

WOLCOTT TOWN COUNCIL

Regular Meeting

Tuesday, September 6, 2011

Council Chambers, Wolcott Town Hall

7:30 p.m.

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MINUTES

Note: These are summary minutes; a tape recording of this meeting is on file in Commission Secretary's Office in Wolcott Town Hall.

Chairman Santogatta called the meeting to order at 7:30 p.m. with the Pledge of Allegiance, and attendance was taken.

MEMBERS PRESENT: Chairman Michael Santogatta, Vice-Chairman Steven Olmstead, Michael Bokon, Gale Mastrofrancesco, Charles Marsella, Rachel Wisler, Michael Perrone, David Valletta, and Francis Masi

MEMBERS ABSENT: None

ALSO PRESENT: Mayor Thomas Dunn; Linda Bruce, Municipal Finance Officer; Brian Tynan, Town Attorney; Joseph Macary, Superintendent of Schools; Patricia Najarian, Board of Education Chairperson; Todd Bendtsen, Wolcott Public Schools Business Manager; Father Ed Hyland, Chairman, Civilian Police Review Board (CPRB); James Dolan, CPRB Vice-Chairman; Philip Allison, CPRB Member; Richard Mansfield, CPRB Member

APPROVAL OF MINUTES:

▪ Regular Meeting – August 16, 2011

Upon **MOTION** by Francis Masi, seconded by Charles Marsella, it was unanimously voted to **approve** the minutes of the Regular Meeting held on August 16, 2011, with one abstention from Michael Perrone and one abstention from David Valletta.

TAXPAYERS' TIME: (Limited to Items on the Agenda)

No taxpayers came forward.

CORRESPONDENCE (on file):

1. Letter dated August 30th from Town Attorney Tynan regarding the Board of Education's proposed Lease/Finance Agreement for Technology Hardware
2. Letter dated August 31st to Board of Education Chairperson Pat Najarian regarding various items scheduled for the September 6th Town Council Meeting
3. Proposed Technology Hardware Lease/Finance Agreement for the Board of Education (also previously sent on 8-11-11)

MAYOR'S REPORT:

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Mayor Dunn gave a detailed report regarding the plans and preparations that were made by various departments prior to Hurricane Irene, and actions that were taken during and after the storm. He noted that there was excellent cooperation between Public Works and all of the emergency responders. A brief question and answer period followed.

FINANCE OFFICER'S REPORT/TRANSFERS:

Linda Bruce came forward and reported the following:

- On 8-29-11, DEMHS (Dept. of Emer. Management & Homeland Security) requested a pre-assessment of damages due to Hurricane Irene; it was due by close of business on 8-31-11 (2 days); they turned in approximately \$617,000 in damages
- As of last Friday, the auditors did not have any adjustments for General Government

A brief question and answer period followed, during which Mrs. Bruce noted that she does not anticipate receiving the reimbursement for quite awhile, as many municipalities could not comply within the 2 day response period due to the large amount of damage that they received.

SUB-COMMITTEE AND LIAISON REPORTS:

Mr. Perrone requested if the Pension Committee could meet soon, as it's been quite awhile.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

1. Introduction to the Members of the Wolcott Civilian Police Review Board

Father Ed Hyland came forward and spoke about his background as well as the activities that the new Board has been involved in. He introduced the members sitting in the audience and noted that Mr. John Wynne could not attend this evening. He next advised that the Board met many times to discuss and prepare their by-laws, at which time he submitted a hand-out to the Council (**see attached**). He stated that he feels there is almost no need for this Board due to the fine Chief of Police that they currently have. He noted, however, that the Board is ready if a complaint comes in. Lastly, he stated that if anything comes before their Board, they will do their utmost to be fair to all parties involved.

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The Council thanked Father Hyland for everything that the Board is doing.

2. Reconsideration of Authorization for the Board of Education to Enter into a Multi Year Technology Hardware Lease/Finance Agreement

Joseph Macary, Patricia Najarian, and Todd Bendtsen came forward, at which time Chairman Santogatta advised that they already went through the issues with the proposed lease with the Technology Manager for the schools at the last Council meeting. Chairman Santogatta noted that at the last meeting the lease had not yet been reviewed by the Town Attorney. Attorney Tynan advised that he has since reviewed the lease and submitted a letter to the Council recommending its approval (**see attached**).

