


<p style="text-align: center;"><b>East Haven Police Department</b></p> 	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 208.3</b>
	<b>Subject/Title:</b> <b>Internal Affairs Officer and Complaints</b>	<b>Issue Date:</b> April 24, 2018	
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	<b>Issuing Authority:</b> <b>Honorable Board of Police Commissioners</b>	<b>Review Date:</b> <b>Annually</b>	
<b>References/Attachments:</b> <b>Policies and Procedures #: 201 Collective Bargaining Agreement(s)</b>		<b>Rescinds:</b> <b>208.2</b>	<b>Amends:</b> <b>N/A</b>

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding:
1. Departmental policy regarding the duties and responsibilities of the Internal Affairs Officer (IAO).
  2. It sets forth Departmental procedures and guidelines involving all aspects of the Internal Affairs investigative process.
  3. The term Internal Affairs Officer and Professional Standards Officer are synonymous and will be referred to as Internal Affairs Officer (IAO) in all documents.

## II. POLICY

- A. It is the policy of the East Haven Police Department to investigate honestly and completely all complaints against the Department or its employees, regardless of the source of such complaints, in an effort to ensure the public's support for and cooperation with its Police Department. The refusal to accept a misconduct complaint, discouraging the filing of a misconduct complaint, or providing false or misleading information about filing a misconduct complaint, shall be grounds for discipline, up to and including termination.

- B. All officers and employees shall report apparent misconduct by another officer or employee to a supervisor or directly to the IAO immediately or as soon as practical for review and investigation. The reporting party shall notify a supervisor or the IAO in writing. Where apparent misconduct is reported to a supervisor, the supervisor shall immediately document and report this information to the IAO. Failure to report or document apparent misconduct or criminal behavior shall be grounds for discipline, up to and including termination of employment.
- C. The Department's obligation to its own members requires that all investigations and disciplinary proceedings be conducted in a fair manner, consistent with constitutional standards and the current collective bargaining agreement.

### **III. GENERAL CONSIDERATIONS AND GUIDELINES**

- A. If a person believes he/she has been mistreated by, or has not received adequate service from the Department, he/she has a legal right to express dissatisfaction with the Department.
- B. No member of the Department will attempt to interfere or influence a person's right to file a complaint about the service this Department provides to him/her. Complaints will be thoroughly and impartially reviewed and investigated.
- C. The Department adheres to the principles of integrity and professionalism as cornerstones of community trust-building. Because officers occupy a position of trust and confidence in their communities and are afforded unique authority to carry out their duties, any excessive use of that authority, abuse of power, or failure to fulfill their duties can erode public trust and reduce or destroy their credibility within the communities they serve. Every member of the Department is accountable for representing the entire agency and for his/her personal conduct.
- D. Nothing in this directive shall be deemed to diminish any protections or rights that employees have under a collective bargaining agreement, constitution or law.

### **IV. PROCEDURES**

- A. Public Information and Access
  - 1. The Department shall develop and implement a program to ensure broad knowledge throughout the East Haven community about how to make misconduct complaints, and the availability of effective mechanisms for making misconduct complaints. The requirements below shall be incorporated into this program.
  - 2. The Department shall make complaint forms and informational materials, including brochures and posters, available at appropriate government properties, including the Department's headquarters and website, Town Hall, and the public library. Individuals shall be able to submit misconduct complaints through the Department's

website, and the website shall include complaint forms and information regarding how to file misconduct complaints.

3. At the locations listed above, the Department shall post and maintain a permanent placard describing the external complaint process that includes relevant contact information, such as telephone numbers, email addresses, and internet sites.
4. Complaint forms and related informational materials shall be made available and posted in English and Spanish.
5. All officers shall carry complaint forms, containing basic complaint information, in their Department vehicles at all times.
  - a. Officers shall also provide complaint forms, their names, and badge numbers upon request.
  - b. If an individual objects to an officer's conduct, that officer will inform the individual of his/her right to make a complaint and shall provide the complaint form, informational brochure, and the officer's name and badge number.
  - c. If the individual indicates that he/she would like to make a complaint, the officer shall immediately inform a supervisor.

