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***AN INDEPENDENT REVIEW:***

**CITY OF HARTFORD, CONNECTICUT  
POLICE DEPARTMENT INTERNAL AFFAIRS DIVISION**

**Prepared for:  
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**Privileged and Confidential  
Attorney Work Product**

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## INTRODUCTION AND SCOPE OF WORK

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Marcum LLP (“Marcum”) was retained by Sandra Kee Borges, Corporation Counsel of the City of Hartford (“City”), to conduct an independent review of the operations of the Hartford Police Internal Affairs Division (“IAD”). Additionally, we were asked to conduct a fact finding as to whether or not:

- *Lieutenant Neville Brooks, in his role as Commander of the Internal Affairs Division of the Hartford Police Department, unfairly targeted Assistant or Deputy Chiefs for investigation.*
- *Certain Assistant Chiefs or Deputy Chiefs of the Hartford Police Department retaliated against Lieutenant Brooks for what they perceived as unfair targeting by him.*

The purpose of the engagement was for Marcum to perform certain services and consult with Corporation Counsel to assist with formulating her legal strategy and advising her client, the City, as to current pending litigation.

## METHODOLOGY

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The investigation consisted primarily of interviewing individuals, both internal and external to the City of Hartford Police Department (“HPD”), and reviewing various records, documents and reports. During the course of the investigation, where possible, the investigators attempted to obtain corroboration of certain facts from multiple sources. The credibility of the information gathered was reviewed using several factors, including, but not limited to:

- Source of the information;
- Witness’ basis of knowledge;
- Existence of corroborating information;
- Period of time, if any, between certain events and the date of any reported complaint relating to those events;
- Motivation of those providing information; and
- Ordinary experience and common sense of the investigator.

More specifically, in excess of 330 work hours have been completed to date. We have interviewed more than 45 individuals, some of whom have been interviewed on multiple occasions.

***Additional tasks included:***

- Review of relevant email communications;
- Review of the City of Hartford Police Department Policy and Procedures;
- Review City of Hartford Policy and Procedure Employee Assistance;
- Review of the Hartford Police Department Code of Conduct;
- Review of various Hartford Police Department Union grievances as they pertain to IAD;
- Review of the numerous Police documents, reports and written memoranda of various individuals;
- Review of IAPro tracking and various IAD case files and process;
- Review of the City of Hartford's Policy on Internal Affairs and Citizens Complaints;
- Review of 2008 Consultant's Audit Report of Internal Affairs;
- Review of electronic access records to the IAD complex;
- Meetings with Chief Roberts and all Assistant and Deputy Chiefs; and
- Meeting with Hartford Police Department Union members.

## ***SUMMARY OF FACTS AND FINDINGS***

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### **REVIEW OF THE INTERNAL AFFAIRS DIVISION**

Understanding the role and responsibilities of the Internal Affairs Division and its Commander in the context of this investigation is critical. Additionally, it is important to understand the hierarchy of the Hartford Police Department. At the time of this review, Command Staff of the Hartford Police Department consisted of three Assistant Chiefs and two Deputy Chiefs<sup>1</sup>. The Commander of the Internal Affairs Division is a Lieutenant position in charge of five-six people in the IAD. The rank of Commander is below that of Assistant Chief and Deputy Chief, but the Commander of IAD reports directly to the Chief of Police. The various written procedures seem consistent in that the Commander of the IAD is charged with the following responsibilities:

1. The IAD Commander evaluates and refers for investigation all Class A complaints (complaints of a serious nature).
2. At the discretion of the IAD Commander, complaints (Class A) of a less serious nature may be referred to individual commanders for investigation.

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<sup>1</sup>During the course of this review, one Assistant Chief position has been eliminated. As of the date of this report, the current Command Staff consists of Assistant Chief Heavren, Assistant Chief Horvath, Deputy Chief Ciesinski, and Deputy Chief Sansom.

3. Class B complaints (those of a less serious nature, such as poor or slow service, etc.) will be referred to the involved employee's Bureau Commander. Commanders must review Class B complaints and provide findings and recommendations except in cases referred to the Investigative Review Board. In those cases, the commanders will review the file for completeness and accuracy, but will refrain from making any findings or recommendations.
4. Complaints by mail alleging a Class A category of complaint shall be forwarded to IAD where they will be officially received.
5. Time limits are set for the investigation and completion of the investigations.
6. All citizen complaints shall be logged in by IAD by use of the IAPro computer program (a commercial software program designed specifically to track Internal Affairs complaints and investigations). All Internal Affairs personnel shall be trained in the use of the IAPro software program.
7. The Commander of the IAD reports directly to the Chief of Police.

Our review of the IAD and internal investigative process, at least over the past several years, identified several primary findings, discussions of which follow.

- **During the past several years, management oversight of the IAD was lax and at times nonexistent. Management of the IAD is the direct responsibility of the Commander and his direct supervisor, Chief Roberts. Our review found missing files, incomplete cases, sporadic attendance, missed deadlines and a number of incidents of non compliance with the recent Settlement Agreement of Cintron v. Vaughn.**

***Management was aware of the potential for problems in IAD:***

Chief Roberts was made aware of the potential for non compliance as far back as November of 2009. Then Assistant Chief Dryfe advised Chief Roberts that Lieutenant Brooks, Commander of Internal Affairs, did not properly document cases and that he failed to fully and properly investigate complaints. (*See Exhibit 1*) Dryfe opined that it was entirely possible that Lieutenant Brooks had an attitude towards internal affairs investigations and misconduct by officers that was incompatible with the Department's commitment to the citizen complaint process. Assistant Chief Dryfe was extremely concerned that Lieutenant Brooks' processing and investigation of citizen complaints would not be acceptable under the *Cintron* agreement. No action was taken by Chief Roberts.

### ***IAD Investigations Exceeded Time Deadlines and Some Files are Missing:***

In conducting this inquiry, we reviewed a random sampling of thirty four (34) internal investigative files for consistency, appropriateness and completeness, focusing mainly on those files created after February 2010, the latest settlement date of the Cintron v. Vaughn Agreement. This review showed that virtually all citizen complaint investigations did not meet the administrative deadlines mandated by the recent Cintron Agreement settlement. The Agreement requires, in pertinent part, that: *“investigation of a citizen complaint shall be concluded within sixty (60) days of receipt of the complaint by the Internal Affairs Division.”* The Complainant shall be notified within fifteen (15) days of the conclusion of the citizen complaint investigation. There is also a provision and procedure for extending the sixty (60) day requirement if circumstances cause a delay beyond the sixty (60) days. While we noted that all the IAD investigators appear to have completed all investigative tasks within the required sixty (60) day deadline, many of the completed cases would apparently languish on Lieutenant Brooks’ desk for significant amounts of time before being reviewed and sent to Chief Roberts. When finally reviewed, it was not uncommon for many to be done all at once. Oftentimes, several additional months would elapse before cases would be closed, in apparent conflict with the Cintron Agreement.

