



**MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURES MANUAL**

TITLE: Organization & Management: Internal Affairs	SOP: 2.8	CALEA STANDARDS: 26.2.1, 26.2.2, 26.2.3, 26.2.4, 26.2.5, 26.3.1, 26.3.2, 26.3.3, 26.3.4, 26.3.5, 26.3.6, 26.3.7, 26.3.8, 82.2.2 CALEA Comm: 1.4.1, 1.4.2, 1.4.3, 1.4.4, 1.4.5, 1.4.6, 1.4.7, 1.4.8, 1.4.9, 1.4.10, 1.4.11, 1.4.12
DATE ISSUED: March 2011	REVISIONS: June 2013, July 2015, June 2017	AUTHORIZED BY: Chief John "Jack" Drumm

2.8.1 PURPOSE & POLICY

The purpose of this policy is to inform employees and the public of departmental procedures for addressing complaints of misconduct. Such policy is in accordance with the Police Officer Standards and Training Council Mandatory Uniform Policy : Complaints That Allege Misconduct By Law Enforcement Agency Personnel and Public Act 14-166.

Policy

It is the policy of the Madison Police Department to respond to, and investigate, all complaints of alleged employee misconduct and malfeasance against its employees consistent with the policy and to fairly and impartially determine whether the allegations are valid or invalid. The Madison Police Department shall impose any disciplinary or non-disciplinary corrective actions that may be warranted in a timely manner. All allegations of departmental or officer misconduct shall be properly investigated whether such complaints are received in person, in writing, verbally, by mail, by telephone (or TTD), by facsimile, or electronically. Third party or anonymous complaints will be investigated to the extent possible based upon the information in the complaint provided that said information can be corroborated.

- There shall be no retaliation in any form by any member of the Madison Police Department directed at any individual who makes a complaint.
- During the complaint process, no questions shall be asked of a complainant of their immigration status.
- 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.

Reference CALEA 26.2.1
Reference CALEA Comm 1.4.1

2.8.2 THE INTERNAL AFFAIRS FUNCTION

The Chief of Police shall ensure that the integrity of the department is maintained through an internal system where objectivity, fairness and justice are assured by intensive, impartial investigation and review.



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The Chief shall review all complaints of misconduct and assign supervisory staff as necessary to conduct investigations. The assigned investigator shall report directly to the Chief of Police.
Reference CALEA 26.2.3

Definitions

- *Complaint* – an allegation of circumstance amounting to a specific act or omission which, if proven true, would amount to employee misconduct or malfeasance. A disagreement over the validity of a traffic infraction or criminal arrest is NOT a complaint. The complaining person should be advised to contact the appropriate court having jurisdiction over the matter.
- *Complainant* – Any person who files a complaint regarding misconduct or malfeasance on the part of a Madison Police Department 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, a written reprimand, suspension, demotion or dismissal.
- *Employee* – Any person employed by the Madison Police Department, whether sworn or non-sworn.
- *Internal Affairs Division or Unit* – The designated division, unit or person with primary responsibility to conduct investigations or administrative or Citizen Complaints of misconduct or malfeasance.
- *Malfeasance* – Illegal or dishonest activity especially by a public official.
- *Misconduct* – Any act or omission by a Madison Police Department employee that is illegal



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or which violates established policy. This act or omission, if proven true, would normally result in some form of discipline or corrective action. This would include:

- Commission of an unlawful act
- Neglect of Duty
- Violation of any departmental policy, procedure, rule, regulation or training procedure, or
- Conduct which may reflect unfavorably upon the employee or the Madison Police Department.

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

2.8.3 INTERNAL AFFAIRS ACTIVITIES

The Chief of Police has primary oversight and authority over the 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 investigator, through the appropriate chain of command.

The Chief of Police, or his designee, is responsible for the following activities:

- recording, registering and controlling investigations of complaints against agency personnel
- supervising and controlling investigations of alleged misconduct within the department
- maintaining the confidentiality of records of all internal investigations

It is not the responsibility of the Internal Affairs Investigator to adjudicate matters which he/she has investigated. It is a fact-finding process, which will present completed investigations to the Chief of Police for final disposition.

