



Standard Operating Procedure



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Internal Affairs	Chief Gene Labonte	

25010 Purpose and Policy Statement

The purpose of this policy is to comply with Public Act No. 14-166 and to provide a uniform policy to accept, process, investigate, take appropriate action upon and resolve complaints from a member of the public relating to alleged misconduct or malfeasance committed by law enforcement agency personnel in the State of Connecticut. Complaints may allege abuse of authority, corruption, criminality, poor or slow service, or other misconduct or malfeasance on the part of agency personnel.

It is the policy of the University of Connecticut Police Department that the agency 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.

- a. There shall be no retaliation in any form by any member of this agency directed at an individual who makes a complaint.
- b. During the complaint intake process, no questions shall be asked of a complainant regarding their immigration status.
- c. Employees 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.
- d. Copies of this policy shall remain available for viewing by the public at all UCPD facilities and during normal business hours at the following locations:
 - 1. Storrs Campus- Student Union Information Desk;
 - 2. Avery Point Campus- Office of the Director, Branford House
 - 3. Greater Hartford Campus- Office of the Director, Trecker Library
 - 4. Stamford Campus- Office of the Director, Rm 301
 - 5. Waterbury Campus- Office of the Director
 - 6. UConn Health Administrative Office LG041
- e. This policy shall be published on the UCPD web site through the ‘Officer Conduct’ page. **26.2.4**

25020- Definitions

Complaint: An allegation of employee misconduct or malfeasance.

Complainant: Any person who files a complaint regarding misconduct or malfeasance on the part of an agency employee.

Complaint Control Number: A unique numerical or alphanumeric code used to identify and track citizen complaint investigations.

Discipline: Adverse action taken by the agency against any employee as the result of a sustained internal affairs investigation including, but not limited to counseling or training, written or oral reprimands, suspension, demotion or dismissal.

Employee: Any person employed by the agency, whether sworn or non-sworn.



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Explanatory Report: An explanatory report is prepared by an employee who is the subject of an investigation and documents the facts and circumstances of an incident.

Information Report: An informational report is prepared by an employee who is a witness or person who may possess information related to an investigation.

Internal Affairs Division or Unit: Designated supervisors reporting to a Commanding Officer of the Internal Affairs Unit 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.

On-Duty: Whenever an employee reports for a scheduled work assignment, or is identified by presenting a badge of office or a department identification card, or performs an official act as representative of the UConn Police Department or operates a department vehicle or department equipment on official business or as permitted, that employee is considered to be on-duty.

Supervisor: Includes those holding the rank of Sergeant or higher.

25100- Internal Affairs Operations

25110- Establishment

The Office of the Chief of Police has primary oversight and authority over investigation of complaints made against employees. The Chief of Police will designate a Commanding Officer of the Internal Affairs Unit. The Commanding Officer of the Internal Affairs Unit shall report directly to the Chief of Police. The Chief of Police shall assign other members to the unit as deemed appropriate. Upon receipt of a complaint, the Chief of Police will assure that the complaint is assigned to the Internal Affairs Unit (IAU) for investigation through the Commanding Officer of the IAU.

25120- Objectives

The primary objectives of internal affairs investigation are:

- a) **Protection of the Public**: The public has the right to expect efficient, fair, professional, and impartial law enforcement. Therefore, any misconduct by department personnel must be detected, thoroughly investigated, and properly adjudicated to assure the maintenance of these qualities.
- b) **Protection of the Employee**: Employees must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process.
- c) **Protection of the Department**: The department is often evaluated and judged by the conduct of individual members. It is imperative that the entire organization not be subjected to public censure because of misconduct by individual personnel. When an informed public knows that its police department honestly and fairly investigates and adjudicates all allegations of misconduct against its members, it will be less likely to feel a need to raise a cry of indignation over alleged incidents of misconduct.
- d) **Removal of Unfit Personnel**: Personnel who engage in serious acts of misconduct, or who have demonstrated they are unfit to work for the UConn Police Department, must be removed for the protection of the public, the department, and the department employees. **26.3.7**
- e) **Correction of Procedural Problems**: The department is constantly seeking to improve its efficiency and the efficiency of its personnel. Occasionally, investigations disclose faulty procedures that would otherwise have gone undetected. These faulty procedures will be reviewed and updated with the information obtained during the investigation.