Additionally, there appear to be files missing from the IAD and some complaints were apparently assigned to investigators who were not aware of having those cases assigned to them. Investigators that have been transferred from IAD maintain several open files and some files have not been returned to date. Others were allowed to remove files from the complex. There is at least one open file still in possession of an individual no longer employed at HPD. A review of investigations revealed no documents for a number of the open investigations. Because reports, photos, recordings and other documents were not entered into the software system, IAPro as required, no electronic case files were available for some complaints. Therefore, we are unable to ascertain whether or not investigative tasks were even completed. A brief summary of Open Investigations as of June 2011 shows the following:

- 2008 – 5 complaints were still open investigations – no missing files
- 2009 – 33 complaints were still open investigations – 7 files missing
- 2010 – 10 complaints were still open – no missing files

The practice of removing files from the IAD complex must cease. Cases should be transferred to new investigators when personnel leave IAD. We were told that all of the 2010 open complaints would be completed by October 1, 2011. The open cases should be completed as soon as possible.

### ***Completed Investigations Were Not Reviewed by Division and Bureau Commanders:***

At one time, all completed IA investigations were delivered to Assistant or Deputy Chiefs who were responsible for the employee under investigation for their review and comment prior to going to Chief Roberts. However, shortly after then Deputy Chief Horvath sent several memos to Chief Roberts in August 2009 and Assistant Chief Dryfe complained about Lieutenant Brooks' management of certain investigations in November 2009, the Command Review process stopped. We were told that Lieutenant Brooks urged Chief Roberts to discontinue this review since he reported directly to Chief Roberts. Completed investigations after this point were reviewed by Lieutenant Brooks and Chief Roberts only. It is highly recommended that the Command Review process be re-instituted.

### ***Investigations Were Limited:***

Prior Commanders of IAD instituted the generally accepted practice of expanding the investigation beyond the “four corners” of the citizen’s complaint allegation. However, we were told that Lieutenant Brooks did not seem overly concerned with finding misconduct not relating to the original complaint. Such findings will many times be found during an IA investigation and should be investigated and acted upon. It seems that there exists a perception that only those matters that were contained within the original complaint should be investigated. Brooks admitted that the number of sustained complaints dropped during his tenure as Commander of IAD.

We do note that there were complaints about previous Commanders of IAD going too far in investigating beyond the original complaint. A balance should be struck between investigating all issues involving the substance of the complaint without looking into ancillary and unrelated violations of other policies. It does not appear that this balance has been achieved.

The citizen’s complaint should be considered by the Department as an opportunity to review the employee’s encounter with the citizen and evaluate whether policy, training and safety issues were used by the employee. Most of these are issues the average citizen would not have any information about.

### ***Class B Complaints Were Not Referred to Field Supervisors:***

Lieutenant Brooks developed a practice of keeping all Class B complaints, which are less serious in nature, within the IAD rather than refer them to the field for investigation by field supervisors, in conflict with HPD General Orders. There are suppositions that this occurred because it would raise suspicions to refer already past due issues back to the field for investigation. As a matter of course, Class B complaints should be referred back to the field so that field supervisors become

accustomed to handling citizen complaints, are aware of issues involving their personnel and working to resolve them in an acceptable and timely fashion.

***IAD Office Access Was Not Restricted:***

A review of the Electronic access logs show that access was granted to various people that were not IA personnel. We were informed that other non IA personnel were frequently allowed access by Lieutenant Brooks. Because the office area of IA is used to interview witnesses, maintain confidential files and has custody of sensitive records, access to IAD should, by policy, be restricted to IA personnel and the Chief of Police. The Department has no formalized process and records of who requested, and who authorized access to, restricted areas.

***Software Was Not Utilized:***

The software system in place, IAPro is not utilized to the fullest extent. The IAPro software program is a commercially available program designed to track Internal Affairs complaints and investigations. It was installed in 2005. All recordings, memoranda, correspondence and other investigative evidence should be electronically maintained through IAPro. Our review showed that this was not being done consistently. There are a number of cases that do not have the investigative evidence entered into the system.

One of the main features of IAPro is the ability to raise "red flags" or "early intervention indicators" that alert management to the potential of a problematic employee. The following is a statement from the IAPro web site:

*IAPro assists public safety agencies in identifying potential problems early on, so that proactive action can be taken. IAPro ensures the most efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyze and identify areas of concern.*

However, a user of IAPro needs to enter in the parameters that would alert the indicators requiring early intervention; this has not been done in the Hartford Police Department system. This deficiency could be problematic in any future civil litigation since it is incumbent upon Police Departments to have an early warning system in place. We recommend that the software be utilized to its full capacity as it will alleviate the issues previously identified.

***Sporadic Attendance and Time Records Issues:***

Attendance by the Commander in the IAD appears to have played a role in the problems of management. It was common knowledge by the Chief of Police and Command Staff that the



Commander of Internal Affairs, during his tenure since 2009, was sporadic in his attendance at the IAD complex during regular work hours. In fact, in January 2011, after being passed over for promotion and prior to his later transfer in April 2011, Lieutenant Brooks was advised by Command Staff members to “clean up his act and come to work.” Within the IAD, we were informed that Lieutenant Brooks was generally not available in person, could be difficult to reach, and did not appear interested in the day-to-day operations of the division. We have tracked his attendance from February 2009 through April 2011 and tracked his entries into the Internal Affairs Department.

A review of Lieutenant Brooks’ attendance records and his electronic access to the IAD confirms a less than regular attendance, at least prior to December 2010. Between February 2009 and April 2011, he took in excess of 160 days off, in addition to his regularly scheduled days. This paid time off was divided between vacation, sick, earned leave and an abundance of compensatory time. We note that these days were apparently authorized, for legitimate reasons and time that Lieutenant Brooks was entitled to. However, HPD management should have been aware that this amount of time off appears excessive for someone that is running a division that is responsible for compliance with a Federal Consent decree. Given the required supervision of this important function, a replacement Commander should have been considered.

During other times of reported normal work hours, we note minimal entries into the IAD complex by Lieutenant Brooks. Oftentimes, entries would be made at “non-traditional” hours such as late at night (11:00 p.m.) or early morning hours (1:30 a.m.). There were frequent initial entries to begin the day (i.e. 6:30 a.m.) and no other entries for that day.<sup>2</sup> In contrast, IAD investigators showed frequent entries during normal work hours. While not conclusive, it is inconceivable that the Commander would not have had to access the IAD office on multiple occasions during regular work hours. This was a frequent occurrence during his tenure and was reportedly known to the Chief and Command Staff. When Command Staff was asked why they did not take action at the time, the common reply was that the IAD Commander reported to the Chief of Police and that they did not have supervisory responsibility for him.

We were informed that verification of time worked and signing of time cards, both in IAD and other specialized divisions was a problem. Although there have been previous issues with time cards and attendance issues within the Department, it was observed that the keeping of time cards by hand, with little verification of hours and attendance, at least in specialized divisions, is problematic. Instead of having his supervisor, Chief Roberts, sign and verify his time card, Lieutenant Brooks would often require one of his subordinates to sign his card. We were told that it was a common practice throughout the department to have any supervisor sign time cards, regardless of whether they were a subordinate or assigned to that division or not. This should

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<sup>2</sup> The electronic access system only registers entry into the offices but not exit.

not be an accepted practice. Additionally, the practice of a subordinate (although a ranking officer) signing off on the time card of that person's supervisor is unethical, to the say the least.

