

NORTH HAVEN POLICE DEPARTMENT GENERAL ORDER

Section 2.5: Internal Affairs

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Effective Date: March 4, 2002

Revised Date: November 7, 2016

2.5.1 PURPOSE

The North Haven Police Department is charged with the security of the Town of North Haven and its citizens. The integrity and reputation of the Department depends to a great extent upon the manner in which the members of the Department perform their varied duties.

The North Haven Police Department is committed to maintaining a positive relationship with the community and to correcting any actions, practices, or attitudes on the part of Department members that are not professionally acceptable. To ensure the integrity of the Department while protecting the rights and interests of private citizens and Department members, it will be the policy of the North Haven Police Department to require an appropriate investigation of all complaints, including anonymous complaints, against the Department or its employees. To ensure that such investigations are conducted in a manner conducive to good order and discipline the following procedures are established.

2.5.2 POLICY

The North Haven Police Department shall respond to allegations of misconduct or malfeasance against its employees consistent with this policy and fairly and impartially investigate all complaints or allegations, from either internal or external sources, of such conduct to determine their validity. The North Haven Police Department shall impose any disciplinary or non-disciplinary corrective actions that may be warranted in a timely manner. All complaints shall be accepted and documented against any employee regardless of whether the complaint is in writing, verbal, in person, by mail, by telephone (or TDD), by facsimile, electronic, or anonymous.

2.5.3 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 code (NoHPD DR# and/or IA#) that is used to identify and track citizen complaint investigations.

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

Employee: Any person employed by the North Haven Police Department, whether sworn or non-sworn.

Professional Standards and Accreditation Division: The designated division with primary responsibility to conduct investigation of internal or external complaint of misconduct or malfeasance at the direction of the Chief of Police.

Malfeasance: Illegal or dishonest activity especially by a public official.

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

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

2.5.4 PROCEDURES

The Office of the Chief of Police has primary oversight and authority over investigation of complaints made against department employees. Upon receipt of a complaint, the Chief of Police will assure that the complaint is assigned to the appropriate division, unit, person, or designated supervisor for investigation.

The designated division, unit, person or supervisor shall be responsible for:

1. Conducting a thorough, fair and impartial investigation of every complaint received regardless of the method of receipt.
2. Investigating and determining the nature facts and circumstances of every complaint.
3. Reporting to a supervisor up to and including the Chief of Police, if warranted, the results of the investigation, and recommendations and the resolution of the investigation.
4. Identifying and recommending for appropriate investigation and prosecution criminal misconduct discovered on the part of any individual during the course of an internal affairs investigation.
5. Preparing suggested revisions of Agency Policies and Procedures where existing deficiencies have been a contributing factor to misconduct.

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A. Acceptance, Filing and Intake of Complaints:

All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance against employees of the North Haven Police Department. 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 in 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.

1. Acceptance of Complaint

The use of a standardized form to record complaints shall be implemented using the standardized form adopted by the Police Officers Standards and Training Council (POSTC) for such documentation or a standardized form that exceeds the model form adopted. Each complaint shall be assigned a Complaint Control Number (NoHPD DR#) to track complaints. The adopted form shall be filed in a separate complaint file.

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

Supervisors will attempt to resolve complaint inquiries by being responsive to the concerns of the individual and attempting to explain the lawful application of policy and procedures, the mere clarification to which may alleviate/satisfy the individuals concern. When such informal clarification resolves the concern, the matter is considered addressed and no further documentation is required. All other incidents will be documented and reported appropriately.

All employees will assist those who express a desire to lodge complaints against any member of the agency. This includes;

- a. Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.

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- b. Explaining the Department's complaint procedures.
- c. Providing complaint forms and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained.
- d. Ensuring that complainants who are unable to read, write or understand the English language with sufficient to fill out the complaint form, or to be interviewed regarding their knowledge of the incident complained of, receive adequate language assistance to permit them to file their complaint and assist, as needed, in the investigation thereof. The name and identifying information of any person providing such language assistance to a complainant shall be recorded on the complaint form or in the body of the report.
- e. All personnel who are approached by a person seeking to make a complaint will, when possible, call a supervisor, obtain a brief description of the allegation, record contact information from the complainant, if provided, and obtain a Complaint Control Number (NoHPD DR#) which should be provided to the complainant.
- f. During the complaint intake process, no questions shall be asked of a complainant regarding their immigration status.
- g. There shall be no retaliation, in any form, by any member of this agency directed at an individual who makes a complaint.
- h. 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.
- i. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.
- j. All complaints shall be documented by making an entry into the Department Review module under "Receipt of Civilian Complaint; written or verbal". In the appropriate fields, the nature of the complaint, complainant's information (name, address, date of birth, telephone number, or other contact information), if provided.
- k. The withdrawal of a complaint does not prohibit this agency from completing an investigation.
- l. If the 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