25130- General Duties and Responsibilities

It is the duty and responsibility of the Internal Affairs Unit to:

- a) investigate all complaints of misconduct or mistreatment charged against members of the department or complaints against the agency uncovered from internal or external sources. **26.3.1b**



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- b) Identify policy or training deficiencies and report these as soon as possible to the Chief of Police.
- c) Recommend new or revised training programs or changes in department policies, procedures, rules, regulations and orders, in order to reduce the causes and frequency of complaints against members.

25131- Commanding Officer of the IAU

The CO of the Unit shall:

- a) maintain in a secure file a complete record of all investigations conducted, which shall be kept confidential except as required by law and applicable Collective Bargaining Agreements;
- b) Keep the Chief of Police informed of the progress of current investigations;
- c) Promptly notify the employee of the complaint, who is assigned as the Internal Affairs Investigator(s), and the reason for the investigation;
- d) Keep the employee informed, when feasible, of the progress of the investigation;
- e) Keep the complainant informed of the progress of the investigation;

25132- Internal Affairs Unit Investigators

The assigned IAU Investigator shall be responsible for:

- a) Conducting a thorough, fair and impartial investigation of every complaint received regardless of the method of receipt.
- b) Investigating and determining the nature, facts and circumstances of every complaint.
- c) 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. **26.2.3**
- d) 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.
- e) Preparing suggested revisions of Agency Policies and Procedures where existing deficiencies have been a contributing factor to misconduct.

25133- IAU Operational Procedures

- a) An internal investigation may inquire into a department employee's on-duty conduct or off-duty conduct if such inquiry is clearly and directly related to the employee's performance of duty, if such conduct affects the employee's fitness for duty or discredits the Department.
- b) Liaison with State's Attorney staff: When appropriate, the department will establish and maintain liaison with the States Attorney office for advice and guidance in the investigation of any employee's alleged criminal misconduct.
- c) Criminal Proceeding: If it is determined, after the preliminary investigation, that the allegations against a employee could result in a criminal prosecution, the Chief of Police shall determine if the matter is to be investigated by the Internal Affairs Unit or the Detective Bureau. The accused employee must be granted all constitutional and statutory rights to which every citizen is entitled.
 - i. Prior to being questioned regarding alleged personal involvement in criminal activity, a department employee who is under arrest, or who is the target of a criminal investigation, shall be given the warnings and rights required by the Miranda decision, including the rights to have an attorney present during
 - ii. If this procedure is followed, any voluntary statement made thereafter could be admissible in a criminal proceeding, and it may otherwise be used for departmental disciplinary purposes.
 - iii. A department employee who is being questioned about alleged personal involvement in criminal activity, cannot be terminated or disciplined, solely for invoking the right to remain silent as guaranteed by the Fifth Amendment or for refusing to sign a waiver of immunity. However, as discussed below, an employee may be compelled to answer questions narrowly drawn and related to his/her on or off-duty conduct and may be disciplined (including dismissal) for failure to answer truthfully.
- d) Department Disciplinary Action: If it is determined, as a result of the preliminary investigation, that allegations made against a employee could result in departmental disciplinary action only, the accused employee is entitled to



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fair and objective investigation of the charges made.

All department employees, whether being interviewed as a subject or witness in an internal affairs investigation, when requested by the Chief of Police or by a superior officer designated by the Chief, must respond fully and truthfully to all questions regarding their performance of official duties or their off-duty misconduct, which is clearly and directly related to the employee's performance of duty and which affects their fitness for duty. Any failure to answer completely and truthfully to such inquires may be punished by appropriate disciplinary action, including dismissal from the Department.

A Notification of Charges form will be provided to the employee.