We note that a new automated ASAP Scheduling and Payroll System has been installed as of July 2011 and is currently in process of full implementation throughout the HPD. It is expected that the aforementioned issues will be addressed.

- **The practice of initiating I-Files for internal investigations has been used overused, is in direct conflict of HPD orders, and the necessary transparency of the disciplinary process is lacking. The overuse of I-Files appear to have greatly contributed to the overall atmosphere of paranoia and mistrust.**

We found that the use of I-Files have appeared to contribute to an overall atmosphere of paranoia and mistrust. An I-File is an investigation authorized by the Chief of Police and is considered not subject to the Cintron Agreement. These investigations are typically requested by the Command Staff, Commander of IAD, or the Chief himself without a formal written complaint. These investigations are conducted by IAD investigators. The so called I-File is only authorized under Appendix A, Employee Rights section of the current Hartford Police Department Agreement. It reads, in pertinent part:

- 1. Any formal written complaint by a person against a Police Officer shall be duly sworn to and signed by the complainant. If the person refuses to sign the complaint, the complainant shall be received and the refusal to sign shall be noted.*
- 2. The above does not preclude the Chief of Police from initiating a departmental investigation upon receipt of any type of complaint if he or she determines it to be in the best interest of the Police Department and/or Police Officer involved. The investigation of an unsigned complaint must be concluded within thirty (30) working days of the filing of the complaint. On or before thirty (30) working days have passed, the Chief of Police must advise the Police Officer involved whether charges will be made against him or her or whether the investigation has been concluded. If the investigation has been concluded, no charges will be made against the officer at any later time.*

As part of our inquiry, we interviewed prior Union and Hartford Police Department management personnel. We were informed that this provision was instituted in the Union contract dated 1978 and was intended to apply to unsigned civilian/citizen complaints. Union rights required that complaints against officers must be signed before an investigation can commence. This provision was inserted into the Bargaining Unit contract to preserve Management's right to conduct an investigation for the good of the department. However, we were informed that the I-Files were intended to be used for unsigned civilian complaints and in very limited circumstances. We were told that these investigations were not intended to usurp the standard

disciplinary process to address violations of policy or Code of Conduct. However, past Hartford Police Department administrations have expanded the application of this provision and it has been continued to date.

Our review of recent I-Files revealed that they were all initiated for violations of the Hartford Police Department policies and/or Code of Conduct. We found that most I-Files have been initiated unnecessarily and in direct conflict of HPD Order 4-2, Disciplinary Procedures (see *Exhibit 2*). HPD Order 4-2 establishes procedures to be followed by all personnel in dealing with violations of Department Rules of Conduct and Procedures. It defines the various types of disciplinary sanctions which may be imposed and fixes responsibility for initiation and conducting of investigations as well as establishing procedural safeguards for the rights of all personnel of the Hartford Police Department. Specifically, the Order requires supervisory personnel to conduct inquiries of employee violations. The order reads, in pertinent part:

*“Supervisory personnel shall, upon discovery of a violation of a Department Rule of Conduct or Procedure, forward a report regarding the matter, through channels, to the Department Advocate for review and endorsement for recommended actions.”*

We were informed that the initial intent of Order 4-2 was to involve the employee’s supervisor in the process. This is further evidenced later in the order where it is directed that employees shall *“Report all violations of Department Rules of Conduct and Procedures to the supervisor or commander of the individual concerned (emphasis added).”*

The importance of this Order was highlighted in a comprehensive audit of IAD to identify and correct deficiencies, commissioned in 2008. The detailed final report comments that **“the principal problem with the current practices of the Hartford Police Department is that it appears to eliminate any direct involvement in the disciplinary process by immediate supervisors. These supervisors are the persons most able to correct, direct and monitor employees and ensure that they are performing consistent with the agency policies, training and practices...; immediate supervisors and the chain of command of their employees are not being held accountable for the performance of their employees and any degree of ownership in the disciplinary process.”**

Additionally, Order 4-2 provides for process involving Senior Officers. The Order states that *“in the case of disciplinary proceedings involving senior police personnel, (non-bargaining unit members), all action will be taken by the Commander at the next higher level of command or the Chief of Police.”*

By utilizing the process of I-Files, the transparency of the disciplinary process is minimized for all employees and some have the perception that they may be reviewed without the involvement of their direct superiors who know and work with them the closest. We were told that many

officers feel that the Chief of Police and Command Staff are exercising undue control over the process and using it arbitrarily to protect some from discipline and persecuting others.

- **Few, if any, of the recommendations contained in a comprehensive audit of IAD to identify and correct deficiencies, commissioned in 2008 were ever implemented. Many of the recommendations addressed the same deficiencies noted during our inquiry.**

Even though a comprehensive audit of IAD to identify and correct deficiencies was commissioned in 2008, few of the recommendations were ever implemented. We do not have any explanation as to why current and past IAD personnel were not aware of this report nor have they reviewed it. Some of the recommendations listed in the report, had they been implemented, would have addressed most of the issues identified in our current review. Some of the more important recommendations are:

1. Codify the draft written order currently identified as “Citizen Complaints,” IAD 06-001 with the reasonable suggestions embodied in this audit report (*See Exhibit 3*).
2. The Department should consider bifurcation of criminal and administrative investigations and removing the criminal investigation from the responsibility of the IAD.
3. Develop an Internal Affairs Unit operational manual. (A manual was drafted and is available in IAD. We were informed that it has never been formally adopted.)
4. Develop an investigative guide for field level investigations including a template for the completed investigative report.
5. Develop a format to direct the method of interviewing persons during administrative investigations in relation to the substance of the allegation.
6. IAD investigators should be fact finders only.
7. The Department should consider methods to formally involve the chain of command of accused employees in the adjudication and discipline process.

Attached as *Exhibit 4* is the full 2008 report, at least as it relates to IAD with detailed findings and recommendations.

## **REVIEW OF THE CIRCUMSTANCES SURROUNDING THE TRANSFER OF LIEUTENANT BROOKS FROM IAD**

This is a case where statements, rumors and innuendo, as well as personal relationships played a significant role in understanding the actions taken by the Chief, Assistant and Deputy Chiefs, and the commander of Internal Affairs. Both sides appeared justified in most of their actions; however, it is apparent that both took an overly aggressive stance in going about the task.

By way of background, it is important to understand that there has been a contentious relationship between the Assistant Chiefs, Deputy Chiefs, and the Commander of Internal Affairs, Neville Brooks, particularly since January 2011. In the current organizational structure, the Commander of Internal Affairs reports directly to the Chief of Police, bypassing any reporting to the Assistant Chiefs or Deputy Chiefs.

We have constructed a timeline of relevant events as they relate to the circumstances of Lieutenant Brooks' transfer.