A **MOTION** was offered by Francis Masi, seconded by Gale Mastrofrancesco to **reconsider** and **approve** the Authorization for the Board of Education to Enter into a Multi Year Technology Hardware Lease/Finance Agreement.

Discussion followed with regard to the computers having already been ordered and received prior to the lease being approved by the Town Council. Mr. Macary stated that the issue is that they have to go out to bid twice and they want to get the computers into the schools before the first day of school. He noted that they wait until the Town Council approves their budget before they go out to bid. Chairman Santogatta stated that he sees no reason why they cannot go out to bid, or look for authorization before their budget is approved. Mr. Macary noted that he certainly did not want it to appear as if they were circumventing the Town Council prior to the finalization of their budget. He said he has no problem starting the bid process earlier as long as there is a clear understanding between them all. Mr. Bendtsen noted that it would also mean that the Council would be authorizing a lease before the lease documents were even prepared or reviewed by the Town Attorney. He added that they will all have to work together moving forward.

Chairman Santogatta called for a vote on the above motion, which **carried** unanimously by voice vote.

3. CMT Testing Update – Superintendent of Schools

Chairman Santogatta advised that it was requested that the above item be placed on the agenda due to the recent headlines in regards to standardized testing.

Mr. Macary stated that with all due respect, this item does not belong on the Town Council's agenda. Per State Statutes, it is the Board of Education that runs the schools. He stated that he will be giving a detailed report to the Board of Education at their meeting on September 12, 2011. Mrs. Najarian advised that

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the Board of Education has not yet had the opportunity to hear the Superintendent's presentation, and added that it will also be televised. Brief discussion and comments followed.

ITEMS FOR NEXT AGENDA:

Chairman Santogatta noted that they will need to schedule a workshop with respect to appointing some building committees to oversee the various projects recently approved at the referendum; they will work with the Mayor on this.

Chairman Santogatta advised that if anyone has any items to please contact himself or the Clerk.

TAXPAYERS' TIME:

No taxpayers came forward.

EXECUTIVE SESSION:

No Executive Session was held.

ADJOURNMENT:

Upon **MOTION**, by Michael Perrone, seconded by Michael Bokon, it was unanimously voted to **adjourn** the meeting at 8:16 p.m.

APPROVED:

Elizabeth Gaudiosi, Secretary
WOLCOTT TOWN COUNCIL

Michael J. Santogatta, Chairman
WOLCOTT TOWN COUNCIL

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August 30, 2011

Chairman Michael Santogatta
Wolcott Town Hall
10 Kenea Avenue
Wolcott, CT 06716

RE: Lease Financing of Technology Hardware 2011

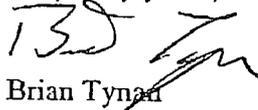
Dear Chairman Santogatta and Members of the Wolcott Town Council:

I have obtained a copy of the proposed Contract with Sun Trust Equipment Financing Lease Incorporation for the Lease financing of PC's, laptops and necessary hardware and software.

The Contract as whole is acceptable to me as to form. I understand that this has been approved by the Board of Education however the Town Council does need to approve the Contract as it exceeds \$150,000.00 and will overlap fiscal years.

After reviewing the Contract I have very few concerns and therefore I would request that the Town Council accept the Contract as presented.

Very truly yours,


Brian Tynan

BT/an

TOWN OF WOLCOTT

CIVILIAN COMPLAINTS RULES AND REGULATIONS FOR CIVILIAN POLICE REVIEW BOARD INVESTIGATION OF CIVILIAN COMPLAINTS

1. Any person has the right to file a complaint against any member of the Wolcott Police Department.
2. Citizen complaint forms are available at the Wolcott Police Department and Town Hall. Citizen Complaint forms must be written and signed.
3. Any complaint filed with the Civilian Police Review Board shall not initially be the subject of a Civilian Police Review Board investigation, but shall be referred to the Chief of Police for further action in accordance with this regulation.
4. Verbal complaints presented during public participation at a Civilian Police Review Board meeting ~~will not be discussed~~ during public participation. The complainant will be instructed to file and sign a citizen complaint form, which will then be dealt with as provided by this regulation.
5. All citizen complaints filed with any Town Official shall be delivered forthwith to the Chief of Police, Mayor and/or Civilian Police Review Board.
6. In the event that a complaint is filed against the Chief of Police or the Deputy Chief of Police, such complaint shall be immediately delivered to the Mayor who shall be responsible for conducting the initial investigation. The Mayor shall, during his investigation of any such complaint, keep the Civilian Police Review Board informed, of the progress and the results of such complaint. An appeal from the determination made during that investigation shall be governed by the Appeal Process section of this Regulation.
7. The Chief of Police shall maintain an official record of all civilian complaints. The official record shall be available for inspection by the Mayor at any time and shall be available for inspection by the Civilian Police Review Board.