In the normal course of duty, officers are required to prepare reports of incidents and submit them in accordance with department policy and procedure. However, when a department employee is ordered to answer questions about a specific incident involving criminal intent without Miranda, that employee may receive transactional immunity from criminal prosecution for any offense to which the compelled testimony relates. The Supervisor will complete the Administrative Rights of employees Notification form UCPD-126. Prior to notifying an employee of their administrative rights (*Garrity v. New Jersey*) during an investigation related to potential criminal conduct involving said employee, the IA investigator will consult with the State's Attorney in the JD having jurisdiction in area where the alleged criminal matter took place. Any subsequent order to answer questions given to the employee will be reduced to writing prior to questioning. If an employee refuses to answer questions after having been provided a written order to do so then a separate internal affairs investigation will be initiated for the charge of insubordination.

If the questions specifically, directly, and narrowly relate to the employee's performance of official duties or his/her off-duty conduct which affects his/her fitness or ability to remain in the police service, and if such employee is informed that he/she will receive transactional immunity from criminal prosecution, he/she must answer or face disciplinary action, including dismissal from the department, for refusing to answer such questions.

No double jeopardy exists when a department employee is found not guilty in court of criminal charges and is then found guilty of department charges after a pre-disciplinary/Loudermill hearing. The department charges are administrative in nature and can be sustained by a "preponderance of the evidence" rather than the criminal court standard of "beyond a reasonable doubt".

- e) An employee shall be made aware of the allegation made against them and be provided with copies of their rights and responsibilities.
- f) Prior to being questioned in an Internal Affairs Unit matter, employees shall be informed of their right to request the presence of a union representative during such questioning in accordance with the rights established by Bargaining Agreements.
- g) If an employee waives his right to the presence of a union representative during questioning, UCPD- 127 Waiver of Union Representation will be completed and added to the file. An employee can change his or her decision in regards to union representation.
- h) If an employee requests the presence of a union representative during questioning, such questioning will not begin until the employee has been provided a reasonable opportunity to confer privately with the union representative. The union representative shall be permitted to be present during the entire period of questioning. The department interviewer may insist that only the employee being interviewed gives answers to the questions however, the union representative can caucus with the employee and can insist that questions are directly related to the matter being investigated. The Representative can request clarification to questions so the employee understands what s/he is being asked.
- i) Questioning of the employee shall be conducted at a time when the employee is on duty, unless the seriousness of the investigation is of such a degree that an immediate interrogation is required.
- j) Internal Affairs investigations will be conducted with the same degree of professional competence as criminal investigations. In conducting investigations of alleged employee misconduct, all appropriate investigative techniques and methods will be employed, consistent with legal requirements, case law and all necessary concern for the individual rights of the accused employee. Included among the methods and techniques that may be employed are:
 - 1) Searches: An employee's personal property, including their home, car, and other property is protected from unreasonable search and seizure under the Constitution, and any evidence illegally obtained may not be used as evidence in an administrative proceeding. Department property furnished to the employee has "no



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expectation of privacy” such as desks, lockers, computers or vehicles, and may be searched without a warrant.

- 2) Recording Interviews: The complete interview with an employee in all internal administrative investigations shall be recorded. All parties present shall be made aware by the interviewer that they are being recorded. Recordings will be made available to the Union and employee being investigated.
- 3) Examinations: Upon orders of the Chief of Police, an employee may be required to submit to a “Fit for Duty” examination, at the department’s expense. This examination must be specifically directed and narrowly related to a particular internal affairs investigation being conducted by the department. The examination will be conducted by a qualified services provider and the employee shall be in paid status. **26.3.6a**
- 4) Further, an employee may also be required to be photographed, cooperate with the creation of an audio/video recording sample, submit to a financial disclosure statement when the actions are material to a particular internal affairs investigation or to participate in a lineup as defined by Connecticut General Statute when the actions are material to a particular internal affairs investigation. **26.3.6b,c,d,e**
- 5) Failure of an employee, subject, or witness to Cooperate: Failure of an employee to fully cooperate in an internal affairs investigation, upon the specific order of the Chief of Police, may subject the employee to additional disciplinary sanctions to be specified at the time of questioning, including dismissal from the Department.

Such submissions shall only be conducted in a manner that is consistent with applicable federal and state case law, statutes, and administrative decisions.