- As early as 2009, there were recommendations to transfer Neville Brooks out of Internal Affairs due to concerns about his management and philosophy. Those requests were never granted. Sometime in January 2011, Lieutenant Brooks was informed that he was not going to be promoted to Deputy Chief.
- On January 27, 2011, a memo was crafted recommending to Chief Roberts that Brooks be transferred out of Internal Affairs. Chief Roberts decided not to transfer Brooks, but to inform him that he had six (6) months to “clean up his act and come to work.” Shortly after that memo, Chief McKoy allegedly told Lieutenant Brooks to “watch your back; the chiefs are out to get you.” Chief McKoy denies this; however, it was reported by Lieutenant Brooks.
- During February and March of 2011 there were several investigations that needed to be either closed out or reviewed in which the current Assistant Chiefs and Deputy Chiefs had some involvement, although on the periphery.
- On April 4, 2011, an interview occurred with Chief Heavren concerning his role in an open Internal Affairs investigation. On Lieutenant Brooks' order, Chief Heavren was given Garrity warnings. On or about this time, a request for a meeting was also sent to Deputy Chief Sansom for an unrelated matter. There were also rumors that Deputy Chief Ciesinski and Assistant Chief Horvath would also be called in for interviews concerning additional matters.

- On April 6, 2011, Sgt. Laureano was summoned to the Chief’s office and asked why he had requested a transfer from Internal Affairs. He provided information stating that he believed that he was being asked to do unethical investigations concerning the Assistant Chiefs and Deputy Chiefs. He subsequently documented those concerns in a memo dated April 11, 2011. (*Exhibit 5*)
- On April 7, 2011, Lieutenant Brooks was called to a meeting with all Chiefs in which he was questioned and which he denied that he was targeting the command staff. (*Exhibit 6*)
- On April 11, 2011, Chief Horvath composed a memo detailing his concerns that the Chiefs were being targeted and that it was imperative to begin an I-File on Lieutenant Brooks and to transfer him immediately. (*Exhibit 7*)
- On April 12, 2011, an I-File was initiated. (*Exhibit 8*)
- On April 14, 2011, Lieutenant Brooks was informed by Chief Roberts that he would be transferred from Internal Affairs effective April 17, 2011. This meeting was described as cordial and professional.
- Additionally, on April 14, 2011, Deputy Chief Ciesinski composed a memo under Chief Roberts name detailing the manner in which Lieutenant Brooks should be removed from his office. (*Exhibit 9*)
- At 3:30 p.m. on April 15, 2011, Lieutenant Brooks was informed that he needed to leave his office immediately; he removed his personal belongings and was escorted from the IAD complex. His electronic access to the IAD complex was eliminated; and effective Sunday, April 17, 2011, he was transferred.

Upon review of the events and in the course of our investigation we found the following:

- A. Lieutenant Neville Brooks, in his role as Commander of the Internal Affairs Division of the Hartford Police Department, did not unfairly target Assistant or Deputy Chiefs for investigation. While it is noted that no Chiefs were the subject of any formal investigation for any actions that they did or did not take, Lieutenant Brooks was appropriately following-up on information concerning several open and new investigations in which the Assistant Chief and Deputy Chiefs had information. As commander of the Internal Affairs Division, he had authority to conduct these inquiries. However, it appears clear that while he did not “manufacture” any inquiries for the sole purpose of investigating the Chiefs, if a case allowed for an**

**opportunity to interview any of the Chiefs, he discussed interviewing them to cause embarrassment and to make them uncomfortable.**

**B. We do not find any specific “personal gain” motives for Lieutenant Brooks, other than probable dislike and lack of respect for the Command Staff. The manner in which Assistant Chief Heavren was interviewed was unnecessary and aggressive. The manner in which Lt. Brooks discussed how to conduct interviews with the other Chiefs would have been unnecessary and aggressive, if they had occurred.**

In December of 2010, vacancies occurred in several Assistant or Deputy Chief Positions. Chief Daryl Roberts selected approximately ten to twelve individuals from within the ranks of Captains and Lieutenants to submit a resume to be considered for promotion. Lieutenant Brooks was one of those contacted by Chief Roberts and asked to submit a resume for consideration. Brooks and others submitted resumes to the Chief. On January 31, 2011, Chief Roberts made certain promotions and the promotions became effective. Chief Roberts promoted Deputy Chief John Horvath from Deputy Chief to Assistant Chief; Lieutenant Scott Sansom was promoted to Deputy Chief; Lieutenant Paul Ciesinski was promoted to Deputy Chief. Lieutenant Brooks was not promoted.

Shortly after the promotions were made, Sergeant Gabriel Laureano of IAD stated that Lieutenant Brooks' attitude changed negatively. According to Laureano, Brooks made statements to the effect that the new Chiefs were "drunk with power" and that Brooks wanted to "shove it up their asses."<sup>3</sup> Laureano stated that prior to the promotions, Brooks demonstrated little interest in the Internal Affairs cases. According to Laureano, Brooks would review the cases for errors, but would not offer suggestions during a case as to how to proceed.

Subsequent to the promotions, Laureano stated that Brooks became especially interested in a case if it mentioned anyone of the Chiefs' names in it. If a Chiefs' name was mentioned in a case, he would insist on bringing the Chief in for an interview, stating “I want to shove it up their asses.”

During this period of time, Laureano claims that Brooks repeatedly complained to him that he couldn't believe that he was passed over for promotion, and that those promoted were not as qualified as he. Prior to the promotions, Brooks constantly praised Chief Roberts. After the promotions, Brooks would make negative comments about Chief Roberts including "not being able to trust him anymore," claims that Chief Roberts was making poor decisions and that Chief Roberts "was letting those fools guide him." According to Laureano, these types of comments from Brooks were made on a daily basis. Laureano also claims that Brooks stated that if Internal

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<sup>3</sup> It is noted that during the interview with Brooks, he used the term "drunk with power" when referring to the Chiefs.



Affairs brought in as many Chiefs as possible for questioning and asked uncomfortable questions, and "grilled them on tape," that would make Brooks "Teflon" from any future punishment.

Laureano also claimed that Brooks referred to some department members as his "mortal enemy." Some of those referred to as a "mortal enemy" included Assistant Chief Brian Heavren, Assistant Chief John Horvath, and former Assistant Chief Neil Dryfe.

Laureano also thought it odd that Brooks began making extremely negative comments about Deputy Chief Sansom when it was common knowledge that Brooks and Sansom had been very close friends for many years. (Sansom states that prior to the promotions, he and Brooks were very close, but after the promotions, Brooks has not spoken to him.)

However, Detective Sgt. Sonia Watson stated that she believes that Gabe Laureano may have overreacted to Brooks' comments and that Brooks was only "venting." She stated that Brooks had a habit of ranting and raving and then would never re-address the issue. Lieutenant Michael Manson stated that, while he was assigned to IAD several years ago, Lieutenant Brooks also made it known to Manson and others that he did not like or agree with the Chiefs, he always bad mouthed them. However, Manson did not report that any investigations targeted the Chiefs during his tenure in IAD.