#### B. Complaint Intake

1. A complaint is defined as an expression of dissatisfaction that contains an allegation, which if proven to be true, demonstrates misconduct as outlined in Policies and Procedures # 201 – Code of Conduct.
2. Complaints will be accepted from any source, whether made in person, by mail, by e-mail, by facsimile, electronically, or over the telephone (or TDD).
3. The Town and the Department shall make complaint forms and informational materials, including instructional brochures and posters, available at appropriate government properties, including the Department's headquarters and website, Town Hall, and the public library.
4. Individuals shall be able to obtain misconduct complaints through the Department's website and information regarding how to file misconduct complaints.
5. All informational materials and forms related to complaints will be available and posted in English and Spanish.
6. At the locations listed above, the Department shall post and maintain a permanent placard describing the external complaint process that includes relevant contact information, such as telephone numbers, email addresses, and Internet sites. The Department will require all officers to carry complaint forms, containing instructions

- on how to file complaints, including the public's rights and responsibilities, in their Department vehicles at all times. If an individual objects to an officer's conduct, that officer will inform the individual of his/ her right to make a complaint and shall provide the complaint form, informational brochure, and the officer's name and badge number upon request. If the individual indicates that he/she would like to make a complaint, the officer shall immediately inform a supervisor.
7. Individuals are encouraged to submit their complaints in person in order to obtain as complete a report as possible after the incident. In cases in which the complainant cannot file the report in person, departmental personnel may arrange to interview complainants at a convenient time and location, including at the individual's home, place of business or hospital in order to complete the report.
  8. No complaint will be refused because the complainant does not wish to sign a complaint or identify himself. Complaints will be accepted from anonymous sources, juveniles and persons under arrest in police custody.
  9. Field interviews by supervisors.
    - a. When a complainant in the field wishes to file a complaint, a supervisor shall report to the location and immediately offer to interview the complainant. The supervisor shall inform the complainant about the complaint investigation process and what to expect.
    - b. When a supervisor receives a misconduct complaint in the field alleging that misconduct has just occurred, the supervisor shall gather all relevant information and evidence and provide this information and evidence to the IAO by documenting the complaint in Law Enforcement Administration System (LEAS) Department Review (DR) reporting module. This information includes the names and contact information for all complainants and witnesses, the names of all officers and employees on the scene at the time of the alleged misconduct, and any available physical evidence such as voluntarily provided video or audio recordings, or documentation of the existence of such recordings where the witness chooses not to provide the recording. The supervisor shall take photographs of apparent injuries or the absence thereof.
    - c. The Department shall equip all supervisors with cellular telephones and/or Body Worn Cameras for the purposes of recording statements in the field.
    - d. If a witness and/or complainant declines to be video and/or audio recorded, the supervisor should inform the witness and/or complainant that there are potential benefits to recording the interview; including the fact that a recording will create a clear and complete record of what the witness and/or complainant said during the interview.
      - 1) The refusal to be video and/or audio recorded shall be captured on video and/or audio recording prior to turning off the recording device.

- e. If a witness and/or complainant initially agreed to be video and/or audio recorded during the interview and later changes his/her mind, the supervisor should inform the witness and/or complainant that there are potential benefits to recording the entire interview, including the fact that a recording will create a clear and complete record of what was said during the entire interview.
  - f. If the witness and/or complainant initially declined to be video and/or audio recorded during the interview and later changes his/her mind, once the recording has started, the supervisor should attempt to elicit and document any and all non-recorded statements previously made by the witness and/or complainant.
  - g. A copy of the recording shall be forwarded to the IAO.
  - h. If the incident is serious in nature and the IAO is responding, the supervisor should defer taking the recorded statement to the IAO. If the witness and/or complainant requests giving the statement immediately the supervisor shall do so.
10. Misconduct complaints shall be forwarded to the IAO before the end of the tour of duty of the officer receiving the complaint.
11. Upon the receipt of a complaint, any supervisor or the IAO shall promptly assign a DR case number to the complaint, which shall be provided to the complainant at the time the complaint is made. Where a misconduct complaint is received in the field, a supervisor shall obtain the DR case number and provide this identifier to the complainant.
12. The IAO will maintain paper and electronic files of all citizens' complaints. The IAO will investigate or oversee the investigation of all complaints. This information will be evaluated as part of the Early Intervention System (EIS) as described in Department Policies and Procedures.
13. The IAO shall track allegations of discriminatory policing as a separate category of misconduct complaints.
14. All allegations against an employee of this Department involving the possible commission of a criminal offense, serious misconduct, neglect of duty, or other violations of Policies and Procedures must be reported to the IAO. If the IAO is on duty, the shift commander is to refer the complaint to the IAO.
15. If a supervisor concludes that an alleged criminal conduct by an employee requires immediate departmental response when the IAO is off duty, the IAO should be notified to respond immediately to interview the complainant or to the scene of the alleged offense.

