

<b>CHELSEA POLICE DEPARTMENT</b>		Department Manual: <b>Policy 4.01</b>
<b>Subject:</b> <b>INTERNAL INVESTIGATIONS POLICY</b>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</b> <b>REFERENCED: 1.29; 26.1.4; 26.1.6; 26.1.7; 26.1.8; 42.1.6; 42.2.6; 52.1.1; 52.1.2; 52.1.3; 52.1.4; 52.2.1; 52.2.2; 52.2.3; 52.2.4; 52.2.5; 52.2.6; 52.2.7; 52.2.8; 55.1.3 b; 82.1.4; 82.2.2 b; 82.3.5;</b>		<b>GENERAL ORDER</b>  <b>2009-14</b>
Effective Date: <b>March 25, 2009;</b> <b>September 3, 2013</b>  Ref.: M.G.L. C. 149, S. 19B G.O. # 1998-07, 07/22/1998 G.O. # 2000-12, 12/26/2000	<b>Issuing Authority</b>  <b>Brian Kyes</b> <b>Chief of Police</b>	

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## **I. RESCISSION:**

Effective immediately, General Order 2000-02 titled “Internal Affairs Investigation Policy, and dated December 26, 2000, is hereby rescinded and replaced with General Order 2009-14, in the event that this order is in conflict with any previously issued order, rule, regulation, directive, policy or procedure, then this order shall take precedence.

## **II. PURPOSE:**

Historically, police departments have been an instrument to maintain law and order. To be fully effective, the police need to have and maintain public trust and confidence and have their cooperation. Trust and confidence can exist only if; the public recognizes that their police department uses its enforcement procedures with integrity and according to law. By not adhering to a policy that assures public trust and confidence, barriers will develop between the police and the public. Hence, effective law enforcement within the community will become increasingly difficult.

To maintain the highest quality of police services we must have an effective and meaningful complaint procedure. With such a policy in place, citizen confidence in the integrity of police actions will increase and assure their support, cooperation and confidence in their police department. The element of police-public cooperation is vital to the department’s ability to achieve its goals.

At all times, the employees of the Chelsea Police Department, sworn, reserve and civilian are expected to conduct themselves in a manner that will reflect favorably on the Department and the City of Chelsea. By maintaining high standards we will be able to ensure an atmosphere of trust and cooperation between the citizens and the department. Increased cooperation will enhance our ability to achieve the articulated goals of the department.

The internal affairs function is vital for the maintenance of professional conduct within the Chelsea Police Department. The integrity and professionalism of the Department is in direct proportion to the integrity and discipline of each of its members. The public image of the Department is largely determined by the quality of the internal affairs function in responding to allegations of misconduct by the Department or its members.

The Chelsea Police Department must provide citizens with a fair and effective avenue for redress of legitimate complaints against its officers. The Internal Affairs Unit also protects the members of the department by investigating and dismissing false and unfounded allegations of misconduct. The Internal Affairs Unit also assures that each officer receives every protection he/she is entitled to under both the State and Federal Constitutions. **26.1.6**

The Chelsea Police Department will not hesitate to impose disciplinary sanctions upon guilty members, including the removal and termination of any employee proven unfit for service within the Department.

The Internal Affairs Investigator will be responsible for recording, registering and supervising the investigation of complaints against all employees. The Internal Affairs Investigator shall also be charged with maintaining the confidentiality of the internal affairs investigations and records.

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The Internal Affairs Investigator will ensure that the integrity of the Department is maintained by conducting intensive and impartial investigations and reviews in an objective, fair and judicious manner. All findings will be prepared in writing and submitted to the Chief of Police who will impose the disposition and sanction(s).

Because internal affairs investigations involve allegations against a member of the Department, it is imperative that the process be lawful and confidential. Accordingly, strict confidentiality and full adherence to procedures will be maintained.