The Internal Affairs Investigator shall be responsible for:

- Conducting a thorough, fair and impartial investigation of every complaint received regardless of the method of receipt.
- Investigating and determining the nature, facts and circumstances of every complaint and for developing sufficient information to support an appropriate disposition of each



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matter being investigated. Every legitimate course of action shall be diligently pursued by the investigator(s) in their efforts to obtain facts.

- Reporting directly to the Chief of Police or his designee on all matters related to the issue being investigated, including the results of the investigation, any recommendations and the resolution of that investigation.
 Reference CALEA 26.2.3
 Reference CALEA Comm 1.4.2
- Identifying and recommending for appropriate investigation and prosecution of criminal misconduct discovered on the part of any individual during the course of an internal affairs investigation.
- Preparing suggested revisions of Madison Police Department Standard Operating Procedures where existing deficiencies have been a contributing factor to misconduct.

2.8.4 COMPLAINT CLASSIFICATION

Class A Complaints

- Complaints alleging abuse of authority including excessive force; willful and malicious illegal arrest, unreasonable deprivation of individual rights; language, conduct or behavior that degrades a person’s race, religion, sexual orientation, creed or national origin; corruption; criminal activity; verbal abuse; and serious violations or rules of the Madison Police Department shall be classified as Class A complaints. When the complaint is a Class A Complaint, the Chief of Police shall be notified immediately. The Chief of Police will assign an investigator for Class A Complaints.
 Reference CALEA 26.3.1(b), 26.3.2
 Reference CALEA Comm 1.4.1(b), 1.4.3

Class B Complaints

- Complaints of a less serious nature such as poor service or rudeness are Class B Complaints. Class B complaints will be received by the on-duty supervisor and will be referred to the involved officer’s direct supervisor, if necessary. In all cases the complainant will be notified of the outcome. The supervisor conducting



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the investigation will follow the procedures outlined in §2.8.5 of this policy, outlined below.
Reference CALEA 26.3.1(a)
Reference CALEA Comm 1.4.1(a)

2.8.5 COMPLAINT PROCEDURE

The Chief of Police, or his designee, shall ensure 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 time limits determined by the Chief of Police, including extensions granted by the Chief of Police or designee for good cause.

All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance of employees of the Madison Police Department. All sworn and civilian employees shall be required to accept a complaint alleging misconduct or malfeasance by Madison Police Department personnel. All employees must courteously inform and individual of his/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 complaint in complainant in contact with a supervisor who can assist then 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.**

The ranking patrol supervisor on duty shall receive the complaint, when possible, consistent with this policy. If a complaint involves a supervisor, an officer of the next higher rank shall receive the complaint. In no event is a complainant to be told to return at another time, or that no one is available to handle their complaint, unless a complaint is being made against a supervisor and an officer of a higher rank is not available.



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The Madison Police Department shall use the Madison Police Department Civilian Complaint Form (English & Spanish) for documenting the information in a civilian complaint. Each complaint shall be assigned a Complaint Control Number (CCN) to track complaints and a copy of the form shall be filed in a separate Complaint File.

Complaints shall be accepted when received, in writing or verbally:

- in person,
- by mail,
- by fax,
- by telephone (or TDD), and
- by electronic means.

All of these complaints shall be accepted whether or not the complainant provides their name.

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

- 1) Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.
 - a) The supervisor receiving the complaint shall gather all pertinent details regarding the complaint including but not limited to:
 - i) names and addresses of any witnesses to the incident
 - ii) receiving any available physical evidence
 - iii) taking necessary photographs
 - iv) taking a written statement from the complainant and/or witnesses
 - b) The supervisor receiving the complaint shall provide the complainant with the Civilian Complaint Form, which is to be completed, signed and notarized. The supervisor shall also inform the complainant of the complaint and investigation process.