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- Complaint Control Number (NoHPD DR #). A letter of acknowledgement must be prepared advising the complainant that the matter is being investigated and that they will be contacted by the investigator assigned. The Chief of Police, or his designee, will then assign the investigation to the appropriate investigator.
- m. Walk-in complaints shall be referred to a Supervisor who shall conduct an investigation, when the complaint involves matters of minor conduct or policy violations. When completed, the investigation will go to the Division Commander for review and if satisfactory will be forwarded to the Deputy Chief of Police. The Deputy Chief of Police will review the incident and then either return the complaint for additional investigation, reassign the investigation or forward the complaint to the Chief of Police for final disposition. During the complaint process, 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.
 - n. Telephone complaints shall be referred to a Supervisor. 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 (when possible), and proceed as described in foregoing paragraph.
 - o. Complaints from the field, in which any member 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 wait the arrival of a supervisor, the complainant should be informed that he/she may respond to the agency headquarters to make his/her complaint.
 - p. If a complainant expresses 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.

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- q. Supervisory personnel who receive a complaint of misconduct or malfeasance against an employee of the North Haven Police Department shall forward a brief summary of said event to the Chief of Police, through the chain of command. In addition, the following situations will require immediate notification to the Chief of Police through the chain of command;
 - i. Any criminal offense committed
 - ii. Major misconduct or malfeasance that could result in the employee's suspension, demotion, disciplinary pay reduction or termination.
 - r. Officers 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.
 - s. The North Haven Police Department shall maintain a record of all complaints against this agency or employees and shall maintain these records within the Office of the Deputy Chief of Police, in a secure location. Applicable State Record Retention Schedules and contractual agreements will govern retention periods.
2. Validity and Timeliness of Complaints
- a. 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.
 - 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 the 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 should be detailed in the report.

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- c. 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.

B. Investigation of Complaints

The Chief of Police or the Chief's designee shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Internal affairs investigations shall be completed in a timely manner within the limits determined by the Chief of Police, including extensions granted by the Chief of Police or his designee for good cause.

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

1. Their complaint has been received by the North Haven Police Department and is currently pending.
2. That a complaint number (DR#) has been assigned (include number);
3. That they will be informed in writing of the outcome of the complaint promptly following conclusion of the investigation;
4. That they may contact the designated investigator (identify investigator) at any time for further information, while the investigation is pending.

The subject (NoHPD Employee) of the investigation shall be promptly notified of the complaint in accordance with the provisions of labor agreements. When practical, the employee who is the subject of the 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,
5. The date upon which the investigation is expected to be completed.

Where prior notification of the subject of a complaint is reasonably likely to impede the progress of the 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 therefor and the anticipated extent of the delay.

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All efforts will be made to complete the investigation within 45 days from date of receipt. Complex investigations may require additional time and such requests are to be made in writing to the Chief of Police.

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 interests of the Town of North Haven and of justice.

As a part of the internal affairs process the Chief of Police or the Deputy Chief of Police are authorized by Article 3.3 (Disciplinary Action) of the Collective Bargaining Agreement between the Town of North Haven and the North Haven Police Union to place an employee on administrative leave, with pay, if the employee is unfit for duty or to conduct an investigation.

Internal affairs investigations will be conducted at the supervisory level commensurate with the significance of the allegation of misconduct or malfeasance in the following process.

- A. Inquiries, Policy Infractions, Minor Misconduct or Malfeasance
 1. Complaints of minor misconduct or malfeasance that would not result in the employee's suspension, demotion, disciplinary pay reduction or termination should be handled by the immediate supervisor of the involved employee.
 2. Upon completion of a thorough investigation and written documentation of the investigation into the allegation, the report will be reviewed in the Department Review module by the responsible Division Commander, who will review the incident and determine that;
 - i. The investigation is not complete and additional actions are warranted, returning the document back for additional action.
 - ii. The investigation is complete and will be forwarded, with Division Commander's comments to the Deputy Chief of Police.
 - iii. The Division Commander may request, in commentary, that the Deputy Chief of Police assign the investigation to the Professional Standards and Accreditation Division for further investigation.
 3. The Deputy Chief of Police will review the investigatory documents and Division Commander's comments and;
 - i. Return the investigation to the Division Commander for additional action or;

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- ii. Forward the investigation to the Division of Professional Standards and Accreditation for additional investigation or;
- iii. Forward the investigation to the Chief of Police for final disposition.