There were four current cases being handled by the IAD that included some mention of one of the Assistant or Deputy Chiefs:

1. An officer involved shooting (Horvath and Sansom)
2. An investigation of an employee (Horvath)
3. A hostile work environment case (Heavren)
4. A citizen's complaint (Ciesinski)

Before we briefly delve into each of the foregoing cases, it is necessary to examine the Department policy on the Garrity Rights. Garrity rights (a somewhat equivalent to Miranda rights) need not be administered prospectively unless the matter under investigation is administrative and may be compounded by a criminal charge and the employee is being required to testify and is refusing to answer. Lieutenant Brooks claims that it is his policy (not in writing, and not Department policy) based on his training, that Garrity rights are always to be administered. However, the current, albeit draft, Hartford Police Department Internal Affairs Procedure Manual provides the following guidance:



*“Garrity v. State of New Jersey 385 U.S. 493 (1967)*

*Garrity will only apply when the interview:*

- is regarding an administrative charge and*
- is or may be compounded with a criminal charge and...*
- the employee is being required to testify and...*
- the employee is refusing to answer.*

*“Garrity” is a notice or a warning not a right*

*Outside of the aforementioned parameters, the interviewee will be ordered to answer questions for an administrative interview. Refusal to answer will constitute insubordination, and will be subject to discipline, up to and including dismissal. Dishonest answers will be considered a violation of the Code of Conduct 2.01 (false entry into department-record) and subject to Public Act 05-200.*

*If an administrative interview reveals facts that lead investigators to believe that the investigation is turning criminal, the interview will be stopped and the State's Attorney's office will be contacted. From that point; the State's Attorney will decide if Garrity or Miranda will apply.”*

It cannot be overstated that if an officer who is not suspected of criminal wrongdoing, and is not refusing to cooperate, is nonetheless advised of Garrity, that this would cast a serious pall over the interview and create incredible and needless apprehension. As one IA investigator in the unit said "it would only be a small percentage of the time when Garrity was required. It is needless to do it all the time."

A review of the four cases previously mentioned is as follows:

***1. An officer involved shooting (Horvath and Sansom)***

If Lieutenant Brooks was ordered to investigate the matter, it appears that it was appropriate for him to question Deputy Chief Sansom about his knowledge of the officer involved shooting. However, having the interview accompanied by the administration of Garrity rights would be unwarranted and inappropriate. No interview was ever conducted.

## ***2. An investigation of an employee (Horvath)***

It appears that it was appropriate for Internal Affairs to initiate an investigation into allegations of improper conduct by an employee. However, Lieutenant Brooks also told the IAD investigator, Sgt. Watson, to look into possible policy violations and attempted to initiate an investigation into Assistant Chief Horvath and his handling of the matter. The investigation of Assistant Chief Horvath never occurred as it was stopped by Chief Roberts. Sgt. Watson concluded her investigation on April 6, 2011. This investigation, if it had occurred, would be in direct violation of HPD Order 4-2, as previously discussed. The Order states that *“in the case of disciplinary proceedings involving senior police personnel, (non-bargaining unit members), all action will be taken by the Commander at the next higher level of command or the Chief of Police.”*

## ***3. A hostile work environment case (Heavren)***

It was appropriate for investigators in the Internal Affairs Division to make inquiries of Assistant Chief Heavren regarding his knowledge of an alleged hostile workplace matter. However, having the interview accompanied by the administration of Garrity rights was unwarranted, inappropriate and aggressive in nature. Additionally, since Garrity warnings were given to Chief Heavren implying that he was a potential target of an investigation, HPD Order 4-2 was violated, for reasons previously discussed. Assistant Chief Heavren noted that the original subject of the Internal Affairs investigation was not given Garrity warnings when he was interviewed.

## ***4. A citizen’s complaint (Ciesinski)***

It was appropriate for Lieutenant Brooks to initiate an investigation into the citizen’s complaint since he was apparently unaware that Chief Roberts had already assigned this matter for investigation. Deputy Chief Ciesinski was authorized to investigate this matter and his actions were proper. Although discussed, no interview was conducted of Ciesinski.

We do not find any specific “personal gain” motives for Lieutenant Brooks, other than probable dislike and lack of respect for the command staff. All issues that were discussed for interview were appropriate. The manner in which Assistant Chief Heavren was interviewed was unnecessary and aggressive. The manner in which Lt. Brooks discussed how to conduct interviews with the other Chiefs would have been unnecessary and aggressive, if they had occurred. However, no other interviews were ever conducted. We note that there were complaints from others alleging similar tactics by Lieutenant Brooks; however, we have not investigated those concerns.

When the Chiefs discovered that Brooks was making statements to the effect that they would be targeted by Brooks, coupled with several nearly simultaneous attempts to interview Chiefs, they

believed that they were being improperly targeted. As discussed earlier, there appears to have been legitimate reasons for Internal Affairs to be interviewing the Chiefs as to their knowledge of specific incidents. However, it also appears that Brooks was taking advantage of these opportunities and had verbalized his intentions on making these interviews as uncomfortable as possible for the Chiefs.

As it relates to the Chiefs, we find that Lieutenant Brooks vented to others about his lack of respect for certain Chiefs and communicated his intentions to select IAD staff about using his position, when the opportunity presented itself, to the Chiefs disadvantage.

We believe that if Order 4-2, as previously discussed, had been followed regularly, the primary concerns of the Assistant and Deputy Chiefs that gave rise to this inquiry would not have been an issue. Lieutenant Brooks would not have had the opportunity to conduct any investigations of the Deputy Chiefs and Assistant Chiefs. All inquiries would have to be done by the next higher level of command.

**A. We do not find evidence of retaliation by the Command Staff against Lieutenant Brooks. He was appropriately transferred for legitimate reasons. However, this transfer should have taken place much earlier. There were concerns raised about Lieutenant Brooks' allegedly ineffective management of Internal Affairs Division dating back to 2009. The reason for his transfer in April 2011 was solely due to the Chiefs' understanding and belief that they were being improperly targeted for interviews. The manner in which the transfer was carried out (i.e. immediate and escorting from his office) was over reactive, unnecessary and appears heavy handed.**

It had become common knowledge within the Command Staff that operational deficiencies existed within the Internal Affairs Division under the command of Lieutenant Brooks. One of the main concerns was Lieutenant Brooks' attendance record and lack of attentiveness to issues. Another significant issue was the timeliness of the completion of investigations. Former Assistant Chief Neil Dryfe was highly critical of Lieutenant Brooks. As far back as November of 2009, Assistant Chief Dryfe advised Chief Roberts that Lieutenant Brooks, in general, did not properly document cases and that he failed to fully and properly investigate complaints. Assistant Chief Dryfe opined that it was entirely possible that Lieutenant Brooks had an attitude towards internal affairs investigations and misconduct by officers that was incompatible with the Department's commitment to the citizen complaint process. Assistant Chief Dryfe was extremely concerned that Lieutenant Brooks' processing and investigation of citizen complaints would not be acceptable under the *Cintron* agreement. No transfer was ever approved.