- k) Withdrawn Complaint: If during the progress of an internal investigation, the complainant indicates a desire to withdraw the complaint a signed statement to this effect should be obtained from the complainant.
 1. Even though a complaint is withdrawn or the employee resigns from service, a full report of the investigation to date shall be prepared for the Chief and his/her approval obtained for the termination or continuation of the investigation.
 2. Any attempt, directly or indirectly, on the part of a department employee to obstruct any internal investigation or to threaten or persuade any complainant to withdraw or abandon their complaint, is prohibited and will result in appropriate discipline.

25140-Acceptance, Filing and Intake of Complaints

25141- General

All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance of employees of this agency. All sworn and civilian 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.

25142- 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 a standardized form that exceeds the model form adopted. The UConn Police Department shall utilize form UCPD-740: Civilian Complaint Report for this purpose. Variants of this form for translated languages shall be maintained in Spanish and other languages as deemed appropriate. Each complaint shall be assigned a Complaint Control Number (CCN) to track complaints and a copy of this form shall be filed in a separate Complaint File. The Commander of the Internal Affairs Unit shall be responsible for tracking the Complaint Control Numbers and notifying the Chief of Police or designee. **26.3.2**
- b) 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. Telephone complaints received by the Shift Supervisor will be handled similar to a walk-in complaint. The Shift Supervisor



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will utilize the UCPD-125 and properly document all pertinent information and forward through their chain of command. Telephone complainants will also receive a receipt in the form of a letter from the department acknowledging their complaint. 26.2.1

- c) All employees will assist those who express a desire to lodge complaints against any employee of the agency. This includes:
1. Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.
 2. 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 a Complaint Control Number (CCN) 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 person or unit assigned to conduct internal affairs investigations by the next business day.
- f) Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.
- 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 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.
- j) 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.
- k) 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 foregoing paragraph.
- l) Complaints from the field in which any employee of the agency 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 he/she may respond to the agency headquarters to make his/her complaint.

25143- 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 designee should re-interview the person after he or she has regained sobriety



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- 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.

25144-Complainant Who Fears Retaliation Associated with Filing a Complaint

If a complainant express 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 unit, supervisor, or internal affairs designee to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

25145- Complaint Processing Courtesy

The utmost courtesy and cooperation shall be extended to all persons registering complaints or otherwise inquiring about the complaint procedure. Information regarding the complaint filing process should be disseminated immediately upon request and ensure they are furnished with a UCPD-740 form. No person shall be denied the opportunity to register a complaint, nor should any person be directed to return or call back later, unless absolutely necessary.

25146- Anonymous Complaints

Anonymous complaints made to the UConn Police Department will be received and investigated appropriately with the information provided. Complaints coming from anonymous sources must be treated with great caution and discretion because of the impact they may have on the morale of the employee(s) involved. Employees will not be subjected to unjust, frivolous or capricious complaints. Anonymous complaints will be considered on their individual merits. All complaints must be reduced to writing, if not by the complainant then by the supervisor taking the complaint, and the completed form (UCPD-740) should contain as much information as possible, with detailed description of alleged act(s) of misconduct, including date, time and place; names and descriptions of department employees involved in the incident; the names and addresses of witnesses, if known; and any other relevant information. Per Bargaining Agreements, no record of complaint against any employee shall be kept in an employee's personnel file unless such record includes identification of the complainant.

25150-Investigation of Complaints

The Chief of Police or the Chiefs designee shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Internal Affairs investigations shall be completed within **60 days** and to submit all written reports and records to the Chief of Police for his/her review and appropriate action. Any extension of this time limit must be requested of the Chief of Police with reasons for the request explained. In such instances where an extension is granted the employee and complainant will be notified. **26.3.3**

Complainants shall be notified in writing within five (5) business days of receipt that; (1) their complaint has been received by the agency and is currently pending; (2) that a complaint number has been assigned (including the assigned number); (3) that they will be informed in writing of the outcome of the complaint promptly following conclusion of the investigation, and (4) that they may contact the designated investigator (identified by name, telephone and/or email) at any time for further information while the investigation is pending. **26.3.4a,b,c**

The subject of the investigation shall be promptly notified of the complaint in accordance with the provisions of applicable labor agreements. In the absence of an applicable labor agreement, 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, and (5) the date upon which the investigation is expected to be



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completed. 26.3.5

- a) 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.