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- 2) Explaining the Department's Complaint Procedures.
- 3) Providing complaint form(s) and/or complaint filing information and/or giving instructions as to where 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 complaint 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 in the complaint form or in the body of the report.
- 5) 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 which should be provided to the complainant.
 - a) Personnel complaints will not be entered into either the CAD or RMS system
- 6) In no event is a complainant to be told to return at another time, or that no one is available to handle their complaint, unless a complaint is being made against a supervisor and an officer of a higher rank is not available.
 - a) If a Supervisor of the net higher rank 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.
- 7) Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a Supervisor.
- 8) All complaints shall be documented to include the date, time, location, and nature of the



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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.

a) The officer or other employee receiving the complaint shall forward the completed Civilian Complaint Form along with any other documentation or pertinent information to the Chief of Police or his designee for review.

Reference CALEA 26.3.2
Reference CALEA Comm 1.4.3

- 9) Withdrawal of a complaint does not prohibit the Madison Police Department from completing an investigation.
- 10) If complaints are received by mail, all correspondence received containing allegations shall be forwarded to the Chief of Police, or his designee, where they will be officially reviewed. These complaints shall be assigned a Complaint Control Number. 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.
- 11) Walk-in complaints shall be referred to a Supervisor who shall then forward the complaint to the Chief of Police or his 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.
- 12) Telephone complaints shall be referred to a Supervisor, or the Chief's 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 above.



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13) Complaints from the field in which any member of the Madison Police Department 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 the supervisor is unavailable, or the complainant is unable, or unwilling to wait the arrival of the supervisor, the complainant should be informed that he she may respond to the Madison Police Department to make his/her complaint.

The Chief shall review the complaint, and based upon the type of complaint and available information, will determine whether the seriousness of the allegations merits an Internal Investigation, or will direct the preparation of an Administrative Inquiry for further clarification and classification. In general Internal Investigations shall be ordered for:

- Use of excessive force complaints
- Allegations of civil rights violations
- Claims of serious unethical conduct which may or may not be criminal
- As required by other agency policies or by law

If an Internal Investigation is warranted, the Chief of Police shall initiate an Internal Affairs investigation, or forward the investigation to an outside agency. In addition, the Chief shall notify the complainant in writing that he has ordered an Internal Investigation into the matter.

In addition to the above procedure, the Chief of Police may at any time initiate an Internal Investigation based on:

- a matter he has personal knowledge of
- information brought to his attention by a member of the Department
- information brought to his attention by any other source

The Chief shall also record and cause to be investigated, all complaints with respect to violations of §54-1m (detention or search of any person when such action is solely motivated by considerations of race, color, ethnicity, age, gender or sexual orientation). The Chief shall forward a copy of such complaint along with the findings of the investigation to the Office of the Chief State's Attorney pursuant to statutory regulations.



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2.8.6 VALIDITY AND TIMELINESS OF COMPLAINTS

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 investigator should re-interview the person after he or she has regained sobriety.

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 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 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.



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2.8.7 COMPLAINANT WHO FEARS RETALIATION

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 a basis for their concerns, if possible, and the information provided should be noted in the complaint. This will allow the investigator to be aware of those fears and develop reasonable strategies to assist the complainant in dispelling those fears.

2.8.8 INVESTIGATION CONDUCTED AT SHIFT LEVEL

If it has been concluded by the Chief that due to the nature of the complaint, it is to be handled at the shift level, the Chief shall direct that such an investigation be conducted. The Operations Officer shall be assigned to conduct such an investigation. In general, the types of investigations that will be conducted at the shift level include:

- failure to follow procedures
 - slow or no response to calls for service
 - failure to take proper action
 - improper operation of department vehicles
 - tardiness in reporting for duty
 - violations of department dress code
 - poor demeanor or rudeness
- Reference CALEA 26.3.1(a)

Complaints resolved at shift levels shall be forwarded to the Chief of Police, with the submission of a Supervisor’s Observation Report, who shall review all relevant details to ensure appropriate procedures were followed, an adequate investigation was conducted, and an acceptable resolution was reached.

After resolution, the case shall be forwarded to the Chief of Police or his designee, for recording purposes. The complaint shall be logged in the Internal Affairs records and assigned an IA number.



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The Administrative Services Division shall be a resource to commanding officers of other Division or Units in conducting investigations of a less serious nature.

