

CAMBRIDGE POLICE DEPARTMENT

Title: *INTERNAL AFFAIRS*

Procedure: 4.701

Date Issued:

Revised:

PURPOSE:

To provide guidelines and procedures for prompt investigation and just disposition of .complaints against Police Department personnel.

To establish an internal affairs component and define the basic functions necessary to ensure the integrity of the Department.

POLICY:

It is the policy of the Police Department to investigate all complaints against Department personnel, regardless of the source of such complaints. Investigation of these complaints through standardized procedures will demonstrate the Department's desire to provide honest, efficient police service and will inspire public confidence in its personnel. A regulated program of complaint review will also ensure the fair and impartial treatment of all Department personnel who become subject to the internal affairs procedure.

DEFINITION:

A citizen complaint is defined as that action taken by a citizen to bring to the attention of the Department any police action or inaction that the citizen considers to be contrary to the law, proper procedure, good order, or in some other manner prejudicial to the citizen, the Department, or to the community as a whole.

PROCEDURE:

AUTHORITY AND RESPONSIBILITY

1. The Criminal Investigation Division Commander is responsible for the Internal Affairs function.

2. The internal affairs function is established to provide a regulated process of complaint review and to:

establish an investigative process;

ensure fair and impartial treatment of accused members;

maintain justice;

adhere to legal statutes; and

maintain the integrity of the Department.

3. Activities of the internal affairs function include, but are not limited to:

recording, registering, and controlling the investigation of complaints against Department personnel;

supervising and controlling the investigation of alleged or suspected misconduct within the Department;

maintaining the confidentiality of the internal affairs investigation and records.

4. While the internal affairs function is the responsibility of the Criminal Investigations Division, a first line supervisor will not look to a higher authority to initiate an investigation when the complaint is within the scope of his own authority and responsibility, except when complex investigations deem such assistance necessary.

5. Each supervisor will assume the duties and obligations of his position or rank

during the investigation of a complaint against a member of this Department.

6. The type and nature of a complaint will determine whether it can be handled and resolved at the line supervisor level or referred to the CID Supervisor for investigation.

7. Not all complaints can be automatically categorized. Supervisors are required to exercise good judgment and common sense when they are made aware of a complaint. The following types of complaints are examples of those which are categorized as formal and informal. Both forms of complaints require documentation and completion of a "Complaint Against Police Personnel Form".

FORMAL (Normally investigated by Internal Affairs Function)

- brutality;
- misuse/abuse of force;
- breach of civil rights; and
- criminal misconduct.

INFORMAL (Normally investigated by the immediate supervisor)

- poor demeanor displayed by employee; and
- improper action or failure to take action.

8. A supervisor may, for a period not to exceed the member's regular or remaining tour of duty, temporarily relieve from duty, a member because the member is unfit for duty. (Unfit for duty may include: any physical or mental condition which might, in the judgment of the supervisor, render the member incapable of adequately performing duties, or performing in such a way as to embarrass or discredit the Department, or jeopardize the safety of any person or property, or misconduct.)

9. Supervisors will conduct a preliminary investigation whenever receiving a complaint from a citizen concerning misconduct by a member of the Department. The report will outline the allegations, identify principals and witnesses, and provide

information developed during the preliminary investigation.

10. When an employee is notified he has become the subject of an internal affairs investigation, the person in charge of the investigation will issue the employee a written statement of the allegations and the employee's rights and responsibilities as outlined in the LAW ENFORCEMENT OFFICER'S BILL OF RIGHTS.

11. Any matter covered under the LAW ENFORCEMENT OFFICER'S BILL OF RIGHTS will be processed by the provisions under Article 27, Sections 727-734D and the department's Rules, Regulations, and Procedures Manual.

12. The Chief of Police will maintain a record of all complaints against the Department or its members. The complaints, records and results of the investigation will be maintained in a secure area to protect the confidentiality of all documents associated with the investigation.

13. Information on registering complaints with the Department will be made available to the public. Procedures for filing a complaint against the Department or a member are available through the Office of the Chief of Police, a Staff Officer, or a Supervisor.

COMPLAINT PROCESSING

1. All complaints made against the Department or its members will be investigated. In person complaints will, in all possible cases, be taken by the on duty supervisor. Complaints may be made in several ways:

- in person by the citizen, directly to a police department supervisor;

- by telephone;

- through a third person; and

- by referral from some official or unofficial agency.