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 department and/or university and of justice.

25160- Review of The Investigation and Investigation Report

Internal Affairs investigations will be documented in a report utilizing a standardized format for the Commanding Officer of the IAU to review and determine the thoroughness, completeness, accuracy and objectivity of the investigation. The standardized report format shall include the following:

- a) The original complaint report, UCPD-740, or written memorandum of department complaint;
- b) Any additional statement taken from the complainant or statements obtained from witnesses
- c) Any statements made or reports submitted by the department employee under investigation;
- d) A summary of all evidence gathered,
- e) Any mitigating circumstances;
- f) A definitive statement as to the case disposition.

The completed report of investigation and the recommended disposition shall be reviewed by the Chief of Police or the designee of the Chief of Police.

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 of Police or his designee.

Findings of completed investigations and disciplinary recommendations if any, shall be promptly conveyed, in writing, to the employee through his or her chain of command.

If, after investigation, a determination is made that a complaint is unjust, frivolous or capricious in nature, this shall be noted in the record, in addition to a finding as specified above.

25161- False Complaints

A person is guilty of false statement in the second degree when the person intentionally makes a false written statement under oath or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable, which the person does not believe to be true and which statement is intended to mislead a public servant in the performance of his official function.

The Chief of Police or designee will assign an independent and objective investigator to investigate the allegation of a false complaint. The investigator will determine through a comprehensive investigation of the incident and working with the States Attorney Office if the facts and circumstances support charges under Connecticut General Statutes and codes.

Supervisors will not mention to the complainant that potential charges may occur if they knowingly provide a false statement since this is noted in the citizen's complainant procedures and continuing to do so will have an unnerving effect and damage the objectives of this policy.

25170- Case Dispositions – Standards 26.3.8

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 evidence that the act or incident of misconduct or malfeasance did occur, but the actions of the employee were justified, lawful and proper.
- b. **Unfounded:** The investigation determined by a preponderance of evidence that complaint or incident of misconduct or malfeasance was false or not factual or 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



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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. **Sustained-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.

25180- Internal Discipline Procedures

25181- Code of Conduct

All employees of the department must be thoroughly familiar and comply with all department rules, regulations, policies, procedures and orders.

25182- Disciplinary Actions

The purpose of the UConn Police Department's disciplinary process is to reinforce positive behavior as well as correcting or changing behavior which does not meet the UConn Police Department expectations and standards.

Effective supervision is one of the most important steps in creating a healthy work environment. Towards that end, an employee's immediate supervisor will be informed whenever disciplinary action is administered to that employee. As a general rule, punitive action is progressive in nature, beginning with the least possible sanction required to correct the conduct in question, followed by increasingly severe action if conduct does not improve. However, depending on the severity or egregious nature of the conduct, the lower levels of progressive discipline may be skipped and even a single incident, if sufficiently serious, may result in more serious disciplinary action up to and including termination.

The Internal Affairs Commander will consult with UConn Labor Relations as necessary during the investigation of suspected misconduct and the administration of any disciplinary actions in accordance with the University's "Guide to Effective Supervision and Progressive Discipline".

The following are pre-disciplinary interventions:

- a) **Counseling/Training:** If misconduct is minor, consisting of only a minor procedural mistake or inappropriate judgment, employees as a general rule will be counseled or given appropriate training. Supervisors will meet with the employee, explain the violation, proper procedure and document the corrective action. **26.1.4a,b**
- b) **Letter of Direction:** If a counseling session does not result in improved performance, a letter of direction may be issued to clarify or emphasize areas of concern and provide suggestions for improvement. This is strictly communication between the supervisor and the employee. The LOD should be maintained only in the supervisory file and not in an employee's official personnel file. If the employee does not improve or the problem is not corrected following a LOD after being given an opportunity to improve, it may be necessary to move to progressive discipline.
- c) **Performance Improvement Plan (PIP):** If lower-level intervention does not result in improved performance and an employee continues to demonstrate repeated or multiple performance deficiencies, a performance improvement plan (PIP) can help provide the necessary support and direction to meet performance objectives. A PIP should identify the areas of deficiency and provide a clear plan of objectives, action items, and tangible metrics of improvement. A PIP should have a clearly defined time frame. Once a PIP is implemented, the supervisor should have regular meetings with the employee to assess how their performance is progressing and provide feedback and support. A PIP generally is not placed in an employee's official personnel file. It provides documentation of the employee's performance deficiencies if progressive discipline is needed.