COMPLAINT PROCESS

All citizen complaints (except those alleging potential criminal conduct) shall be reviewed and subject to a preliminary investigation by the Chief of Police. The Chief of Police shall, as soon as practical, but in no event later than sixty (60) days after the complaint is filed respond to the Complaint.

Any citizen complaint that contains a report of conduct that could, if substantiated constitute a violation of criminal statute and/or serious motor vehicle statute, shall not be placed in the official records of civilian complaints but shall be the subject of a criminal

investigation by an appropriate law enforcement agency. The Chief of Police shall immediately notify the Mayor of any such citizen complaint together with a general plan with respect to investigation of the complaint. An alleged violation of the penal code shall be referred to the local State's Attorney's Office for the Judicial District of Waterbury.

APPEAL PROCESS

In the event that a complainant is not satisfied with the investigation of the complaint by the Chief of Police or the Mayor, the complainant has the ability to appeal the complaint to the Civilian Police Review Board. This appeal must be in written form, signed and submitted to the Chairman of the Civilian Police Review Board. At no time will an appeal be heard during public participation at the Civilian Police Review Board meeting.

The Civilian Police Review Board, upon receipt of an appeal, and the report and recommendation by the Chief of Police, may vote to dismiss the complaint, request additional information or proceed with an investigation. Upon the conclusion of such hearings, the Civilian Police Review Board shall report its recommendations or findings, if any, to the Mayor and the Police Chief for appropriate action.

The hearing process on an appeal to the Civilian Police Review Board shall be governed by the following general rules:

1. The appeal will be heard in an executive session of the Civilian Police Review Board unless the Respondent requests that the appeal be heard in an open session of the Civilian Police Review Board
2. The Respondent shall have the right to be represented by counsel and to cross examine witness against him/her.

Once the Civilian Police Review Board's recommendation following the hearing is made to the Mayor and Police Chief pursuant to the Charter, the Mayor or Police Chief shall report back to the Civilian Police Review Board, in Executive Session, on the ultimate resolution of the matter.

Wolcott Civilian Review Board

10 Kenea Av.

Wolcott Connecticut 06716

Citizen Recognition / Complaint Form

Instructions:

1. Complete this form with as many of the known details as possible. You may leave unknown lines blank.
2. Mail the completed form to the Wolcott Civilian Review Board, 10 Kenea Av. Wolcott Ct. 06716.
3. You will receive a letter in the mail indicating receipt of your complaint/recognition.

COMPLAINANT INFORMATION

LAST NAME	FIRST NAME	M.I.	DATE OF BIRTH
HOME PHONE	WORK PHONE	OTHER CONTACT NUMBER	
ADDRESS	TOWN/CITY	STATE	ZIP

OFFICER(S) INVOLVED

OFFICER'S NAME	BADGE #	CAR #
OFFICER'S NAME	BADGE #	CAR #
OFFICER'S NAME	BADGE #	CAR #

WITNESS INFORMATION

LAST NAME	FIRST NAME	M.I.	PHONE
ADDRESS	TOWN/CITY	STATE	ZIP
LAST NAME	FIRST NAME	M.I.	PHONE
ADDRESS	TOWN/CITY	STATE	ZIP

INCIDENT DETAILS – PLEASE BE AS SPECIFIC AND DETAILED AS POSSIBLE

SEC. 408A CIVILIAN POLICE REVIEW BOARD

(a) **General:** There shall be a Civilian Police Review Board (CPRB), which will receive, investigate and make appropriate recommendations to the Mayor and Chief of Police of the Town of Wolcott regarding complaints of citizens not excluding employees of the Police Department, against members of the Wolcott Police Department and/or civilian employees thereof.

(b) **Powers and Duties of Board:** The CPRB shall be notified by the Mayor's Office, the Chief of Police and or any individual member of CPRB of any and all complaints against members of the Wolcott Police Department and/or civilian employees thereof whether such complaints be written, oral or anonymous.