Employees of the Chelsea Police Department will be held to the highest standards of professional conduct. Employees who do not adhere to the standards of conduct, either through deliberate action or negligence will be subject to disciplinary action such as corrective training, counseling, or punitive action that shall be applied in a prompt and specific manner. **26.1.4 a, b, c**

The objectives of the internal affairs investigation are:

1. Protection of the public
2. Protection of the employee
3. Protection of the Department
4. Correction of procedural problems
5. The removal of unfit personnel

All alleged or suspected violations of laws, ordinances, Department rules, regulations, policies, procedures and orders (whether verbal or written) must be investigated according to the procedures outlined. These include, but are not limited to:

1. Alleged violations reported to superior officers by **other members** of the Department, either orally or in writing.
2. Alleged violations observed or suspected by **superior officers**.
3. **Citizen complaints** of alleged misconduct by members of the Department that are made in person, in writing, by telephone or anonymously. **52.1.1**
4. Complaints or allegations made by **detainees**.

### III. POLICY:

It is the policy of the Chelsea Police Department to accept and investigate all complaints of misconduct or wrongdoing against the department or department employees, regardless of the source of such complaint, by conducting a regulated, thorough and impartial examination of all available factual information. **52.1.1**

### IV. COMPLAINT PROCEDURE: **82.2.2 b**

#### A. Complaint Control Form:

1. A standard complaint report form shall be used to record all complaints of misconduct, mistreatment or unethical practices against Department personnel, whether registered by a citizen, initiated from within the Department or forwarded by another governmental agency. This [Complaint Control Form](#)

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(CPD Form 98-04) shall be located behind the main desk at Police Headquarters.

2. The following information shall be included on the complaint control form:
  - a. The date and time the complaint is reported;
  - b. The name, address and phone number of the complainant;
  - c. The name, address, and phone number of any witness to the reported incident;
  - d. The name, rank, badge number and/or the description of the employee against whom the complaint is made;
  - e. The date, time and location of the alleged incident;
  - f. The complainants description of the events that resulted in the complaint;
  - g. Signature of the complainant;
  - h. Signature of parent or guardian if complainant is under eighteen years of age;
  - i. The name, rank and signature of the department employee receiving complaint report
3. Any person requesting to make a complaint against an employee of the Department shall, upon request, be given a copy of the Complaint Form so that they may complete it on their own. When Complaint Forms are given out in this manner the complainant should be instructed to return them, as soon as possible, to the Internal Affairs Unit.
4. Any person completing a Complaint Form shall, upon request, be given a copy of the completed form. This may act as their receipt to verify that the complaint was received.

**B. RECEIVING AND RECORDING EMPLOYEE MISCONDUCT OR COMPLAINTS OF CRIME:**

1. The Officer-in-Charge at the time the complaint is made shall be responsible for receiving and recording all complaints, specifically against the department or employee misconduct, or a specific crime regardless of whether they are reported in person or by telephone, mail or the internet. In some cases a complaint can be resolved to the complainant's satisfaction at the time by the Officer-in-Charge of Headquarters, in which case this fact should be reported in writing by the Officer-in-Charge to the Supervisor of Internal Affairs Investigations, the employees Division Captain and the Chief of Police. **52.1.1; 52.2.1 a; 52.2.2; 84.1.14**
2. ALL citizen complaints, whether resolved at the time of the complaint or not, shall be entered by the OIC into the dispatch log under the dispatch call reason "I.A. Complaint." The complainants name, D.O.B., address, and telephone number(s) shall be entered. The call number shall be written on the upper right hand corner of the complaint control form. The Internal Affairs Lieutenant shall be notified of ALL complaints, including complaints resolved by the OIC. (Amended 03/29/11)

3. The utmost courtesy and cooperation shall be given to all persons filing a complaint or inquiring about the complaint procedure. The initial contact between the complaining party and the police is the most important stage in the process. The complainant is often emotionally upset and the potential for hostility is great.
4. No person should be denied the opportunity to file a citizen complaint or report a crime. **No person should be directed to return at a later time or to call back later.**
5. The Internal Affairs Lieutenant shall review each complaint form, and upon determining that an official report or investigation be conducted, shall assign an identifying number to the complaint.
6. If the substance of the employee misconduct warrants it, the officer-in-charge may place the employee on administrative leave for the remainder of his/her Shift pending notification of the Internal Affairs section and the Chief of Police **by cellular telephone**. The employee shall only be relieved from duty otherwise at the direction of the Chief of Police in accordance with statutory and collective bargaining Provisions. [52.1.2 b](#); [52.2.2](#); [52.2.7](#)