Disciplinary action generally beginning with a warning are outline below: **26.1.4c**

- a) **Warning:** Warnings, verbal or written, generally are the first step on the ladder of progressive discipline. Warnings should be constructive in both tone and intent. Warnings put the employee on formal notice that further disciplinary action will be taken unless improvement is shown. Although warnings may be issued verbally, they often are less effective and are difficult to prove in grievance settings. As a general principle, if the infraction(s) is



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serious enough to warrant a warning, it is serious enough to put in writing. In general, warnings should be clear and concise, non-punitive in tone, and constructive in approach.

- b) Letter of Reprimand: A letter of reprimand is the next step on the ladder of progressive discipline. It can be used to address an isolated incident of misconduct or ongoing performance issues. A letter of reprimand will clearly and concisely state that the action being taken is an official letter of reprimand and will outline the employee's inadequacies or offense and include dates and all pertinent facts. If relevant, the letter will mention all previous efforts undertaken to correct the situation. The letter will caution that if there is no improvement or if another incident occurs, further disciplinary action may be taken. A reprimand and/or subsequent disciplinary action may result in a less than good performance evaluation. The manager issuing a letter of reprimand should review the matter fully with the employee and provide the opportunity for discussion.

The signed letter of reprimand should be placed in the employee's official personnel file.

- c) Suspension: A suspension is a serious disciplinary action. A suspension imposes a monetary penalty on the employee by depriving them of pay during the period of suspension.
- d) Demotion: Demotion is another serious form of disciplinary action which involves reducing an employee's job level due to problematic performance.
- e) Dismissal: If misconduct is so serious that continued employment is no longer appropriate, or if it is part of a continuing pattern of behavior involving repeated serious or very serious misconduct, employees will as a general rule be recommended for dismissal. If dismissal occurs, the employee will receive a written statement citing the reason for dismissal; the effective date of the dismissal; and Human Resources also prepares a statement of the status of fringe and retirement benefits after dismissal. 26.1.7 a,b,c

25183- Role of the Supervisor 26.1.5, 26.3.1a

- a) The first-line supervisor's familiarity with their personnel allows them the best opportunity to observe or foresee disciplinary problems and to determine the most appropriate methods to deal with them.
- b) The first-line supervisor has the primary responsibility for overseeing the conduct, discipline, and duty performance of all personnel under their supervision. Supervisors shall be responsible for discovering marginal or problem employees and for uncovering any evidence of corruption, dishonesty, or malfeasance by personnel under their command.
- c) Supervisors must exercise discretion in the application of disciplinary action. As noted before, the use of counseling by a supervisor may avert a potential disciplinary problem or prevent a minor problem from escalating. Supervisors may also issue an oral reprimand to an employee for a minor infraction when they occur.
- d) All supervisors have the authority to relieve from duty with pay an employee whom they deem to be unfit or unable to perform his/her assigned duties or responsibilities. If an employee is relieved from duty, the Deputy Chief shall immediately be notified and advised of the circumstances surrounding such action and a written memorandum will be submitted outlining the incident. This action may or may not occur as a result of a need for disciplinary investigation or action.
- e) Examples of relieving for non-disciplinary reasons would be as follows:
 - 1. If the officer or employee is suffering from an illness and appears too sick to work effectively or safely.
 - 2. If the officer or employee reports to work injured, is injured during the performance of duties and a physician advises that he/she be relieved, or is injured on duty and refuses to acknowledge the apparent danger the injury may place himself/herself in if remaining on duty.
 - 3. The officer's or employee's mental state or behavior as the result of an unusual or traumatic situation presents a danger or fitness for duty concern and therefore responsibilities may not be performed safely and properly.
- f) Supervisors may initially investigate and relieve any employee from duty, for the balance of the assigned shift for any violation of the Policies, Procedures or Orders of the Department. The relief will not result in the loss of pay. The following are only examples.
 - 1. Reporting to duty while under the influence of alcohol or controlled substances.
 - 2. Insubordination
 - 3. Leaving assigned post or refusing to perform assigned duties.
 - 4. Committing a criminal offense while on or off duty



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5. Falsifying a statement or record
6. Abusing, stealing, damaging, destroying, or defacing property or equipment of the Department or others.
7. Improper use of University property
8. Conduct unbecoming a police officer
9. Further investigation into the matter will be conducted in accordance with the procedures outlined in this policy.