16. When the IAO is off duty, all complaints not involving alleged criminal conduct shall be referred to the on-duty supervisor. The supervisor shall ensure that the complainant is provided with a Citizen's Complaint Form and the necessary assistance to complete it. This form will be forwarded to the attention of the IAO no later than 0900 hours the next business day the IAO is on duty.
17. When the Department becomes aware of pending civil or criminal litigation against any employee involving allegations of misconduct by the employee, which, if proven, would result in discipline under a just cause standard, the IAO will initiate a timely investigation.

C. Assignment of Investigations

1. Within three (3) business days of the receipt of a misconduct complaint, the IAO shall determine whether the complaint will be assigned to the employee(s)' supervisor(s) or retained by the IAO for an administrative investigation. The IAO shall also determine whether the misconduct complaint warrants a referral to the State Attorney's Office and/or USAO for a criminal investigation.
2. The IAO shall use a complaint classification protocol that is allegation-based rather than anticipated outcome based to guide the IAO in determining where a complaint should be assigned. This complaint classification protocol shall ensure that the IAO investigates allegations including the following:
  - a. Serious misconduct, including but not limited to the following.
    - 1) Criminal misconduct.
    - 2) Unreasonable use of force.
    - 3) Biased policing.
    - 4) False arrest or planting evidence.
    - 5) Untruthfulness/false statements.
    - 6) Unlawful search.
    - 7) Retaliation.
    - 8) Sexual misconduct.
    - 9) Domestic violence.
    - 10) Theft.
  - b. Supervisory misconduct.

- c. Allegations of employee misconduct made during criminal prosecutions or civil lawsuits.
  - d. Any other violations as determined by the Chief of Police.
3. Complaints Handled by Supervisors: Complaints of harassment, improper demeanor and minor infractions will be forwarded from the IAO to the accused employee's supervisor to investigate the allegation of misconduct. The investigation will be completed and returned to IAO within thirty (30) calendar days.

D. The IAO Duties and Responsibilities

- 1. The Chief of Police will designate an officer as the IAO. The IAO will report directly to the Chief of Police. The Chief of Police will assign other members to this section as deemed appropriate.
- 2. Formal Investigations.
  - a. The IAO is responsible for investigating complaints involving employees.
  - b. All employees of the Department are to fully cooperate with the IAO, including truthfully answering all inquiries relating to an investigation, appearing for an interview when requested, and providing all requested documents and evidence.
- 3. The IAO is responsible for the investigation and the preparation of complaint reports. He/she will keep the Chief of Police informed of any serious or significant complaints against any Departmental employee. The IAO will have additional duties and responsibilities as follow:
  - a. Maintain a complaint log.
  - b. Maintain a central file for complaints in a secured location.
  - c. Conduct regular audits of complaints to ascertain the need for changes in training or policy.
  - d. Maintain and review records and files pertaining to the Early Intervention System, Use of Force, Bias Free Policing Violations, Firearms Discharge, Vehicle Pursuits, and Strip Search reports.
  - e. Maintaining a current photo of every employee of the Police Department.
  - f. Maintain and audit the Policies and Procedures manual.
- 4. The IAO is to see to it that any employee against whom a complaint is made is notified in writing and receives a copy of the Citizen's Complaint form, unless the IAO determines that such notification would hamper or impede the investigation.