The CPRB shall be provided with all police documents, reports, electronic transmission, videotape and any other transcriptions related to any civilian complaint. (The Chief of Police may take appropriate actions to maintain the security of police documents, reports, electronic transmissions and videotape reviewed by CPRB) The CPRB may request the Chief of Police conduct appropriate internal affairs investigations of serious complaints against members or civilian employees of the police department. The CPRB shall review the conclusions of any internal affairs investigation of a complaint prior to any disciplinary action being taken and recommend further investigation to the Chief of Police if appropriate. The CPRB may request written statements made under oath through the Chief of Police from any member or civilian employee of the department and of the complainant in order to fully investigate any complaint. The CPRB shall make a written report of their investigation and findings and their recommendation as to discipline to be taken if any regarding all complaints, when appropriate, to the Mayor and Chief of Police, however, the CPRB shall not have authority to impose discipline. The Chief of Police and/or Mayor, where appropriate, shall make the decision regarding discipline. The Chief of Police and/or Mayor shall explain his or her disciplinary action in writing for each complaint if different from the recommendation of the CPRB.

(c) The Civilian Police Review Board shall consist of five members, no more than three of whom shall be members of the same political party.

(i) **Town Council Representative:** One Town Council member shall serve as a liason to the CPRB.

(ii) **Appointments; term of office.** No later than January 1, 2011, the Mayor with Town Council approval shall appoint five (5) members for a term of two (2) years and thereafter, in accordance with Section 401.

(iii) **No Compensation.** Members shall serve without compensation.

(d) Organization of Civilian Police Review Board: During January 2011 and January of each odd numbered year thereafter, the Board shall select from among its members a chair, vice chair and such other officers as it may desire.

(i) Secretary and record keeping. The Mayor shall appoint a secretary to the Board which secretary may not be a member of the Board. The Town Clerk shall act as record keeper for the Board.

(ii) Meeting Schedule. The Board shall meet no less than two times per year. The organizational meeting shall be no more than 30 days after the appointment process of each term.

(iii) Authority and actions of members. No member shall have any authority to act on behalf of the Board except pursuant to an order regularly made at a meeting of the Board.

(iv) Quorum and voting requirements. Three members shall constitute a quorum and a concurrent vote of no fewer than three members shall be necessary for the transaction of business.

(v) Public meetings and public participation. All meetings, except executive sessions, as defined in the State Freedom of Information Act or any successor thereto, shall be public. At the start of each regularly scheduled public meeting the Board shall allot a minimum of 15 minutes for public speaking, with a minimum of three minutes per speaker.

(vi) Bylaws. The Board shall have the power to adopt its own bylaws for the conduct of its business accordance with the provisions of this code.

WOLCOTT POLICE DEPARTMENT
CHAPTER 104 ADMINISTRATIVE SERVICES

ARTICLE 2 - INTERNAL AFFAIRS

2.1 Internal Affairs

- I. PURPOSE:** The purpose of this Internal Affairs policy is to provide citizens with a fair and effective avenue for the redress of their legitimate grievances against members of the Wolcott Police Department. In addition, this policy provides protection to Police Department members from false allegations of misconduct and provides them with due process safeguards.

- II. POLICY:** It is the policy of the Wolcott Police Department that an Internal Investigation system is in effect. This procedure ensures objectivity, fairness, and justice by an impartial investigation and review, whereby maintaining the integrity of the Police Department.
 - A. All complaints against members of the Wolcott Police Department will be received, investigated and forwarded to the Chief of Police for further determination as to appropriate action to be taken.

 - B. ~~Complaints may be made by any individual~~ Complaints may be made by any individual in person, by mail, fax, or telephone on a 24-hour basis to any member of this Department. Complainants shall be encouraged to complete a complaint form, but may remain anonymous if they choose and are not mandated to submit their complaint in writing.

 - C. All personnel receiving complaints will be courteous, responsive, helpful, and will adhere strictly to this policy.

 - D. Nothing in this procedure will preclude the Chief of Police or his designee from enacting a proactive internal investigation without a complaint.

 - E. All investigations will normally be conducted by a supervisory officer assigned by the Chief of Police or his designate.

 - F. The Chief of Police will have overall responsibility for the Internal Affairs function within the Wolcott Police Department.

 - G. Members accepting complaints from the public, which may result in disciplinary actions against an officer, should advise the complainant to have their complaint notarized.