**C. IN PERSON COMPLAINTS OF MISCONDUCT:**

Reports of employee misconduct that are made **in person** should be reduced to writing and the complainant should be requested to sign the complaint form. If the complainant is a minor, the signature of a parent or guardian should be obtained. If the complainant refuses to sign, the officer accepting the report should make a notation that the complainant would not sign the report.

**D. TELEPHONE COMPLAINTS OF CRIME OR MISCONDUCT:**

When an employee misconduct complaint is received by telephone the complainant should be informed that a signed complaint is advisable. Telephone complaints about a crime or employee misconduct should not be refused or rejected because the complainant does not wish to come into Headquarters to report the crime or sign a complaint form. Anonymous complaints should not be rejected. All complaints should be considered on their individual merits. Care must be taken so that Department employees are not subjected to unjust or malicious complaints.

[52.1.1](#); [82.2.5](#)

**E. COMPLAINTS OF CRIME OR MISCONDUCT RECEIVED BY U. S. MAIL OR INTERNET EMAIL: [82.2.5](#)**

1. If a complaint of a crime or employee misconduct is received by U. S. Mail or internet email, the information contained shall be incorporated into an incident

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report for follow-up or Citizen Complaint Form for investigation and the original communication shall be attached thereto. **52.1.4; 84.2.14**

2. If the information about employee misconduct is incomplete or insufficient, the Internal Affairs Officer Investigator shall contact the complainant, if possible, and obtain the necessary information. Information about a crime in progress should be forwarded to the on duty OIC for immediate on scene response and documented. **82.2.5**

**F. DEPARTMENTAL COMPLAINTS:**

A formal complaint of employee misconduct shall be initiated by the preparation of the standard Chelsea Police Department [Complaint Control Form](#) (Form CPD 98-04).

**G. COMPLAINTS BY PRISONERS:**

Any prisoner who alleges misconduct or mistreatment by a department employee shall be advised by the Officer-in-Charge of the station of his right to submit a complaint report form in the usual manner and such complaints should be investigated and processed in the same manner as other citizen complaints.

**H. COMPLAINTS FROM OTHER GOVERNMENTAL AGENCIES:**

When information is received or obtained from other governmental agencies alleging specific acts of misconduct against a Department employee, this information shall be recorded on the standard Complaint Control Form and an investigation initiated in the usual manner.

**I. OUTSIDE COMPLAINTS TO PATROL OFFICERS:**

- i) If a patrol officer is approached by a citizen regarding a complaint of alleged misconduct against an employee of the police department, the officer shall inform such person that his or her complaint should be directed to the Officer-in-Charge of the station.
- ii) Persons making an allegation or complaint of racial profiling shall also be advised of the state's complaint line (1-866-6-RACIAL)

**J. VERIFICATION OF RECEIPT:**

- i. Every person making a complaint against a department employee shall receive a copy of his/her complaint to serve as a receipt verifying that such complaint has been received. **52.2.4 a**
- ii. When a complaint is made in person, the officer receiving the complaint will ensure that the complainant receives a copy of his/her complaint to serve as a written verification that the complaint has been received.