B. Major Misconduct or Malfeasance

Complaints involving major misconduct or malfeasance require immediate notification to the Chief of Police through the chain of command, in addition to the brief summary. The Chief or Police, or his designee will have authority to assign the investigation directly to an internal affairs investigator, including the Division Commander in the Professional Standards and Accreditation Division. Complainant(s) will be re-contacted and the investigation will follow accepted practices.

The Professional Standards and Accreditation Division Commander, when assigned to review, re-investigate or conduct an initial internal affairs investigation, will have the authority to report directly to both the Chief and Deputy Chief of Police.

C. Police Department Employee – Responsibilities

1. Employee – Not a Subject of Investigation

Both sworn and non-sworn (civilian) employees of the North Haven Police Department may be interviewed as potential witnesses in internal affairs investigations. Although not the subject of the investigation, they may be compelled to answer questions within applicable laws and contractual agreements.

2. Employee – Subject of Investigation

- a. Employees subject to an internal affairs interview in official administrative investigations will be given both Garrity and Loudermill warnings.
- b. Employees shall truthfully answer all questions in administrative investigations, which will be specifically, directly and narrowly related to the performance of their duties or fitness for duty.
- c. Employees are entitled to all the rights and privileges guaranteed by contractual agreements, the laws of the State of Connecticut and the Constitution of the United States.

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- d. Employees refusing to answer questions related to the performance of their official duties, or fitness for duty, will be subject to administrative disciplinary charges, up to and including dismissal or termination of employment.
(Garrity)
- e. Should the internal affairs interview reveal criminal aspects in the investigation, then the interview will move to one of custody and interrogation and Miranda warnings apply. The interview will move from an administrative hearing to a criminal investigation and applicable State of Connecticut laws and rights guaranteed by the Constitution of the United States apply.
- f. The laws of the State of Connecticut and the contractual agreement between the North Haven Police Union and the Town of North Haven will govern when employees will be required to;
 - i. submit to medical or laboratory examinations;
 - ii. submit to photographs;
 - iii. submit to participation in a line-up;
 - iv. submit to requirement to provide financial disclosure statements.

D. Review of the Investigation:

- 1. The designated internal affairs investigator's supervisor shall review the investigation to determine the thoroughness, completeness, accuracy and objectivity of the investigation.
- 2. The completed report of investigation, disciplinary recommendation if any and the recommended disposition shall be reviewed by the Chief of Police or the designee of the Chief of Police.
- 3. The complainant shall be promptly notified 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.
- 4. 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.

E. Case Dispositions - Standards:

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At the conclusion of the investigation the investigator will recommend for each charge or allegation of misconduct or malfeasance which forms the basis for an internal affairs investigation, a classification upon closing of the investigation in one of the following manners:

1. Exonerated: The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.
2. Unfounded: The investigation determined by preponderance of the evidence that the misconduct or malfeasance complained of did not occur.
3. Not Sustained: The investigation was unable to determine by a preponderance of the evidence whether or not the misconduct or malfeasance complained of occurred, or whether or not it was committed by the subject of the investigation.
4. Sustained: The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of occurred and that it was committed by the subject of the investigation
5. Misconduct Not Based on Original Complaint: The investigation determined by a preponderance of the evidence that other misconduct or malfeasance, which was not the basis of the original investigation occurred, was discovered during the course of the original investigation, and was committed by the subject of the investigation.
6. Withdrawn: At some point, prior to the completion of the investigation, the complainant notified the agency that he/she wished the investigation to be discontinued and concurrence for this action was obtained from the Chief of Police.
7. Summary Action: Disciplinary action in the form of an oral reprimand, or counseling, documented in writing, was taken by an employees' supervisor or commander for minor violations of department rules, policies or procedures as defined by this agency. Summary actions are the lowest level of disciplinary action or remediation.
8. Reconciled: At the discretion of the Chief of Police, the process of reconciliation may be encouraged in lieu of any of the above dispositions. When authorized by the Chief of Police, supervisors receiving complaints shall to the extent possible, bring together the complainant and the officer or employee involved in minor violations and attempt reconciliation. This may be used where the complaint is from a misunderstanding on the part of the affected officer, employee or the complainant. Reconciliation may be employed for complaints of a minor nature that do not reflect;

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- a. Discredit upon the agency.
- b. Discredit upon the involved employee.
- c. Commission of a criminal offense; or
- d. Allegations of racism, bigotry or prejudice against any race, religion, creed, national origin, sexual orientation, or circumstances beyond the individual's control.