At least one more recommendation for Lieutenant Brooks' transfer occurred on January 27, 2011. A document was crafted recommending to Chief Roberts that Lieutenant Brooks be transferred out of Internal Affairs to the Training Academy. We were informed that this was a unanimous recommendation by all Assistant Chiefs and Deputy Chiefs. Chief Roberts decided not to transfer Lieutenant Brooks, but to inform him that he had six (6) months to "clean up his act and come to work." We were told that Command Staff personnel, informed Lieutenant Brooks of Chief Roberts decision and directive.

Lieutenant Brooks was appropriately transferred from the Internal Affairs Division. However, this transfer should have taken place much earlier, unrelated to the current issues. There were concerns raised about Lieutenant Brooks' allegedly ineffective management of Internal Affairs Division dating back to 2009. However, the reason for his transfer in April 2011 was due to the Chiefs' understanding and belief that they were being improperly targeted for interviews. Independent information by one source had been provided to them concerning perceptions of Lieutenant Brooks' intentions. Although members of the Command Staff were told by Chief Roberts that no additional interviews would be conducted and that the situation was handled, Chief Roberts was influenced to conduct the transfer in the manner in which it was carried out because the Command Staff felt that the Chief was not taking this issue seriously enough. During our interviews with the Assistant Chiefs and Deputy Chiefs, we sensed a frustration that their recommendations for transfer were not approved. This frustration may have contributed to their perception and understanding of Lieutenant Brooks intentions. We were told that a common perception was that Lieutenant Brooks was "untouchable" because he was a confidant of Chief Roberts.

Chief Roberts advised Lieutenant Brooks of his decision on Thursday, April 14, 2011. Lieutenant Brooks was advised that his transfer would be effective on Sunday, April 17, 2011. The meeting between them was described as cordial and professional. However, the next day, Friday, April 15, 2011, Lieutenant Brooks was summoned to Assistant Chief McKoy's office at 3:30 p.m. and accompanied to Internal Affairs along with Lieutenant Davis. It was at this time that Lieutenant Brooks was relieved of his access key fob and access to the computer system. Chief Roberts had ordered that Lieutenant Brooks be escorted from the IAD. Although Lieutenant Brooks alleges that he was escorted from the building via a "perp walk", the evidence (and the Chief's written instructions) indicates that Lieutenant Brooks was advised that he would not be allowed to re-enter the IAD complex of offices, not that he was restricted from the building. In fact, Assistant Chief McKoy insisted that Lieutenant Brooks take a key fob with access to the building itself.

It is inconsistent and contradictory that Chief Roberts advised Lieutenant Brooks of the transfer on Thursday, yet it wasn't until Friday that it became necessary to escort him from the IAD complex. Without a doubt, Lieutenant Brooks' transfer was appropriate. Escorting Lieutenant

Brooks from the Internal Affairs complex on Friday appears overreactive and entirely unnecessary. Although it is apparent that Lieutenant Brooks took advantage of his position and planned to do so in the future in order to attempt to embarrass the Chiefs, we find it was a result of personal dislike and lack of respect for the Command Staff and not specific personal gain.

During our interviews of the Command Staff, we probed as to what possible personal gain Lieutenant Brooks was attempting to achieve. The common belief amongst the Command Staff was that Lieutenant Brooks was attempting to embarrass the Chiefs so that they would be demoted and he would then be promoted to take one of their positions.

We do not find any personal gain motives other than the apparent satisfaction at making the Chiefs feel uncomfortable. We note that the allegation of “personal gain” on the part of Lieutenant Brooks began from the uncorroborated statements of Gabe Laureano and carried forward through memos by Assistant Chief Horvath on April 11, 2011, and Deputy Chief Ciesinski on April 12<sup>th</sup> and 14<sup>th</sup>. Circulating a motive to Lieutenant Brooks' actions that he was removed from the Internal Affairs Division for attempting to use his position for "personal gain" as the motivating factor implies financial or ethical dishonesty, and not necessarily personal dislike towards individuals, and is one of the volatile components that has fueled the animosity surrounding this inquiry.

We acknowledge that Chief Roberts is ultimately responsible for the manner in which Lieutenant Brooks' transfer was carried out and communicated. However, Command Staff personnel, particularly Assistant Chief Horvath and Deputy Chief Ciesinski, do not escape scrutiny and bear some of the responsibility for the effects of the decision. It was at their urging that the transfer was carried out in the manner in which it was. As senior advisors to the Chief, they should have recognized the potential for volatility. The better course of action would have been to simply transfer Brooks in the normal course of affairs without ascribing any reason for the move.

After the transfer and in apparent response to comments throughout the department and various media blogs, Chief Roberts addressed roll calls. This appears to have exacerbated negative feelings as it had an apparent result of casting Lieutenant Brooks in a negative light.

## CONCLUSION

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Notwithstanding the above noted problems with the operation of the Internal Affairs Division, this inquiry was initiated because of an internal power struggle that got out of hand. There is an overwhelming atmosphere of paranoia and mistrust that has permeated throughout the Hartford Police Department, not only at the Command Staff level, but throughout the rank and file. We found that much of this paranoia and mistrust can be attributed to the current internal

investigative and disciplinary process. We were informed of a number of allegations of unfair treatment, improper targeting, retaliation and inconsistencies in discipline.

Particularly in the case at hand, statements, rumors and innuendo, as well as personal relationships played a significant role in understanding the actions taken by the Chief, Assistant and Deputy Chiefs, and the Commander of Internal Affairs. We found that the Commander of Internal Affairs communicated a lack of respect for the Command Staff and discussed opportunities to embarrass them through investigative interviews. Conversely, the Command Staff believed that Lieutenant Brooks was a close confidant of Chief Roberts because Chief Roberts did not act on prior recommendations to transfer Lieutenant Brooks. Command staff believed that Lieutenant Brooks was “untouchable” leading to their perception that he had undue influence within the department.

There is an apparent “bunker mentality” amongst different groups, particularly at the Command Staff level. There appears to be an attitude of extreme suspiciousness, defensiveness and self-justification based on a sense of being under persistent attack from others within the police department. Others are mistrusted and viewed as the enemy. Deviations of process and policy have occurred because of fear or concern of specific individuals. This mistrust is primarily to blame for the continued violation of HPD Order 4-2. In some cases, supervisors do not know of misconduct by their subordinates or they are not being held accountable for the actions of their employees consistently. We were told that many supervisors were not trusted to conduct internal investigations; therefore I-Files were ordered and IAD made responsible for the investigation. This is not conducive to maintaining transparency. Many officers have expressed a complete loss of faith in the fairness of the system. While numerous individuals have been interviewed to date, there are many more within the Hartford Police Department that have requested to be interviewed by us. We have been told that those individuals want to discuss the internal investigative process and various problems with the management of other aspects of the Hartford Police Department, but not necessarily IAD.

We were told that many officers feel that the Chief of Police and Command Staff was exercising undue control over the process and using it arbitrarily to protect some from discipline and persecuting others. The use of the I-File process only exacerbates an already contentious situation.