- iii. When a complaint is received over the telephone or through the mail, the officer-in-charge of Internal Affairs shall be responsible to ensure that the complainant is sent a copy of his/her complaint to serve as a written verification that the complaint has been received. [52.2.4 a](#)

## V. INVESTIGATIVE PROCEDURES:

### A. CATEGORIES OF COMPLAINTS / INVESTIGATIONS:

1. The Department has established guidelines regarding which categories of complaints will be handled and investigated by the Internal Affairs Section and which by subject employee's Commanding Officer (OIC) as a part of routine discipline. The criteria for determining the categories of complaints to be investigated by the Internal Affairs Unit include, but are not limited to, allegations of: [52.1.1 b](#)
  - a. Corruption;
  - b. Brutality;
  - c. Use of excessive force;
  - d. Violation of civil rights including racial profiling and/or gender profiling; [1.2.9 a](#)
  - e. Criminal misconduct;
  - f. Any other matter as directed by the Chief
2. **Discharge of Firearms:** The manner in which police officers use firearms is an extremely critical issue to the department, one in which the community and the courts allow little margin for error. Pursuant to Departmental Policy pertaining to Use of Force, in order to insure that proper control in this area is maintained, **ALL** reported discharges of firearms by officers of this department, whether on or off duty, will be thoroughly investigated by the Internal Affairs Unit for the purpose of determining the extent to which officers comply with departmental policy. [52.2.1 b](#)
3. Criteria for the assignment of an investigation to the employee's Commanding Officer (OIC) may include violations of departmental rules and regulations such as: [52.2.1 a](#)
  - a. Alleged rudeness;
  - b. Tardiness; and
  - c. Minor cases of insubordination

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4. Reports of investigations performed by shift supervisors shall be forwarded and reviewed by the Internal Affairs Section. **52.2.1 b**

**B. IMMEDIATE RESOLUTION OF A COMPLAINT:**

1. In some cases a complaint can be resolved to the complainant's satisfaction at the time by the Officer-in-Charge of the station, in which case this fact should be reported in writing by the Officer-in-Charge and, if possible, acknowledged in writing by the complainant on the Departmental Complaint Control Form.
  - a. This immediate resolution can often be accomplished if the incident is clearly not of a serious nature. If the complaint arises from a misunderstanding, lack of knowledge of the law or the employee's limitation of authority in a given circumstance, then the OIC should seek the easiest resolution to the problem.
  - b. Under no circumstances, however, will a justifiable complaint be refused, delayed, or otherwise rejected in this manner.

**C. INVESTIGATION OF COMPLAINTS:**

- a. The officer-in-charge of Internal Affairs investigations shall be responsible for conducting Internal Affairs investigations shall also have the authority to report directly to the Chief of Police on any sensitive matter which impacts on the direction and control of the department. **52.1.3**
  - i. The affected employee shall be provided a written statement of the allegations against him/her ([Notification of Charges/Allegations Form](#)) unless the Chief determines that disclosure might jeopardize an investigation. **52.2.5**

NOTE: If the employee was not notified by order of the Chief, [s]he must receive written notification prior to any interrogation or administrative or criminal hearing.
  - ii. The officer-in-charge of Internal Affairs investigations shall be responsible for providing the Chief of Police with status reports on the progress of the investigation every seven (7) days. These reports shall contain all pertinent information relating to the progress of the investigation.
  - iii. If the substance of a complaint, if proven, would be of grave nature or is an accusation of a serious crime and immediate action is deemed necessary, the Chief, or the superior officer designated by the Chief,

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shall be notified forthwith by cellular telephone in order that an investigation can be initiated without delay. [52.1.3](#), [52.2.2](#)

- iv. Before a department employee is questioned or directed to submit a report regarding a complaint, and unless the Chief determines that disclosure might jeopardize the investigation, such employee shall be issued a written statement of the allegations and in either case the employee will be advised of his/her rights and responsibilities relative to the investigation. [52.2.5](#)
- b. Any Internal Affairs investigation must be commenced immediately upon receipt of the complaint and must be completed within thirty (30) days. [52.2.3](#)
  - i. If extenuating circumstances preclude completion within thirty (30) days, the officer-in-charge of Internal Affairs shall request an extension from the Chief of Police in writing, and provide written notification to the employee (if previously notified of the complaint and investigation) and complainant of the delay. [52.2.3](#)
  - ii. If the investigation is not completed within thirty days, the complainant shall be provided a progress report every thirty days until the completion of the investigation. [52.2.4 b](#)
- c. An internal administrative investigation may inquire into a department employee's on-duty or off-duty conduct if such inquiry is reasonably and directly related to the employee's performance of duty, if such conduct affects the employee's fitness or ability to continue in the police service, or reflects discredit on the department.
- d. **CRIMINAL PROCEEDINGS**: If it is determined, generally after a preliminary investigation, that allegations against a department employee could result in a criminal prosecution, the accused employee must be granted all applicable constitutional and statutory rights.
  - i. Prior to being questioned regarding alleged personal involvement in criminal activity, a department employee shall be given the *Miranda* warnings, including the right to have an attorney present during any such questioning, prior to custodial interrogation.
  - ii. After *Miranda* warnings have been given, 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 which could result in a criminal prosecution cannot be discharged or otherwise penalized, solely for invoking the right to remain silent as guaranteed by the Fifth