2.8.9 CONDUCT OF INTERNAL INVESTIGATION

The Chief of Police or his designee shall assign an IA case number to each complaint received from the Chief. Pursuant to Article 16, Section 1 of the AFSCME collective bargaining agreement, the Union shall be notified in writing of any disciplinary action or discharge as soon as the employee is notified of said charge(s).

Pursuant to Article 16, Section 2, of the AFSCME collective bargaining agreement, whenever a civilian complaint is made against an employee relating to his conduct as an officer, or the manner in which such officer discharges his/her duties, and such complaint results in a hearing or inquiry, said employee shall, upon request, receive a copy of the complaint within (3) three days and shall be given (3) days notice of such official hearing or inquiry, and shall have the right to be represented and to present witnesses on his/her behalf.

Certain investigations requiring specific expertise may justify assigning other agency personnel on a temporary basis. Such assignments shall be made by the Chief of Police as he determines necessary.

If it becomes apparent during the course of an Internal Investigation that criminal charges could possibly be lodged against an employee, the Chief of Police shall be notified immediately.

Should probable cause exist to substantiate a criminal charge, the Chief shall direct a Commanding officer or request the assistance of an outside agency to conduct a criminal investigation of the matter.

During all criminal investigations involving a member of this agency, liaison shall be maintained with the prosecutor, Superior Court (Assistant State's Attorney for Part A or Part B offenses, depending on the severity of the alleged crime).



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Any criminal investigation will be separate and apart from the internal investigation.

2.8.10 REVIEW OF THE INVESTIGATION

- 1) The Chief of Police or his designee shall review the investigation to determine the thoroughness, completeness, accuracy and objectivity of the investigation.
- 2) The completed report of the investigation, disciplinary recommendation, if any, and the recommended disposition shall be reviewed by the Chief of Police or his designee.
- 3) The complainant shall be promptly notified, in writing, of the status, or disposition of his/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/her chain of command.

2.8.11 COMPLAINT / COMMENDATION PROCEDURES

The Chief of Police, or designee, shall make available to the public, procedures for registering complaints, or commending the department or its employees. This shall be accomplished through the use of the Department's website and information disseminated by the Department. Information shall also be disseminated to all agency employees.

Reference CALEA 26.2.4
Reference CALEA Comm 1.4.12

Frequently, citizens contact the agency with questions regarding a policy, procedure, or tactic used by the department. These are often simple inquiries that may be handled by any member of the department.

When a citizen questions the actions of a member of the agency, the matter shall be referred to an on-duty supervisor who will determine if the matter is merely an inquiry that may be handled



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by providing routine information or if it is a matter that may require an investigation pursuant to this policy.

Reconciliation

The supervisors are encouraged, where appropriate, to attempt reconciliation with the complainant regarding Class B complaints in lieu of filing a formal complaint. The supervisor(s) receiving the complaint may, to the extent possible, meet with the complainant and attempt reconciliation.

Reconciliation may be used in situations where the complaint is a result of a misunderstanding on the part of the affected employee or the complainant, and:

- Does not reflect discredit upon the Department
- Does not reflect discredit upon the officer
- Is not a criminal offense
- Is not racism, bigotry or prejudice against any race, religion, sexual orientation, creed, or national origin or circumstances beyond an individual's control
- Does not preclude further corrective action on the part of the Department

When a complainant agrees that the matter can be reconciled without a formal investigation, the supervisor handling the investigation will notify the Chief of Police, or his designee, of the outcome in writing. The Chief or his designee will send a letter to the complainant informing them of the receipt of the supervisor's memo and to ensure that the complainant is satisfied with the outcome of the investigation. The decision to close the complaint without a formal investigation is limited to the discretion of the Chief of Police. Nothing in these procedures precludes the Chief of Police from proceeding with a formal investigation if he believes one is necessary.

Reconciliation must be documented through the chain of command to the Chief of Police or his designee.