This paranoia and mistrust is perpetuated and set by those in power at the top. The “tone at the top” refers to how an organization's leadership creates the tone at the top - the atmosphere in the workplace. Management's tone has a trickle-down effect on employees. If upper management appears suspicious and defensive, employees will also. In short, employees will follow the examples of their bosses.

In light of the preceding findings, we recommend immediate steps be taken to change the investigative process and perceptions within the department. Transparent internal affairs processes are critical not only to enhancing public trust, but internal responsibility, accountability and morale.

We note that the current IAD Commander, Lieutenant Robert Davis, has focused on correcting many of the deficiencies of IAD found during our review and the operational management of IAD has improved substantially.

For continued improvement, the following immediate steps are recommended to enhance transparency, improve accountability and hopefully work towards improved morale.

1. Adhere to the procedures and process contained in HPD Order 4-2, Disciplinary Procedures. Re-emphasis the responsibilities of employees and supervisors.
2. I-File investigations should be limited to very few sensitive circumstances, such as ongoing criminal matters. Order 4-2 already authorizes most disciplinary inquiries and that responsibility lies with first line supervisors. Additionally, an HPD General Order should be promulgated to address the process of initiating I-Files.
3. Reorganize the Internal Affairs Division so that the Commander is an Assistant Chief. This will alleviate any concern for investigations of Command Staff being conducted by a lower rank.
4. Require IAD investigators to be fact finders only. Currently, investigators are required to find facts and make recommendations, and in some cases, recommendations for discipline as well. This has caused concern and numerous complaints alleging bias and channeling of direction in the investigation. Discipline should be recommended by someone at the Command Staff level or the Department Advocate.
5. Implement the recommendations contained within the 2008 Consultant's report.
6. Continue to address and monitor the compliance issues in IAD. Conduct quarterly file audits to ensure compliance.
7. Utilize IAPro to its fullest extent.
8. Reinstigate Command Review of all investigations.
9. Create a policy and practice that IAD files must be kept on site in IAD. Upon transfer of an IAD investigator, all files will be reassigned.

# EXHIBITS



**HARTFORD POLICE DEPARTMENT****INTRADEPARTMENTAL MEMORANDUM**

**TO:** Daryl K. Roberts, Chief of Police

**FROM:** Neil Dryfe, Assistant Chief of Police

**DATE:** November 5, 2009

**SUBJECT:** IAD Process

As you are aware, I have grown concerned about changes in the manner in which the Internal Affairs Division conducts investigations. The concerns have come to light since Lieutenant Neville Brooks took command of IAD.

I have attempted to address these concerns through the command review process. This has been the standard operating procedure for years; typically, I would send a hand-written note back to the IAD commander noting my concerns and directing him to take whatever action I deemed appropriate. In early August, Deputy Chief John Horvath was the acting Assistant Chief as I was on vacation. DC Horvath reviewed three investigations that were completed by Lt. Brooks. DC Horvath did not feel that the investigations were satisfactory and he wrote memos for each one and turned them back to Lt. Brooks. As we have discussed previously, it appears that Lt. Brooks did not make the changes requested by DC Horvath. Lt. Brooks waited until I returned and simply resubmitted the investigations to me.

While reviewing those cases (IAD case numbers 09-58, 59 and 60) I also received IAD case number 09-74. This complaint was classified by Lt. Brooks as an allegation of excessive force, illegal arrest and discourteous attitude. A review of the written complaint filed by Ms. Audrey Williams revealed that she accused Officer Mike Reynolds of calling her a "black bitch" while arresting her. As seems to be his practice, Lt. Brooks wrote a two page "investigation" that is not in keeping with the standard operating procedures that have been in effect in IAD for years. He does not record any interviews, appears to conduct most interviews by phone and, in general, does not properly document and memorialize the steps that he takes to fully and properly investigate the complaint. Lt. Brooks concludes that the investigation should be closed with a finding of "unfounded."

On or about September 1, 2009 I received IAD case 09-52 for command review. This complaint is classified as excessive force and is made against Lt. Gerardo

Pleasant. It arose out of an arrest and use-of-force that took place at the Comcast "Meadows" Music Theatre on August 31, 2008. The complaint was filed on May 11, 2009 and was investigated by Sergeant Robert Ford. After reviewing the case, I deemed it to be unacceptable. In fact, I felt that the investigation was so lacking that I chose to type a memo and send it back with the investigation rather than use a handwritten note as I have done in the past.

I documented several issues with the investigation. They include shortcomings in the prosecutors report, insufficient attempts and documentation of the investigators attempts to locate and interview witnesses, conflicting statements by officers that are not resolved or explained and the assertion that the use-of-force was reasonable without any review by a use of force or defensive tactics trainer. In addition, there are several issues with the complainant that could raise serious doubts about his credibility, both in the context of this complaint and with any future litigation. None of the issues were addressed in any detail by the investigator. There are other problems with the case and the investigation, but those are the main factors that came to my attention after my initial review. I returned the investigative package to Lt. Brooks with the memo outlining my concerns. I also pointed out that it was "common knowledge" that Lt. Pleasant and Sgt. Ford are good friends and assigning one to investigate the other "could lead to the appearance of impropriety and a lack of objectivity" on the part of Sgt. Ford.

On or about September 22, 2009, I received the investigative package for command review a second time. A review of the package revealed that only one of the issues that I had raised had been addressed, and only in a superficial manner. The investigation was accompanied by a three-page memo from Lt. Brooks. In essence, Lt. Brooks attempts to refute my concerns through this memo. He attempts to explain why the issues and concerns I raised were not part of the investigation, states that some of the steps I requested had been done but were not documented, adds irrelevant information regarding the state's attorneys office and places the responsibility for addressing some concerns and issues on other department personnel.

Upon receipt of the memo and the still incomplete and inadequate investigation, I briefed you on the situation and sought your permission to meet Lt. Brooks to address the investigation. You granted that permission.

On Thursday, October 15, 2009 I met with Sgt. Ford and Lt. Brooks. After the first several minutes of the meeting, Sgt. Ford was excused by mutual agreement. Lt. Brooks and I met for almost an hour, discussing the specific investigation and other IAD issues. I found Lt. Brooks to be lacking in his understanding of the IAD process as it has been managed at HPD for years. He was argumentative and dismissive of my concerns. He repeatedly stated that the issues and concerns I was raising were not significant to the case and the investigation and that I was raising "white socks"-type issues. In both his memo

and our meeting, Lt. Brooks makes assumptions and statements about the case that are not supported by the preponderance of the evidence. His memo does address some of the concerns that I raised, but he defends the fact that they are not in the original investigative report and did not instruct Sgt. Ford to add the information to the package that was returned to me.

As we discussed, I am unsure of the proper course of action to recommend to you in this regard. Granting Lt. Brooks the benefit of the doubt, this may be an issue that can be resolved with proper training. In that case, I would hope that Lt. Brooks would learn the proper role of IAD and the absolute necessity of conducting thorough investigations and documenting every aspect of the investigative process. The alternative is that Lt. Brooks has an attitude towards IAD and misconduct investigations that does not match the organizations commitment to the citizen complaint process. If you determine that to be the case, I would recommend transfer.