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Amendment or for refusing to sign a waiver of immunity.<sup>1</sup> 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 discharge) for failure to answer truthfully.

- e. **DEPARTMENTAL DISCIPLINARY ACTION**: If it is determined as a result of a preliminary investigation, that allegations made against a department employee could result in departmental disciplinary action, the accused employee is entitled to a fair and objective investigation and resolution of the charges made.
- i. All department employees, when requested by the Chief, 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 affects their fitness or ability to remain in the police service, and any failure to answer completely and truthfully to such inquires may be punished by appropriate disciplinary action, including dismissal from the department.<sup>2</sup>
- (a) The official conducting the interrogation must, at the time of the interrogation, specify if the employee or his/her counsel or representative asks the precise repercussions (i.e., suspension, discharge, or the exact form of discipline) that will result if the officer fails to respond.<sup>3</sup>
- ii. When a department employee, after declining to do so voluntarily, is ordered to submit a report or to answer questions under a threat of the penalty of discipline, that employee shall receive transactional immunity from criminal prosecution for any offenses to which the compelled testimony relates.
- (a) The Supreme Judicial Court has held that Article 12 of the Massachusetts Declaration of Rights requires "transactional" immunity to supplant the privilege against self-incrimination when a public employee is being compelled to answer questions concerning possible criminal activities connected with his employment. Transactional immunity grants "immunity from prosecution for offenses to which compelled testimony relates."<sup>4</sup>
- iii. 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

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<sup>1</sup> *Uniformed Sanitation Men Ass'n, Inc. v. Comm. of Sanitation of New York*, 392 U.S. 280, 88 S.Ct. 1917(1969); *Gardner v. Broderick*, 392 U.S. 273, 88 S.Ct. 1913 (1968).

<sup>2</sup> *Carney v. Springfield*, 403 Mass. 604, 532 N.E.2d 631 (1988)

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

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if such employee is informed that [s]he will receive transactional immunity from criminal prosecution, [s]he must answer or face disciplinary action, including dismissal from the department, for refusing to answer such questions.

- iv. The Chief shall secure a written grant of transactional immunity from the Attorney General's Office. An employee may decline to answer questions in a criminal investigation until such documentation is received.
- f. **DOUBLE JEOPARDY**: No double jeopardy exists when a department employee is found not guilty in court of criminal charges and is then found guilty of departmental charges after disciplinary hearing, as 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*."
- g. In conducting internal administrative investigations, in the absence of a requirement in a collective bargaining agreement, there is no legal obligation for the police department to provide department employees with an opportunity to consult with an attorney before being questioned on work-related matters;<sup>5</sup> however, a request for an attorney or an employee representative to be present will be granted if the investigation is not thereby unduly delayed.
  - i. Except in unusual situations, any interview or questioning should take place during the employee's regular duty hours.
  - ii. Any interview or questioning should not be prolonged without reasonable rest periods and the opportunity for meals and such other personal necessities as are reasonably required.
  - iii. A department employee shall not be improperly harassed or threatened during this period of questioning.
- h. In conducting investigations of alleged employee misconduct, all appropriate investigative techniques and methods should be employed, consistent with legal requirements and all necessary concern for the individual rights of the accused employee.
  - i. An internal administrative investigation should be conducted with the same degree of professional competence as is devoted to a criminal investigation.
  - ii. Upon orders of the Chief of Police or his/her designee, an employee may be required to submit to a medical or laboratory examination, at the department's expense. This examination must be specifically directed