5. All investigations are subject to the following requirements:
  - a. The Department shall respond to each complaint within forty-eight (48) hours (not including weekends and holidays) and shall resolve each stage of a complaint investigation in a reasonable time frame.
  - b. The Department shall complete all investigations of civilian complaints within ninety (90) days of receiving the complaint.
  - c. Upon a showing of good cause, investigations may receive extensions of up to thirty (30) days for each occurrence upon approval of the Chief of Police.
    - 1) Requests for extensions must be in writing to the Chief of Police.
  - d. A misconduct investigation shall not be closed simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide additional information beyond the initial complaint, or because the complainant pled guilty or was found guilty of an offense.
  - e. Each complainant will be kept informed periodically regarding the status of the investigation. The complainant will be notified of the outcome of the investigation, in writing, within ten (10) business days of the completion of the investigation, including regarding whether any disciplinary or non-disciplinary action was taken.
  - f. All witness statements shall be documented in their entirety.
  - g. Where the alleged misconduct is particularly serious or information from an employee or other witness may be necessary to resolve an allegation, the investigator shall conduct an in-person interview of the employee or other witness. Each employee, witness, and/or complainant shall be interviewed separately.
    - 1) The IAO shall deploy an Authorized Interpreter with no involvement in the underlying complaint when taking statements or conducting interviews of any LEP complainant and/or witness.
  - h. The complainant is to be contacted by the IAO or investigating supervisor within forty-eight (48) hours of the IAO or investigating supervisor's receipt of the citizen complaint and should be informed of the status of the investigation.
  - i. Absent exigent circumstances, the complainant shall be interviewed in person, to obtain his/her detailed account of the incident that gave rise to the complaint. The interview is to be recorded in its entirety if there is no specific, documented objection by the complainant.
  - j. The complainant should be informed that he/she has the right to submit a list of all witnesses or other persons who support his/her account. The IAO or



investigating supervisor is to make best efforts to contact each of the individuals on the list and record their statements.

- k. The subject employee is to be interviewed in person and is to be informed of his/her right to submit lists of witnesses and of other persons who support his/her account and evidentiary items in the same manner and with the same rights as provided for the complainant above. The subject employee and/or the complainant are to be given receipts for any evidentiary items they submit.
- l. The interview of the subject employee is to be carried out in strict compliance with the investigation interview procedure described herein.
- m. If an interview with the complainant provides adequate information that the reported act(s) does not require additional investigation (i.e., incontrovertible facts on a traffic citation, officer demonstrably followed department policies and procedures in a situation, etc.), a DR report will be completed. The report will provide a synopsis of the complaint and the notation that the complainant was advised that there would be no further investigation. The completed report will be forwarded to the IAO.

#### E. Investigation Interview Procedures

1. If an employee is to be interviewed in connection with an internal affairs investigation, such interview shall be conducted in accordance with the interview procedure contained in the collective bargaining agreement between the employee's bargaining agent and the Town, along with applicable State and Federal law.
2. The subject employee shall not be compelled to provide a statement to administrative investigators where there is a potential criminal investigation or prosecution of the employee; until consultation with the criminal investigative agency (i.e. States Attorney's Office or USAO) and approval by the Chief of Police. The Department, the Town, and the State Attorney's Office shall develop and implement protocols to ensure that the criminal and administrative investigations are kept appropriately separate after a subject employee has provided a compelled statement.

#### F. Internal Affairs Procedures

1. The Chief of Police shall not be authorized to personally conduct an investigation of officer misconduct or violation of policy, nor prevent the conduct of such an investigation. A misconduct complaint investigation may not be conducted by any employee who used force during the incident; whose conduct led to the injury of a person; who authorized the conduct that led to the reported incident or complaint; or who was a witness to the incident leading to the allegation of misconduct.
2. In conducting investigations of alleged employee misconduct, all appropriate investigative techniques and methods should be employed consistent with legal

requirements. Internal affairs administrative investigations should be conducted with the same degree of professional competence as is devoted to a criminal investigation.

3. In each investigation, the Department shall consider all relevant evidence including circumstantial, direct and physical evidence, and make credibility determinations based upon that evidence. There will be no automatic preference for an employee's statement over a non-employee's statement, nor will the Department disregard a witness' statement merely because the witness has some connection to the complainant or because of any criminal history.
4. During its investigation, the Department may take into account the criminal history of a complainant that involves a crime of dishonesty. The Department may also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, internal affairs investigation, or other investigation. The Department shall make efforts to resolve material inconsistencies between witness statements.
5. The IAO shall determine whether a complaint warrants a referral to another investigative or law enforcement agency.
6. 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 directive except as otherwise provided in the collective bargaining agreement between the Town and employee's bargaining agent.
  - a. No employee shall be required to submit to a laboratory examination except
    - 1) As otherwise outlined in the collective bargaining agreement between the Town and the employee's collective bargaining agent.
    - 2) 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.
  - b. 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.
  - c. 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.
  - d. 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.