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2.8.12 NOTIFICATION OF EMPLOYEE RIGHTS

Pursuant to Article 16, Section 2, of the AFSCME collective bargaining agreement, whenever a civilian complaint is made against an employee relating to his conduct as an officer, or the manner in which such officer discharges his/her duties, and such complaint results in a hearing or inquiry, said employee shall, upon request, receive a copy of the complaint within (3) three days and shall be given (3) days' notice of such official hearing or inquiry, and shall have the right to be represented and to present witnesses on his/her behalf.

Pursuant to Article 9 of the USPEU collective bargaining agreement, whenever a civilian complaint is filed against an employee relating to his/her conduct as an employee, the employee shall be notified of the complaint and shall be provided with a copy of the complaint within forty-eight (48) hours.

Employee rights shall be governed by this policy and by existing bargaining agreements representing agency employees.

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 an 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.

2.8.13 OUTSIDE AGENCY INVESTIGATIONS

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 Town of Madison and in the best interest justice.

2.8.14 RESOLUTION & DISPOSITION

Complaint Resolution

When the Chief of Police concludes, based on the results of the internal investigation or other independent evidence, that an employee(s) has/have violated a policy, a rule or regulation of



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the Department, or the civil rights of an individual, the Chief of Police shall take action against the employee. Such actions shall be taken in accordance with the authority of the Chief of Police; or the authority granted to the Board of Police Commissioners by law; and the provisions of the labor agreement between the Town of Madison and the AFSCME Council 15 Local 1836, if applicable.

Nothing in this order is to be construed as preventing the Board of Police Commissioners from acting independently of, or in conjunction with, the Chief of Police in pursuing the investigation and disposition of a civilian complaint/internal investigation.

Disposition of Complaints

For each charge or allegation of misconduct or malfeasance which forms the basis for an internal affairs investigation, such charge or allegations shall be classified upon closing 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 a preponderance of the evidence that the misconduct or malfeasance 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



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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 Madison Police Department that he/she wished the investigation to be discontinued and concurrence for this action was obtained front he Chief of Police. Additionally, failure by the complainant to respond to the investigator(s) requests for information or failure to fully cooperate with the investigation may be grounds, in the discretion of the Chief of Police, for a constructive withdrawal of the complaint.
- 7) **Summary Action**: Disciplinary action in the form of an oral reprimand, or counseling documented in writing, was taken by an employee's supervisor or commander for minor violations of department rules, policies or procedures as defined by the Madison Police Department. Summary actions are the lowest level of disciplinary action or remediation.

After review of the investigation by the Chief of Police the matter shall be referred to the Board of Police Commissioners, consistent with the regulations established in this manual.

At the end of the investigation, the investigating officer shall make a "conclusion of fact" for each allegation of misconduct. This conclusion shall be made without regard of the employment status of the investigated employee.

Reference CALEA 52.2.8
Reference CALEA Comm 1.4.9

Acknowledgment of Culpability

At any time during the course of the investigation, the subject employee may elect to submit acknowledgment of culpability or affirmative plea to the charges. Such acknowledgment must be in writing, directed to the Chief of Police.



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Notification of Disposition

Complainant

The complainant, if known, shall be notified in writing of the final disposition of their complaint by the Chief of Police.

Reference CALEA 26.3.4(c)

Defendant

The accused employee shall be notified of the disposition of the complaint in writing by the Chief of Police. This may be in the form of a letter or a personnel memorandum.

Anonymous Complaints

When an anonymous complaint is received concerning the misconduct of an employee, and sufficient information was not supplied by the caller on which to base an investigation that would tend to prove or disprove the allegation(s) made, the record of the complaint shall be retained for a period of thirty(30) days and then be destroyed.

The destruction of the anonymous complaint record is not to be interpreted as preventing the anonymous complainant from coming forth at a subsequent date, identifying themselves, and lodging a new complaint based on the same allegation(s).

2.8.15 NOTIFICATION TO CHIEF OF POLICE REGARDING INTERNAL COMPLAINTS

The Chief of Police shall be notified of all complaints against the Department or its employees. Such notification may be verbally or in writing as determined by the Chief of Police.

The Chief of Police shall be notified immediately in the event a department employee is arrested or charged with a criminal offense or found to be under the influence of alcohol or drugs while on duty. The required notification will be made by the supervisor receiving the report. The supervisor shall ensure that all reports are completed and shall forward copies of those reports



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through the chain of command to the Chief of Police.

