are authorized to resolve the situation to the satisfaction of the complainant, if possible. To reconcile such a complaint, the receiving supervisor may:
 - 1. Resolve any misunderstanding or miscommunication that may have led to the complaint;
 - 2. Correct a problem or situation to the satisfaction of the complainant; and/or,
 - 3. Counsel the involved employee(s) as to the reason(s) for the complaint while finding no fault on the part of the Police Department or the employee, with no further action necessary.
 - 4. With early resolution of such complaints, supervisory authority will ensure notice is provided to the complaining party(s), and will forward documentation of the resolved complaint to the Captain of Administrative Services (via chain of command) for file retention.
- B. The receiving on-duty supervisor may determine via inquiry that the complaint **does** involve improper conduct on behalf of the agency or any employee. In this case, the receiving on-duty supervisor will begin the formal complaint process.
 - 1. A supervisor will inform the complaining party that their complaint will need to be reduced to writing.
 - 2. Utilizing the Civilian Complaint Report, the supervisor will provide the complaint form to the complaining party with instruction of process. If the complaining party does not wish to complete the Civilian Complaint Report immediately, the on-duty supervisor should give the complainant a Civilian Complaint Form and request that it be returned to the Captain of Administrative Services upon its completion.
 - 3. The lack of a written complaint, or the refusal of a complainant to complete a citizen complaint form **will not** prevent the continued process of any complaint.
 - 4. The supervisor will initiate the Complaint Tracking Form and written documentation describing the nature and circumstances of the complaint, and will collect any documents, and/or secure any evidence that relates to the complaint, if possible.
 - 5. While conducting the inquiry, the supervisor **will not** interview the accused employee.
 - 6. The supervisor's record, to include the Complaint Tracking Form, the Citizen Complaint Report, and any other pertinent information, will be forwarded to the Captain of Administrative Services.
 - 7. The Captain of the Administrative Services will assign a tracking number to the complaint.
 - 8. The Captain of Administrative Services will assess the allegation(s), and provide notice to the Chief of Police or Assistant Chief of Police to determine the appropriate investigative response.
 - 9. All complaints whether formal, non-formal and regardless of conclusion, will be forwarded to the Captain of Administrative Services for archiving.
 - 10. During official inquiry of any complaint by supervisory authority, if it becomes apparent that the issue involves a violation of law, or serious violation of Police Department regulation, the assigned supervisor shall notify the Chief of Police or the Assistant Chief of Police immediately.
- C. Complaints involving allegations of criminal misconduct will be referred to the Department of Criminal Investigations by the Chief of Police. Complaints handled by the Captain of Administrative Services may involve serious misconduct allegations and/or complaints that identify a pattern of behavior that conflict with the professional standards of the agency. Complaints handled by other Captains may involve less

serious misconduct allegations (i.e., excessive tardiness, demeanor complaints, minor policy violations, etc).

1. Assignment authority for all formal complaints will rest with the Chief of Police or the Assistant Chief of Police.
2. The Captain of Administrative Services will process the complaint by assignment of a control number for tracking purposes.
3. Upon receipt of any complaint for investigation, the assigned Captain has 30 days to complete the investigation. An extension may be granted by the Chief of Police or Assistant Chief of Police. The request for an extension must be in writing.

5. INTERNAL INVESTIGATIVE PROCEDURES

Formal internal investigations will always be conducted with an impartial and non-biased attitude.

A. An employee is required to respond to all inquiries made during an interview. The employee has the obligation to answer all questions truthfully. Any refusal to answer questions is a violation of Police Department policy, and may render the employee subject to disciplinary action.

1. Any statements taken from Police Department personnel who are the subject of misconduct allegations will be in accordance with the following procedures:
 - a. Interview shall be conducted at a reasonable hour, preferably at a time when the officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.
 - b. The interview shall take place at the Watertown Police Department or at a location designated by the investigating officer or agency and in such a manner as to minimize any negative attention being brought upon the officer subject to the investigation.
 - c. The officer under investigation shall be informed of the, name, rank, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interview.
 - d. The officer under investigation shall be informed of the nature of the investigation prior to any interview, and he or she shall be informed of the name of all complainants.
 - e. The officer under investigation shall be given an appropriate administrative warning.
 - f. Interrogating sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.
 - g. The officer under interview shall not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as an inducement to answer any questions.
 - h. The formal interview of an officer, including all recess periods, shall be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements.
 - i. If the officer under interview is under arrest, or is likely to be placed under arrest as a result of the interview, he or she shall be completely informed of all his or her rights (Miranda Warning) prior to the commencement of the interview.
 - j. At their request, the officer under investigation shall have the right to be represented by counsel or any other union representative of his or her choice, who shall be present at all times during such interview whenever the interview relates to the officer's continued fitness for law enforcement duties.