Reconciliation must be documented through the chain of command to the Chief of Police or his or her designee. Reconciliation does not preclude further corrective action on the part of the agency.

The investigator submitting a sustained finalized report to the Chief of Police shall recommend discipline that may follow the courses of action below such as;

- a. The use of training or counseling as a remedy to address the incident.
- b. Verbal reprimand
- c. Written reprimand
- d. Suspension of duties, with a duration notation included.
- e. Termination of employment.

F. Chief of Police – Responsibilities

Upon presentation of the completed investigation the Chief of Police will review all materials submitted and either;

1. Order additional investigation or;
2. Accept the completed investigation and come to a conclusion of fact in the complaint.

The Chief of Police will then notify the employee in writing, through his or her chain of command, the findings of completed investigations and disciplinary recommendations, if any, and any appeal processes in place. The Chief will also provide the complainant with a written response after he has finalized the investigation.

The North Haven Police Department will maintain a record of all complaints against agency employees, within the guidelines of both retention periods and labor agreement procedures.

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These records will be stored in the office of the Deputy Chief of Police, to both protect the confidentiality of these records and to maintain them in a secure area.

2.5.5 CLASSIFICATION OF COMPLAINTS AND CATEGORIES

1. External Complaints

External complaints are those allegations made by anyone other than a Department employee. It is both advantageous and necessary to document all such complaints as this will allow us to:

- a. Protect the rights and interests of private citizens and Department employees.
- b. Permit citizens to seek redress of their legitimate grievances against employees when the citizen feels subjected to improper treatment.
- c. Provide the police department with an opportunity to monitor employee compliance with department procedures and rules. When violations are established, appropriate discipline, training, and direction may be applied to correct the problem.
- d. Perpetuate a positive image and help ensure the integrity of the Department.

2. Internal Complaints

Internal complaints are those allegations made by an employee directed at specific misconduct on the part of another employee. Any member of the Department who has knowledge of any act or information of any misconduct on the part of another employee will bring it to the attention of their supervisor.

- a. If the act or violation involves the reporting employee's supervisor, the information will be related to the next level in their Chain of Command.
- b. The procedure for registering internal complaints is provided to all employees by virtue of this order. The procedure for registering an external complaint will be explained to any citizen by the employee who receives such a complaint, as documented in the Acceptance, Filing and Intake of Complaints section of this policy.

3. Complaint Categories

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- a. Serious Misconduct — allegations that may constitute a violation of criminal law or conduct that could result in suspension, demotion, or termination.
- b. Minor Misconduct — allegations which do not appear to be a violation of criminal law and which would not result in suspension, demotion, disciplinary pay reduction, or termination.
- c. Policy Infraction — allegations that involve some infraction of department policy.
- d. Inquiry — those complaints against department policy.
- e. Administrative Investigation — initiated at the direction of the Chief of Police and conducted by the Professional Standards component. These investigations may be conducted because of the sensitivity and/or magnitude of the incident, even when a citizen complaint is not involved.

2.5.6 TRAINING

All supervisory personnel will be required to attend training on the department's Complaint Policy and the responsibilities of supervisors conducting internal affairs 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 investigations.

2.5.7 PUBLIC INFORMATION AND ACCESS

The Chief of Police will:

1. Make the complaint policy, including procedures to be followed, available to the public.
2. Ensure informational materials, in both English and Spanish, are made available to the public through police personnel, the police department facility, the police agency website, the general government web site of the agency, the internet, libraries, community groups, community centers and at other designated public facilities.
3. Ensure that copies of the policy and complaint forms are available at the town hall or another municipal building located within the municipality served by the law enforcement agency, or other than a municipal building in which the law enforcement agency is located. This information should include relevant phone numbers and any

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addresses where complaints can be made. The information must explain the complaint process in both English and Spanish.

4. Have the complaint policy and forms made available online where the agency or the municipality served by the law enforcement agency, has an internet website.
5. Create annual statistical summaries, based upon records of internal affairs investigations, will be compiled and made available to the public and agency employees.

Authored by: Lieutenant Stanley Lofquist

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