25184- Command Level Authority 26.1.5

The following is an outline by rank and command level of authority of supervisors to discipline their subordinates:

- a) First-Line Supervisor/Lieutenant has the authority to counsel, evaluate, praise and recommend for recognition. They also have the authority to issue oral reprimands, written verbal warnings, relieve from duty as specified above, or recommend more serious punitive disciplinary action as appropriate.
- b) Captain: has all the above, plus the authority to issue written reprimands with the approval of the Deputy Chief or recommend more serious punitive disciplinary action as appropriate.
- c) Deputy Chief: has all the above plus the authority to recommend suspension, demotion, and termination.
- d) Chief Of Police has all the above, plus the authority in accordance with the just cause provision of the collective bargaining agreement, all applicable law, university policy, to promote, suspend and terminate employment.

Any supervisor who is directed to act in the capacity of a rank above his/her ordinary or usual rank shall, for that necessary time, possess the authority of that rank.

25190- 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 investigation.

25195- Public Information and Access

The Chief of Police will:

- a. Ensure informational materials are made available to the public through police personnel, the police department facility, the police agency web site, the general government web site of the agency, the internet, libraries, community groups, community centers and at other designated public facilities.
- b. Ensure that copies of this policy and complaint forms are available at the Wilbur Cross Information Desk and Community Outreach Substations. Copies of this policy and complaint forms shall also be located at the following Regional Campus locations:
 1. Avery Point
 2. Greater Hartford
 3. Stamford
 4. Waterbury
 5. UConn Health

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.

- c. The complaint policy and forms should be made available on the Department's website.
- d. It is the responsibility of the Chief of Police to direct that annual summaries of officer/agency misconduct complaints be compiled, based upon records of complaint, and made available to the public and department employees. 26.2.5

25196- Disciplinary Records 26.1.8

Disciplinary records will be maintained in each employee's personnel file stored at Human Resources under the State Record Retention Schedule and collective bargaining agreement. Internal Affairs files will be maintained separate from the department's supervisory files in a secure area under limited access as directed by the Chief of Police and in



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accordance with Collective Bargaining Agreements. The records will be kept under the State Agencies Records Retention/Disposition Schedule for Public Safety Personnel Records (PUBSAFTY-057-059).

25197- Disciplinary Tracking Notifications

The Internal Affairs Unit will review all complaints filed against officers. A yearly review will be conducted to identify problems where corrective action can be taken. When an officer has been involved in two incidents within the calendar year that involve disciplinary action or internal/external complaints, a letter will be sent to the Chief or designee.

25198- Confidentiality of Internal Affairs 26.2.2

In order to ensure that the individual rights of officers who are the subject of an internal affairs investigation are protected all materials relevant to that investigation shall be kept strictly confidential except as required by law and under lock and key by the Internal Affairs Commander. No statements regarding the specific facts of an ongoing internal affairs investigation will be made or issued to the public or media unless the charges have been sustained and action has been taken or initiated against the employee. This will only be done with the permission of the Chief of Police. Prior to any disciplinary or pre-disciplinary hearing, involving non-criminal charges against an employee, a copy of all complaints and statements will be submitted to the accused in accordance with the collective bargaining agreement.

25199- Internal affairs Template

All internal affairs investigations will be completed on UCPD-124 Internal Affairs Template. The word template is found on the p drive at P:\Department Forms\Internal Affairs Templates & Forms. All internal affairs files will contain UCPD-128 Internal Affairs header, UCPD-125 Complaint form, and UCPD-126 Admin rights of employees. UCPD-127 if applicable.