Reference CALEA 26.3.2
 Reference CALEA Comm 1.4.3

When an Internal Investigation has been concluded, the results shall be forwarded to the Chief of Police who will determine the appropriate action. The Chief shall notify the complainant(s) and all officers involved in the allegation and advise them of the final disposition in accordance with provision(s) of the existing collective bargaining agreement.

2.8.16 NOTIFICATION TO COMPLAINANT

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

1. The 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 number and/or email) at any time for further information while the investigation is pending.

Reference CALEA 26.3.4(a)

At the conclusion of an Internal Investigation, the Chief of Police or his/her designee shall contact the complainant in the matter and notify them of the outcome of the complaint. In addition, complainants should be contacted periodically by the Internal Affairs Investigator during the course of lengthy Internal Investigations. All such contacts shall be appropriately documented in the investigation file.

Reference CALEA 26.3.4(b), 26.3.4(c)
 Reference CALEA Comm 1.4.5

2.8.17 SECURITY/CONFIDENTIALITY OF INTERNAL AFFAIRS RECORDS

Internal Affairs, Administrative Inquiries, Civilian Complaints and all Department Review records shall be secured in the department's personnel file vault. The Chief, Operations Officer, Administrative Officer and the Administrative Assistant (upon direction from the Chief of Police)



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shall be the only personnel authorized to access these files, except as otherwise required by law. Such files shall be retained in accordance with State law.

Reference CALEA 26.2.2
Reference CALEA Comm 1.4.10

2.8.18 RELIEF FROM DUTY

Supervisors or commanding officers may issue a temporary administrative suspension, with pay, for up to a period of 24 hours to an employee under the following circumstances:

- employee misconduct, personally observed by the supervisor or commanding officer which is extremely serious in nature and/or creates actual or potential harm to the officer or others
- the employee is unfit for duty due to physical or psychological reasons (e.g. intoxication)

Pursuant to the existing bargaining agreement between the Town of Madison and the Madison Police Union, sworn members suspended under this section shall be restored to duty by the Chief within 24 hours of said suspension unless that employee remains unfit for duty. If it becomes necessary to remove an employee from duty for an extended period of time, the Chief of Police shall take the required action pursuant to said agreement.

The Chief of Police may relieve an officer from duty under the following circumstances:

- pending the outcome of an Internal Investigation
- while awaiting testing to determine the officer's psychological or physical fitness for duty
- other circumstances in which it is in the best interest of the department that the employee not be on duty

Reference CALEA 26.3.7
Reference CALEA Comm 1.4.8



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2.8.19 POLYGRAPH USE IN INTERNAL AFFAIRS INVESTIGATIONS

Polygraph examinations will not be administered in internal investigations unless the officer, who is the subject of the investigation, the complainant(s) or any witness, specifically request to be so examined.

Reference CALEA 52.2.6(f)
 Reference CALEA Comm 1.4.7(d)

2.8.20 INTERNAL INVESTIGATIONS – OTHER PROCEDURAL GUIDELINES

1. All procedures of Internal Affairs Investigations shall be governed by the rights and responsibilities in the effective collective bargaining agreement.
2. When an employee becomes the subject of an internal affairs investigation, the agency will issue the employee a written statement of the allegations as well as the employee's rights and responsibilities related to the investigation.
 Reference CALEA 26.3.5
 Reference CALEA Comm 1.4.6
3. When there are indications an employee is on duty under the influence of alcohol or drugs, actions shall be initiated by the employee's supervisor consistent with department rules, regulations, Standards of Conduct, and the appropriate existing bargaining agreement.
4. Employees may be required to participate in a lineup if probable cause exists to believe they are involved in a criminal offense.
 Reference CALEA 26.3.6(d)
5. An employee may be photographed and such may be used to conduct photographic lineups in order to identify an employee accused of misconduct. Any lineup conducted pursuant to this section shall meet the standards required for photographic lineups in criminal investigations.
 Reference CALEA 26.3.6(b)
 Reference CALEA Comm 1.4.7(b)