ARTICLE 2 - INTERNAL AFFAIRS

2.1 Internal Affairs

III. PROCEDURES:

A. Complaints from Sources Outside the Department

1. By mail, e-mail, Fax:

All correspondence received containing complaints against members of this Department will be forwarded to the Chief of Police. The Chief of Police will then ensure that:

- A letter of acknowledgement is sent to the complainant assuring that the complaint has been received and is under investigation;
- A supervisor is assigned to begin a preliminary investigation.
- The receipt of the complaint complies with the existing Collective Bargaining Agreement.

2. Walk-in or telephone complaints:

All walk-in and telephone complaints will be directed to the Shift Commander, or in his absence, another superior officer.

3. In the field:

Any Police Department member approached by a complainant expressing allegations of police misconduct will direct the complainant to contact the Field Supervisor or in his absence the Shift Commander by phone or in person.

- An officer contacted will also notify the Field Supervisor or in his absence the Shift Commander of the complaint.
- If a supervisor is approached in the field, he will handle the complaint as if it were a walk in complaint.

4. Lawsuits and civil rights complaints:

As soon as the Department receives notification of intent to sue, a civil rights violation, or other similar legal action, the Chief of Police or his designate may initiate an Internal Affairs investigation, if deemed appropriate. He will also ensure that the Town Attorney and Mayor are notified.

B. Preliminary Investigations:

1. The Shift Commander who receives the complaint will gather enough information to provide a competent written report to the Chief of Police as to the nature and seriousness of said matter. The Shift Commander will gather enough additional information to determine the course of the investigation. This may include:

- Gathering of statements, evidence, or photographs;

ARTICLE 2 - INTERNAL AFFAIRS

2.1 Internal Affairs

- The Shift Commander may ask a subordinate to explain their actions and may require a supplement be completed relative to the incident to help in the guidance of the investigation.
2. In some cases, what initially appears to be a complaint may only be a lack of understanding of what occurred. By listening and giving a responsive explanation of the activity in question, the concerns of the citizen or employee may be resolved.
 3. Nothing in this order is intended to prevent complaints from being resolved at the initial supervisory level.
 - In many cases, minor complaints can be resolved quickly, to the satisfaction of the complainant and the supervisor by contacting the officers involved and re-contacting the complainant with an explanation. In such cases, a written report will document the investigatory steps taken and any other important aspects of the complaint. All reports will be forwarded to the Shift Commander for review and filing.
 - Supervisors should keep in mind that if at all possible, officers should be interviewed while on duty. If there is some urgency requiring an immediate interview, off duty officers called into Headquarters will be paid overtime per union contract. The Shift Commander will be called prior to any off duty officer being called in for this purpose.
 4. Where a supervisor becomes aware of a situation or information that would constitute a complaint, the fact that a citizen does not wish to complain does not necessarily resolve the matter. In such cases, the supervisor must consider the seriousness and circumstances of the incident. If appropriate, the supervisor will initiate a complaint and forward a written report to the Shift Commander. The final decision to initiate an internal affairs complaint will rest with the Chief of Police.
 5. The supervisor who completes a complaint report will indicate a recommendation as part of the investigatory narrative. For example, if the supervisor believes they have resolved the incident with the complainant, and no further action is necessary, they will make that recommendation and support it with a narrative. The narrative must include how the complaint was resolved.
 6. The following complaints must be referred to the Chief of Police for further internal affairs investigation:
 - Corruption;
 - Brutality;
 - Misuse of force;
 - Violation of civil rights;
 - Criminal misconduct.

ARTICLE 2 - INTERNAL AFFAIRS

2.1 Internal Affairs

7. The Shift Commander, when he believes that an Officer is psychologically or physically unfit to perform their job assignment, or should be immediately relieved of duty for administrative reasons, i.e. officer involved shooting, will notify the Chief of Police or his designee. The Shift Commander will inform the Chief of Police or his designee of all the facts pertaining to this matter. The Chief of Police or his designee may relieve the Officer from duty pending a further investigation. In addition, a report will be made out which will include the circumstances that led the Shift Commander to recommend this action.