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<sup>5</sup> *NLRB v. Weingarten*, 420 U.S. 251, 95 S.Ct. 959 (1975)

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and narrowly related to a particular internal affairs investigation being conducted by the department. **52.2.6 a**

- i. **IDENTIFICATION:** A police officer may also be required to be photographed and can be compelled to stand in a lineup for identification in connection with an administrative investigation, and a refusal can be the basis for an additional disciplinary charge of refusal to obey a lawful order. Such a lineup should be fairly constructed and not be unfairly suggestive and should not be used for an administrative investigation where criminal charges are contemplated.  
**52.2.6 b, c**
- j. **SEARCHES**
  - i. A police officer's personal property, including his/her home, car and other property, is protected from unreasonable search and seizure under the Massachusetts Constitution, and it is possible that any evidence illegally obtained may not be used as evidence in an administrative proceeding.<sup>6</sup>
  - ii. Department property furnished to the officer, such as desks, lockers, or vehicles, in which it is clearly understood in advance that an officer has "no expectation of privacy", may be searched without a warrant.
- k. **FINANCIAL DISCLOSURE:** A police officer may be compelled to submit a financial disclosure statement as part of an internal affairs investigation provided such statement is material to the investigation being conducted.<sup>7</sup> **52.2.6 d**
- l. Under the provisions of M.G.L. c. 149, s. 19B, police officers may be required to submit to a polygraph or lie detector test in connection with an internal administrative investigation if such test is conducted by a law enforcement agency in the course of a departmental investigation of criminal activity, and under such circumstances, officers may face disciplinary action for refusal.<sup>8</sup>  
**42.2.6, 52.2.6 e**
- m. **RECORDING INTERVIEWS:** If possible, the complete interview with an employee in all internal administrative investigations should be recorded mechanically or by a qualified stenographer.
- n. **WITHDRAWN COMPLAINTS:** If during the progress of an internal investigation, the complainant indicates a desire to withdraw the complaint, every effort should be made to ensure that this decision is made voluntarily, and a signed statement to this effect should be obtained from the complainant.

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<sup>6</sup> *Board of Selectmen of Framingham v. Municipal Ct. of City of Boston*, 373 Mass. 783, 369 N.E.2d 1145 (1977)

<sup>7</sup> *O'Brien v. Mun. Court*, 10 Mass. App. Ct. 851, 407 N.E.2d 1297 (1980)

<sup>8</sup> M.G.L. c. 149, s. 19B

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- i. Even though a complaint is withdrawn, a full report of the investigation to date should be prepared for the Chief and his/her approval obtained for the termination or continuation of the investigation.
- ii. 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 his/her complaint, is prohibited and will be treated most severely.

**VI. REPORT OF INVESTIGATION: 52.2.8**

**A.** After the investigation has been completed, a full written report and a “conclusion of fact” shall be prepared for submission to the Chief of Police which shall include the following: **52.1.3**

1. A copy of the original complaint report;
2. Copies of any additional statements taken from the complainant or statements obtained from witnesses;
3. Copies of any statements made or reports submitted by the department employee under investigation;
4. A summary of all evidence gathered;
5. Any mitigating circumstances;
6. Conclusion of Fact.
  - a. **Sustained:** The allegation has been investigated and the facts show that the allegation is true and the action taken was not consistent with Department policy.
  - b. **Misconduct Not Based on Complaint:** Investigation reveals employee was guilty of misconduct not part of original complaint.
  - c. **Not Sustained:** [Inconclusive] The allegation has been investigated and there is insufficient proof to confirm or refute the allegation because of inadequate or insufficient evidence.
  - d. **Unfounded:** The allegation has been investigated and either the allegation is demonstrably false or there is no credible evidence to support it.
  - e. **Exonerated:** The allegation has been investigated and the facts indicate that the action taken was consistent with departmental policy.
7. The Internal Affairs Investigator shall maintain a record of all complaints against the department or employees and protect the confidentiality of those