2. When a citizen requests to file a complaint in person the supervisor on duty will do the following:

Discuss the incident with the citizen. If after discussing the incident with the supervisor, the citizen still desires to file a complaint, a "COMPLAINT AGAINST POLICE PERSONNEL" form will be provided.

Provide the complainant with a COMPLAINT AGAINST POLICE PERSONNEL form and request the citizen to complete the form in his handwriting and sign the form. The form may be taken home by the complainant and completed later. In this case the supervisor will instruct the complainant to mail the form directly to the Chief of Police and to mark the envelope "Confidential".

After the complainant has completed the form the supervisor should review the contents for legibility. If acceptable the supervisor will sign the form and give a copy to the complainant and inform the citizen that his complaint will be investigated.

The supervisor will then make any relevant comments on the back of the original form regarding the complainant's physical and mental condition. Evidence indicating that the complainant is under the influence of an intoxicant or drug, is suffering from a mental disorder, or any evidence of traits or conditions bearing upon his credibility should be noted. The supervisor should also note the complainant's physical condition, specifically any visible marks or injuries on the complaint. When appropriate, and if possible, the supervisor will conduct a preliminary investigation.

The original copy of the complaint will be placed in a sealed envelope and forwarded to a STAFF OFFICER.

3. Citizen complaints received by telephone will be handled in one of the following manners:

A Department member accepting a complaint by telephone will inform the caller that a Complaint Against Police Personnel form must be completed for an investigation to be initiated.

If the complainant refuses to complete the required form the complaint may be handled informally if possible.

COMPLAINT ASSIGNMENT AND INVESTIGATIONS

1. An incident number will be assigned to the complaint and the CID Supervisor or another member of the Department if more appropriate, will be assigned to follow up and investigate the complaint.

2. Any member of the Department assigned to investigate a complaint will conduct a thorough and impartial investigation. Such investigation will include the taking of written statements, when deemed necessary, from all involved persons, the gathering and preservation of evidence, and the recording of all information pertinent to the investigation.

3. When conducting an internal affairs investigation concerning possible violations of criminal law, the investigating member will contact the States Attorneys Office to seek legal advice as well as assistance in case preparation. If necessary, a liaison will be established with the States Attorneys Office

4. The member assigned to the investigation will keep the complainant informed of the status of the investigation, within certain limits. The complainant should be informed of the investigative process and time table involved.

5. Personnel assigned to investigate complaints will complete their investigation within thirty (30) days of the assignment date with status reports to a Staff Officer every seven (7) days. Extensions may be granted by the Chief of Police to the thirty (30) day limit, but only in those cases involving extenuating circumstances.

6. The investigating member will only report the results of his investigation and findings to a Staff Officer. The Staff Officer may advise the officer's supervisor of the findings. All investigations will be concluded with a recommendation by the investigating member. Complaints and disciplinary investigations can result in any of the following types of closures:

SUSTAINED
Allegation is supported by sufficient evidence

PARTIALLY SUSTAINED
Sufficient evidence exists to support part of the allegations made in the complaint.

NOT SUSTAINED
Insufficient evidence to prove or disprove the allegations.

EXONERATED
Incident did occur but the actions taken were lawful and proper.

PROPER CONDUCT - *the action of the department or the officer was consistent with agency policy and applicable law.*

POLICY FAILURE - *although the action of the agency or the officer was consistent with agency policy, the complainant was wronged.*

UNFOUNDED
Allegation is not factual; did not happen.

SUSTAINED OTHER
Sustaining of violation or misconduct other than the

allegations of the original complaint.

7. An employee under investigation can be compelled to submit to a polygraph, voice stress analysis, or any other instrument designed to detect deception. However, the results cannot be used in any subsequent criminal or administrative proceedings.

8. Any member or employee who is the subject of an internal affairs investigation may be required to provide or submit to any or all of the following, if materially related to the investigation:

- Medical or psychiatric examinations;
- Lineups;
- Chemical tests;
- Photographs;
- Respond completely and truthfully to all questions; and
- Search of City property including lockers.

9. All records pertaining to internal affairs investigations will be kept in a secure area by the individual conducting the investigation.