- e. No employee shall be required to stand in a lineup in connection with any internal affairs investigation.
  - f. 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.
  - g. 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," and may be searched without a warrant.
  - h. 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.
  - i. No employee shall be compelled to undergo a polygraph examination in connection with an internal affairs investigation except as otherwise expressly permitted by Connecticut General Statutes.
  - j. Nothing in this directive or other Department Policies and Procedures shall hamper an employee's obligation to provide a public safety statement regarding a work-related incident or activity. The Department shall make clear that all employees statements in incident reports, arrest reports, use of force reports and similar documents, and statements made in interviews such as those conducted in conjunction with the Department's routine use of force review and investigation process, are part of each employee's routine professional duties and are not compelled statements.
  - k. Where an employee believes that providing a verbal or written statement will be self-incriminating, the employee shall affirmatively state this and shall not be compelled to provide a statement without prior consultation with the criminal investigative or other law enforcement agency, and approval by the Chief of Police.
7. If at any time during the complaint intake or investigation the IAO or investigating supervisor determines that there may have been criminal conduct on the part of any employee, the investigator shall immediately notify the Chief of Police and shall consult with the States Attorney's Office, USAO and/or the local office of the FBI regarding the initiation of a criminal investigation, as appropriate.

- a. Where an allegation is investigated criminally, the IAO shall continue with the administrative investigation of the allegation, except that he/she may delay or decline to conduct interviews until completion of the criminal investigation; unless, after consultation with the investigating agency and the Chief of Police, such interviews are deemed appropriate.

#### G. Tracking Investigations

1. The Department shall track, as a separate category of misconduct complaints, allegations of discriminatory policing, along with characteristics of the complainants. The Department shall ensure that complaints of discriminatory policing are captured and tracked appropriately, even if the complainant does not specifically label the misconduct as such.
2. IAO shall use the Department's centralized numbering and tracking system for all misconduct complaints. Upon the receipt of a complaint, the IAO shall promptly assign a numerical identifier to the complaint, which shall be provided to the complainant at the time the complaint is made. Where a misconduct complaint is received in the field, a supervisor shall obtain a DR case number and provide this identifier to the complainant.
3. The Department centralized numbering and tracking system shall maintain accurate and reliable data regarding the number, nature, and status of all misconduct complaints, from initial intake to final disposition, including investigation timeliness and notification to the complainant of the interim status and final disposition of the investigation. This system shall be used to determine the status of complaints and to confirm that a complaint was received, as well as for periodic assessment of compliance with the Department Policies and Procedures including requirements on the timeliness of administrative investigations.

#### H. Supervisory Authority

1. Supervisors bear a distinct responsibility for the proper conduct, discipline and duty performance of all personnel under his/her supervision. In addition, the supervisor is accountable for failure to take warranted disciplinary action.
2. A supervisor's familiarity with his/her personnel allows him/her the best opportunity to observe and foresee disciplinary problems and to determine the most appropriate methods to deal with them.
3. Supervisors must exercise judgment in any application of disciplinary action. For example, the use of counseling or verbal reprimand by a supervisor may avert a potential disciplinary problem or prevent a minor problem from escalating.
4. Supervisors have the authority to relieve from duty a subordinate employee whom they deem unfit for duty consistent with the collective bargaining agreement between the employee's bargaining agent and the Town.

5. The following is an outline by rank and command level authority of supervisors to discipline their subordinates.
  - a. Sergeant - has the authority to praise, counsel, evaluate and recommend for commendation. He/she also has the authority to give verbal reprimands, relieve from duty as specified above and recommend a formal written reprimand or more serious punitive disciplinary action, as appropriate.
  - b. Lieutenant, Captain and Inspector- have all the above, plus the authority to approve requests for written reprimands and issue same along with recommending more serious discipline to the Chief of Police.
  - c. Deputy Chief of Police - The Deputy Chief of Police has the authority to determine the merits of the investigation. If the Deputy Chief of Police believes there is sufficient evidence to discipline the employee(s), he/she may administer the appropriate discipline. Discipline may include, but is not limited to, verbal reprimand, written reprimand (warning), and suspension.
  - d. Chief of Police - The Chief of Police has the authority to determine the merits of the investigation. If the Chief of Police believes there is sufficient evidence to discipline the employee(s), he/she may administer the appropriate discipline. Discipline may include, but is not limited to, verbal reprimand, written reprimand (warning), suspension, or enter into negotiation with the Union regarding alternate types of discipline or corrective alternatives. If the Chief of Police decides that the allegations are more serious in nature, he/she can forward the investigation to the Board of Police Commissioners.