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6. No employee shall be required or requested to disclose any item of his property, income, assets, source of income, debts, or expenditures (including those of any member of their family or household) unless it becomes necessary for the department to ascertain the desirability of assigning the employee to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered. Additionally, employee may be required to submit financial disclosure statements if such is relevant to an internal and/or criminal investigation.
 Reference CALEA 26.3.6(e)
 Reference CALEA Comm 1.4.7(c)
7. Employees may be required to submit to medical and/or laboratory tests pursuant to the investigation and in accordance with the collective bargaining agreement.
 Reference CALEA 26.3.6(a)
 Reference CALEA Comm 1.4.7(a)
8. Employees may be required to provide their fingerprints pursuant to the investigation and in accordance with the collective bargaining agreement.
 Reference CALEA Comm 1.4.7(a)
9. No such financial information shall become a part of an internal investigation unless that information is obtained under state law or other proper legal procedure.
10. No employee shall have an assigned locker or storage space searched except in their presence or with their consent or unless a valid search warrant has been obtained or when he/she has been notified that a search will be conducted. This section shall not apply under exigent circumstances.
11. Photographs shall be taken of any injuries sustained by an officer or any person as a result of any police action or investigation. The photographs shall be maintained with the appropriate police file.
 Reference CALEA 26.3.6(b)
12. During the investigation, the employee may be subject to audio and video recording.
 Reference CALEA 26.3.6(c)



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13. All forms of communications, including but not limited to: email, voice mail, radio transmissions, written and electronically stored documents shall be attainable by the Department or Town agency upon request of the department in order to determine if Department and/or Town policies have been complied with (see SOP 12.5)

2.8.21 TIME LIMITS FOR INTERNAL INVESTIGATIONS

All internal investigations will normally be completed within sixty (60) days. However, extenuating circumstances may prevent concluding the investigation within this time period. If circumstances indicate that it may take longer to conclude the investigation, the investigating officer will make a written request to the Chief of Police or his designee for an extension. If such is granted by the Chief of Police or his designee, the employee and Police Union will be notified in writing that the investigation will last beyond (60) days. Within ten (10) day of the conclusion of the investigation, the Chief shall make a decision on the disposition of the investigation and notify the employee who was the subject of the investigation and/or issue of the final outcome.

Reference CALEA 26.3.3
Reference CALEA Comm 1.4.4

2.8.22 TRAINING

All Supervisor personnel will trained on the department's Complaint Policy and the responsibility of supervisors conducting internal investigations upon the implementation of this policy.

All Supervisory personnel will receive periodic refresher training, as determined by the department, regarding the policies and procedures contained herein and professionally accepted practices related to conducting internal investigations.



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2.8.23 PUBLIC INFORMATION & ACCESS

Information Regarding the Compliant Process

The Chief of Police will:

- Ensure informational materials are made available to the public through Madison Police Department personnel, the Madison Police Department facility, the Madison Police Department website, the Town of Madison website, the internet, libraries, community groups, community centers and at other designated public facilities.
- Ensure that copies of the policy and complaint forms are available at the town hall or another municipal building located within the Town of Madison, other than the Madison Police Department building itself. This information should include relevant telephone numbers and any addresses where complaints can be made. This information must explain the complaint process in English and Spanish.
- The complaint policy and forms should be made available online.

Annual Report

The Chief of Police or his designee is responsible for maintaining accurate and complete records of all complaints against the department and its employees.

The Chief or his designee will prepare a summary report of the internal investigations that were conducted for the calendar year. The summary shall include:

- Number of complaints received
- Number of complaints sustained
- Number of complaints unfounded
- Types of complaints received



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- Type of action taken on sustained complaints
Reference CALEA 82.2.2(b)

Information regarding complaints against department personnel will be disseminated to the BOPC by the Chief of Police or his designee during BOPC meetings. Additionally, such information may be available on the department's website or available in paper form in the Madison Police Department lobby. Such information may be available to the public and agency employees upon request, pursuant to applicable laws.

Reference CALEA 26.2.5
Reference CALEA Comm 1.4.11