C. Forwarding of the Complaint:

1. The completed complaint form or report and any attached documents will be forwarded to the Chief of Police. The Chief of Police or his designate will be verbally informed of the allegation of misconduct contained within the complaint as soon as possible.
 - When appropriate and practical, the employee who is the subject of the complaint will be advised as to the nature of the complaint and investigation.
 - Exceptions to the notification procedures in this section may be necessary when the complaint is of a serious criminal nature and such notification would hinder the criminal investigation or any serious internal matter where release of information or notification would interfere with the investigation process.
2. If the complaint is not resolved by the Shift Commander receiving the complaint, he will tell the complainant that a follow up investigation will take place and that they may be re-contacted concerning the investigation and will later be advised of the disposition.
3. The Chief of Police will review all complaint reports and will assign a supervisor to conduct the internal investigation when deemed appropriate. Internal Affairs will assign each case an IA case number. The IA case number will then be entered into the IA case number log which will be kept in the office of the Chief of Police.
4. Within 2 business days of the receipt of a complaint, the Chief of Police will cause a letter to be sent to the complainant acknowledging that their complaint has been received and is under investigation as well as notifying the complainant of the name and rank of the individual assigned to conduct the investigation. The supervisor assigned to investigate the complaint will periodically keep the complainant informed of the status of the investigation.
5. All citizen complaints and connected reports, whether resolved at the lowest level or assigned for follow up investigation, will be maintained in a secure file cabinet in the Office of the Chief of Police.

ARTICLE 2 - INTERNAL AFFAIRS

2.1 Internal Affairs

D. Internal Affairs Investigations:

1. As with any investigation, timeliness is a critical factor. This is especially true for personnel complaints. For the benefit of the employee involved, the complainant, and the Department, the investigation of complaints against personnel is to be considered a priority item by the assigned investigator.
2. If in the course of the investigation, criminal misconduct is discovered, the internal affairs investigator will immediately notify the Chief of Police. If a criminal investigation is to be conducted, a separate supervisor will be assigned to investigate the alleged criminal misconduct. The Chief of Police may within his discretion determine that the administrative investigation should not commence until the conclusion of the criminal investigation.
3. If the Shift Commander believes that a complaint may be criminal in nature, he will notify the Chief of Police or his designee immediately. The Wolcott Police Department will maintain a liaison with the State's Attorney's Office to aid in any legal advice as well as case preparation.
 - If the complaint is suspected of being criminal in nature, the supervisor will, prior to interviewing the subject employee, advise the employee that the matter is criminal in nature and is being investigated as such.
 - If the complaint is not criminal in nature, the investigator will advise the employee of their rights under the Garrity decision utilizing the Garrity Warning Form. In this situation, the employer may demand an answer even though the answer may tend to or does incriminate. If the employee refuses to answer or supplies false information, the employer may discipline an employee on the basis of their answers or for refusing to answer, up to and including termination. Any statements given by the subject employee under Garrity will not be admissible in criminal prosecution.
4. Written statements are encouraged from citizens as well as employees.
5. If a citizen refuses to sign or complete a written statement, the investigator will proceed with the investigation as best as he can.
6. When the investigation is completed, the investigator will submit the information to the Chief of Police with conclusions.
7. The following procedural guidelines will be followed:
 - When there are indications an employee is on duty under the influence of alcohol or drugs, they shall be immediately relieved from duty and sent for a physical examination to determine their fitness for duty.

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2.1 Internal Affairs

- Photographs of all agency employees shall be maintained in the Office of the Chief of Police. The photographs may be used to conduct photographic lineups in order to identify an employee accused of misconduct.
- An employee may be directed to participate in a line up.
- Nothing in this policy will preclude the Chief of Police from calling in an outside agency (i.e. State's Attorney) to assist or conduct the investigation.

E. Receiving Complaints from Employees about Co-workers

1. Consistent with the philosophy of maintaining a professional law enforcement organization, it is the duty of any employee becoming aware of misconduct on the part of another employee to report the misconduct to their supervisor.
2. Supervisors who become aware of misconduct on the part of a subordinate will utilize the procedure set forth under Procedures section A. Complaints by employees about other department employees will be handled by officers of a supervisory rank. As with civilian complaints, written reports will be completed.