The Board of Police Commissioners - has the authority to suspend without pay for an unlimited period of time, dismiss, reduce the charges, or terminate the employee. The Board of Police Commissioners will conduct a full Board hearing during which evidence is presented. The complainant(s), witnesses, accused, officers, and all other individuals pertinent to the complaint may give testimony. If necessary, the Board of Police Commissioners can subpoena any and/or all individuals involved. Anyone who has given a statement in this matter is entitled to a copy of his/her own statement after the investigation has been concluded. These records are classified as personnel files and copies cannot be released unless authorized by the Chief of Police consistent with State and Federal law.

#### I. Report of Investigation

1. Any recommendation for disciplinary action must be supported by relevant documentation. At the conclusion of any administrative investigation, a full report will be prepared for submission to the Chief of Police, which shall include the following:
  - a. The original complaint report.

- b. A summary of all evidence gathered.
  - c. Any mitigating circumstances.
2. All investigative reports will adhere to the following format to ensure consistency and thoroughness.
- a. Subject.
  - b. Background.
  - c. Violations Under Investigation.
  - d. Persons Interviewed.
  - e. List all persons with knowledge who were not interviewed and provide a brief reason why. Such reasons may include the person's refusal or the inability to locate them, etc. If a subject fails to return phone calls, a certified letter must be sent.
  - f. Synopsis of Statements.
  - g. Conclusion.
  - h. Findings: In this section, the IAO or investigating supervisor assigns a finding to each of the allegations by conducting an evaluation of the complaint and making a definitive statement as to whether based on a preponderance of the evidence the charges made were:
    - 1) Unfounded – there is sufficient evidence to prove the complaint or incident is false or not factual and did not occur.
    - 2) Exonerated – there is sufficient evidence which indicates that the act or incident did occur, but the actions were justified, lawful and proper.
    - 3) Not Sustained – there is insufficient evidence to clearly prove or disprove the complaint or incident.
    - 4) Sustained - No Discipline – there is sufficient evidence to establish that the incident did occur, but the facts and circumstances are of such a nature that formal discipline is not warranted.
    - 5) Sustained-Discipline – there is sufficient evidence to establish that the incident did occur and the facts and circumstances support the determination that these actions constitute misconduct.

3. Each violation under investigation should be listed separately, along with the finding for that particular charge. Immediately following each finding will be the basis. The basis gives the reasons for the particular finding and a description of the evidence that supports the finding.

J. Further Action

1. Upon receipt of the report of investigation, the Chief of Police may take further non-disciplinary action as is necessary based upon findings in the particular case.

K. Additional Documentation

1. In addition to determining whether the officer committed the alleged misconduct, administrative investigations shall assess and document the following.
  - a. Whether the police action was in compliance with training and legal standards.
  - b. Whether the use of different tactics should or could have been employed to achieve a potentially better outcome.
  - c. Whether the incident indicates a need for additional training, counseling or other non-disciplinary corrective measures.
  - d. Whether the incident suggests that the Department should revise its policies, strategies, tactics, or training.
2. The Chief of Police shall direct any recommendations to the appropriate individual to implement the recommended change.
  - a. The individual charged by the Chief of Police shall document the implementation of these recommendations.
  - b. All documentation shall be returned to the IAO for record-keeping.

L. Notifications

1. Each person who has filed a complaint against an employee will be notified by the IAO as to the final results of the investigation.
2. If a disciplinary hearing is deemed necessary, the complainant will be notified that his or her testimony may be required at that time.
3. The Department employee will be notified in writing of the findings of the investigation in accordance with the collective bargaining agreement.
4. If at any time during complaint intake or investigation the IAO or investigating supervisor determines that there may have been criminal conduct on the part of any employee, the IAO or investigating supervisor shall immediately notify the Chief of Police and shall consult with the States Attorney's Office, USAO and/or the local office of the FBI regarding the initiation of a criminal investigation.

M. Confidentiality of Internal Affairs Records

1. The IAO shall maintain records of all complaints made against the Department or its employees, and such records shall be stored securely in the Internal Affairs office.
2. In order to ensure that the individual rights of employees who are the subject of an internal affairs investigation are protected, all material relevant to that investigation shall be kept strictly confidential and secured by the IAO. No statement regarding an internal affairs investigation will be made or issued to the media unless authorized by the Chief of Police .
3. A complete file of records on the investigation of all citizen and Internal Affairs complaints shall be kept in the office of the IAO Officer. These files shall contain supporting investigative information, as well as notes taken during the investigation. The files will be treated as confidential investigative files.