6. REPORTS OF INVESTIGATIONS

A. Upon completion of an internal investigation, the investigator will prepare a comprehensive report that will include all related documentation, evidence, and recordings.

B. The investigative report will issue a finding or conclusion as provided in the following ranges:

1. **Not Sustained** - the investigation fails to disclose sufficient information to clearly prove or disprove the allegation.
2. **Sustained** - the investigation discloses that the alleged act(s) did occur, and that they constitute misconduct.
3. **Exonerated** - the investigation reveals that the alleged act(s) did occur, but that the employee's actions were justified, lawful, and proper.
4. **Unfounded** - the investigation reveals conclusively that the alleged acts **did not** occur.
5. **Other/Policy Failure** - the investigation reveals that the alleged act was not misconduct, however there exists administrative concerns related to policy failure that merits attention and/or further review.

7. CONCLUSION OF INVESTIGATION

A. Upon concluding an assigned investigation, the completed report and all supporting recordings (i.e., statements, photographs, cassette tapes, etc.) should be forwarded to the Captain of the accused employee. The Captain will review the investigative file and make a recommendation of discipline and/or corrective

action if applicable. The Captain will then forward the investigative file to include his/her recommendations of discipline to the Assistant Chief.

- B. The Assistant Chief of Police will forward the report, all supporting recordings, and his/her comments and recommendation of discipline and/or corrective action if applicable to the Chief of Police.
- C. Whenever an officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer shall be given the opportunity to address the findings and recommendation of discipline with the Chief of Police during a predetermination hearing prior to the imposition of the disciplinary action consisting of suspension with loss of pay, demotion, or dismissal.
- D. No dismissal, demotion, transfer, reassignment, or other personnel action which might result in loss of pay or benefits or which might otherwise be considered a punitive measure shall be taken against any officer unless the officer is notified of the action and the reason or reasons therefore prior to the effective date of such action.
- E. The contents of the complaint and investigation shall remain confidential.
- F. No officer shall be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.
- G. Notice to the complainant and the employee(s) of the final disposition will be made by the Captain of Administrative Services.

8. **RELIEF FROM DUTY**

- A. The Chief of Police with the approval of the Mayor may relieve an employee from duty pending determination of their physical or psychological fitness for duty; or pending disposition of an Internal Investigation. Relief from duty will conform to the procedures provided in the City of Watertown Personnel Policy, Article 9 Leaves of Absence—Full Time Employees, Section 9.06 Administrative Leave. As provided by the authority of the Chief of Police certain examinations, tests, and/or exemplars may be utilized by competent authority during an internal investigation.
 - 1. An employee may be required to submit financial disclosure statements if the investigation involves questions of a financial nature.
 - 2. An employee may be required to be photographed, or participate in a line-up if it is material to a particular offense or investigation.
 - 3. An employee may be required to submit to a breathalyzer, urinalysis, psychological examination, handwriting exemplars, or other tests/examinations that **specifically relate** to a particular offense or allegation.
 - 4. Investigations may also include requests for polygraph examinations and/or truth verification (C.V.S.A.) examinations. No employee will be compelled to submit to examinations of this scientific nature against their will, nor will any such refusal be a determinant in the finding of fact in the case.
 - 5. As a condition of employment, all Watertown Police Department facilities, work areas, furniture, filing cabinets, assigned/utilized Police Department vehicles, and issued equipment of any employee will be subject to search and/or inspection at any time.

9. **APPEALS**

- A. Employees desiring to appeal formal discipline or administrative sanctions enacted as the result of a sustained investigation will conform to the procedures provided in the collective bargaining agreement or civil service ordinance between the City of Watertown and its employees.

10. **DOCUMENT RECORDS**

- A. All files created in the process of a complaint or formal internal investigation will be securely maintained within the office of the Chief of Police.
- B. All completed disciplinary actions will be forwarded to Finance Department/Human Resources and placed in the employee's personnel file.

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