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records by securely maintaining them in his/her office in locked file cabinets.  
**42.1.6b, 52.1.2, 82.3.5, 26.1.8**

- B.** Upon receipt of the report of investigation, the Chief should take further action as is necessary based upon findings in the particular case.
1. Every person who has filed a complaint against an employee shall be notified promptly as to the final results of the investigation, personally if possible or otherwise by mail. **52.2.4 c**
  2. If a disciplinary hearing is deemed necessary, the complainant shall be notified that his testimony will be required at that time.
  3. The employee and his or her supervisor shall be notified promptly, in writing, as to the completion of the investigation.
    - (a) If the Department employee is cleared of the charges made, he or she shall be officially exonerated and the employee and his or her supervisor shall be notified in writing.

## **VII. CONFIDENTIALITY OF INTERNAL AFFAIRS:**

1. In order to ensure that the individual rights of employees who are the subject of an Internal Affairs investigation are protected all materials relevant to those investigations and investigations against the Department shall be kept strictly confidential and under lock and key by the Officer-in-Charge of Internal Affairs. **42.1.6 b, 52.1.2, 26.1.8**
2. Internal Affairs investigators should note in their reports any instances where victims or witnesses refused or were reluctant to speak with them unless they were assured that their statements would be kept confidential, at least to the extent legally allowed.  
**55.1.3 b**
3. No statement regarding an 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 officer or employee.
4. A copy of the completed investigation summary should be kept in a summary file in the Internal Affairs Office and will be the only source of public information about citizen complaints, other than the statistical log which may be prepared and published annually by the Chief of Police.

## **VIII. LIAISON WITH DISTRICT ATTORNEY:**

1. Any Internal Affairs investigations which may, or does, result in criminal charges being brought against an officer shall require the District Attorney's or Attorney General's office to be apprised of the case for the purpose of advising on legal issues and ultimate prosecution, if necessary. Contact shall be made through the officer-in-charge of Internal Affairs.

## **IX. INVESTIGATIVE FILES:**

- A.** A complete file of records on the investigation of all citizen and internal complaints shall be kept in the office of the Officer-in-Charge of Internal Affairs. These files shall contain supporting investigative information, as well as notes taken during the investigation and documentation resulting from the investigation. These files shall be treated as confidential investigative files. **26.1.7, 26.1.8, 42.1.6b, 46.1.6 b, 52.1.2**
1. If the misconduct of the employee results in dismissal, the investigative file shall also contain the following documentation provided to the employee;
- i. a written statement citing the reason for the dismissal; **26.1.7 a**
  - ii. the effective date of the dismissal; and **26.1.7 b**
  - iii. a letter from the Human Resource Director for the City of Chelsea outlining any external or fringe benefits available to the dismissed employee, and directing the dismissed employee to the Director of Retirement Benefits for the City of Chelsea for any accrued retirement benefits. **25.1.7 c**
- B.** A copy of the completed investigation summary should be kept in a summary file in the office of the Chief of Police and will be the only source of public information about citizen complaints, other than the statistical log which may be prepared and published annually by the Chief of Police.

## **X. ANNUAL REPORT**

1. The Chief of Police should publish, in the Department's Annual Report, a summary of complaint statistics (both citizen complaints and internal affairs), indicating the number of complaints filed (by type of complaint), and the outcome of the investigations undertaken (by outcome classification). In addition, the Annual Report should outline the procedures the public may follow in filing a complaint. **52.1.11; 52.1 12**

## **XI. CONCLUSION:**

Every complaint received against the Chelsea Police Department or an employee of the Department shall be considered a serious matter. Every superior officer assigned to investigate such matters shall be directly responsible and accountable for the appropriate disposition of these investigations. A proper and sound internal affairs investigation policy helps maintain our Department's integrity and community support. **52.1.1; 52.2.1 a, b**