F. Disposition:

1. The Chief of Police will determine if discipline is warranted and if so, the nature of the discipline. The determination may be based on the finding of the investigating officer. If the decision is that formal discipline is not appropriate, yet the complaint was sustained or misconduct was noted, other alternatives to improving employee performance are to be considered.
 - Further training may be determined to be appropriate for the employee. Records of his retraining will go into the IA file and in the officer's training file.
 - Counseling may also be a viable alternative.
2. The investigator will be a finder of fact for each allegation.
3. The Chief of Police will determine the final disposition of all complaints and allegations.
4. Within 10 business days of determining the final disposition, the Chief of Police or his designate will notify the complainant as well as the subject officer of the findings of the investigation.
5. Dispositions for each allegation will be selected from the following:
 - Exonerated - The acts which occurred were justified, lawful, and proper.
 - Unfounded - The investigation indicates the acts complained of did not occur.
 - Not Sustained - The investigation fails to clearly prove or disprove the allegations.

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2.1 Internal Affairs

- Sustained - The investigation discloses sufficient evidence to clearly prove the allegations made in the complaint.
6. An employee who may be found guilty of charges and subjected to punitive measures or discharge will only have such action taken for just cause. Employees will have the right as provided in the union contract, to appeal such decision through the grievance procedure including arbitration.

G. Time Constraints:

1. The completed complaint form or report and any attached documents will be forwarded to the Office of the Chief of Police. These items should reach the Chief of Police no later than 1 business day after the complaint is received. If this is not possible, the Chief of Police or his designee will be verbally informed of the allegation of misconduct contained within the complaint. In addition, if the complaint is of a very serious nature or criminal in nature, the receiving Shift Commander will contact the Chief of Police by phone as soon as possible after receiving the complaint.
2. When appropriate and practical, the employee who is the subject of the complaint will be advised as to the nature of the complaint and investigation within 7 business days, unless the complaint is of a criminal nature or a serious internal matter and such notification would hinder the criminal or administrative investigation.
3. Investigations will be completed in a timely manner. It is recognized that each investigation is unique and differ with regard to complexity, witness availability, evidence gathering, and other extenuating circumstances. Investigations that cannot be completed in a timely manner should be brought to the attention of the Chief of Police who will determine the time constraints of said investigations.

H. Employee Rights:

1. All officers should be aware that they have the following rights during an internal investigation:
 - An officer has the right to the presence of a readily available Union Representative whenever he is requested or required to give a statement that could result in discipline or discharge. Unless he requests the presence of a Union Representative, he will be deemed to have waived that right. (Weingarten)
 - Prior to an officer's interview, an officer may review any civilian complaint made against them.
 - Prior to or during an officer's interview, he may review any reports or statements he may have made on the subject of his interview.

ARTICLE 2 - INTERNAL AFFAIRS

2.1 Internal Affairs

- During an officer's interview, to the extent possible without interfering with the investigation, he may consult with his Union Representative in the absence of the interviewer.
- An officer may be interviewed regarding his off-duty behavior, when his off-duty behavior involves action, which either reflects negatively on the image of, or has any negative effect on, the Wolcott Police Department.
- Prior to or during an officer's interview, officers may invoke their 5th Amendment right when they have reason to believe their action involves criminal conduct. However, the 5th Amendment cannot be invoked and officers may not refuse to answer questions pertinent to, and strictly and narrowly confined to the performance of their police duty. (Garrity)

I. Internal Affairs Procedures:

1. Normally, investigations that can be resolved at the first line level will proceed as follows:
 - Receiving Shift Commander will make a preliminary investigation gathering enough information to provide a competent written report as to the nature and seriousness of said matter, which will determine the course of the investigation.
 - When appropriate, the subject officer is notified.
 - Investigation report is completed including how the complaint was resolved. If the complainant was advised that the incident would be discussed with the officer, include this in the report.
 - The report is forwarded to the Chief of Police.
2. The Chief of Police either concurs with the resolution or initiates an IA investigation.
3. If an investigation is deemed necessary, a supervisor will be assigned. The subject officer and complainant are to be notified within proper time constraints of the initial complaint.
4. The complainant and the Officer who is the subject of the internal investigation will be notified of the resolution when such investigation is completed.
5. The Chief of Police will ensure that all members of the Department receive updated copies of any changes to this policy.

ARTICLE 2 - INTERNAL AFFAIRS

2.1 Internal Affairs

J. Documentation

1. All complaints against employees are considered confidential and shall be kept in a secure location within the Chief of Police office. Only Internal Affairs, the Chief, Deputy Chief, and Legal Advisor may have access to the files. Others must have the written consent of the Chief of Police.
2. On an annual basis the Commander of the Internal Affairs Division shall compile a statistical summary based upon records of IA investigations. This summary shall be provided to the Chief of Police.