I have brought these issues to your attention now due to the ongoing Cintron v. Vaughn negotiations. As we are close to a settlement that will mandate the Internal Affairs Division to conduct parallel administrative investigations of officer-involved shootings, the conduct of IAD investigations will be under extreme scrutiny. In addition, there is an extensive citizen complaint component of Cintron that the Department may agree to; the investigations I have addressed in this memo do not meet the standards detailed in the proposed agreement and once the agreement is signed, they could lead to contempt proceedings again.

As always, I am available to discuss this issue with you at any time.

Thank you.

*FR*



HARTFORD POLICE DEPARTMENT  
POLICY AND PROCEDURE

GENERAL ORDER

EFFECTIVE DATE: 5/14/00	NUMBER: 4-2
ISSUANCE DATE: 5/12/00	PAGE 1 OF 9
DISTRIBUTION: ALL DEPARTMENT PERSONNEL	
SUBJECT: DISCIPLINARY PROCEDURES	REFERENCE: HPD CODE OF CONDUCT / Form 90 Form 116 CALEA 26.1.4 Thru 26.1.8
	RESCINDS: 4-2 OF 10/15/81

I. PURPOSE:

This Order establishes procedures to be followed by all personnel in dealing with violations of Departmental Rules of Conduct and Procedures. It defines the various types of disciplinary sanctions which may be imposed and fixes responsibility for the initiation and conducting of disciplinary procedures as well establishing procedural safeguards for the rights of all personnel of the Hartford Police Department.

II. POLICY:

All violations of Department Rules of Conduct and Procedures which occur shall be dealt with in a fair and impartial manner. The rights of all concerned shall be fully protected

III. TYPES OF DISCIPLINE:

A. Documented Counseling Shall:

1. Be administered by a commanding officer, holding the rank of Captain or above, or in the case of formal discipline by the Chief of Police.
2. Include a private counseling session with the affected employee for the purpose of pointing out a deficiency and / or training need in the employee's work habits or violation of the Code of Conduct.
3. Be recorded in the form of a memo from the commander issuing the counseling to the employee by the Personnel Unit and the Department.

BY AUTHORITY OF:

DEBORAH BARROWS, ACTING CHIEF OF POLICE





HARTFORD POLICE DEPARTMENT  
POLICY AND PROCEDURE

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- a. At the end of six months, the record shall be removed from the Personnel and Advocate file and retained in the Civil Litigation Officer's file until:
  - 1. Two years from the date of the incident from which the counseling arose if no civil litigation has been filed within said two year period or
  - 2. Upon the conclusion of any litigation filed concerning the incident from which the counseling was administered.
- 4. After six months have expired from the issuance of Documented Counseling, that counseling may not be used regarding other disciplinary action against the affected employee.

B. Oral reprimands shall:

- 1. Be administered by a commanding officer, holding the rank of Captain or above, or in the case of formal discipline by the Chief of Police.
- 2. Include a private counseling conference with the affected employee for the purpose of pointing out a deficiency in the employee's work habits or violation of Rules and Procedures.
- 3. Be recorded by the Personnel Unit and the Department Advocate. After one year has expired from the issuance of an oral reprimand, that oral reprimand may not be used regarding other disciplinary action against the affected employee.

BY AUTHORITY OF:

DEBORAH BARROWS, ACTING CHIEF OF POLICE



HARTFORD POLICE DEPARTMENT  
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C. Written Reprimands shall:

1. Be administered by a commanding officer, holding the rank of Captain or above, or in the case of formal discipline by the Chief of Police.
2. Include a private counseling conference with the affected employee for the purpose of pointing out a deficiency in the employee's work habits or violation of Rules and Procedures.
3. Be recorded by the Personnel Unit and the Department Advocate. After two years have expired from the issuance of a written reprimand, that reprimand may not be used regarding other disciplinary action against the affected employee.

D. Suspension:

1. May be effected by the Chief of Police after review of the Hearing Officer's findings and recommendations following an official administrative hearing. The Chief of Police shall have the inherent power granted to his office to review and modify the recommendations of the Hearing Officer.
2. May be imposed by the Chief of Police, Assistant Chief of Police, Deputy Chiefs and Captains without pay prior to a hearing for police bargaining unit members for the causes specified in Appendix A, Sec. 6 of the police collective bargaining contract.
  - a. An employee suspended for the reasons specified in Sec. 6 (a) of Appendix A may elect to have a hearing within 5 days of the suspension to determine whether the employee has been arrested for the reasons stated in Sec. 6 (a).
  - b. When the employee is suspended for the reasons specified in Sec. 6 (b) of Appendix A, a report shall be submitted by the suspending officer to the Chief of Police on the next administrative duty day and the Chief shall review the suspension within 5 working days of the suspension and either reverse or uphold it.
  - c. When an employee is suspended for the reasons specified in Sec. 6 (c) of Appendix A, the suspending officer shall immediately make a written report of the incident and be present for a hearing before the Chief of Police or his designee on the next administrative duty day. The Chief of Police shall uphold, overturn or continue the suspension for no more than 5 working days.

BY AUTHORITY OF:

DEBORAH BARROWS, ACTING CHIEF OF POLICE



HARTFORD POLICE DEPARTMENT  
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3. The Chief of Police, Assistant Chief of Police, Deputy Chiefs, Captains, Lieutenant may remove an employee from duty with pay if the nature of the offense requires immediate removal from duty. The suspending officer shall file a written report with the Chief of Police stating the reasons for the immediate suspension within 24 hours or on the next administrative duty day. The Chief of Police shall notify the suspended employee of the charges and set a day and time for the hearing which shall be within 10 days of the suspension. No continuances will be granted in such cases except in extraordinary circumstances as determined by the Department Advocate.

E. An employee not covered by a police collective bargaining contract may be immediately suspended by the Chief of Police with or without pay. The Chief of Police shall notify the employee in writing of the charges and the date and time of hearing. The matter shall have priority of the Hearings calendar.

F. Demotion or reduction in rank or classification shall be effected by the Chief of Police after review of the administrative Hearing Officer's findings and recommendations. Demotion of an employee during the probationary period shall not require a hearing.

G. Termination shall consist of termination of employment. Probationary employees may be terminated without a hearing.

BY AUTHORITY OF:

DEBORAH BARROWS, ACTING CHIEF OF POLICE



HARTFORD POLICE DEPARTMENT  
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IV. PROCEDURES:

- A. Supervisory personnel shall, upon discovery of a violation of a Department Rule of Conduct or procedure, forward a report regarding the matter, through channels, to the Department Advocate for review and endorsement for recommended actions
- B. Bureau and Division Commanders shall:
  - 1. Receive and review all reports of violations by individuals under their command and determine what offense has occurred. Where the maximum possibility is:
    - a. Documented Counseling:
      - 1. Provide the employee with the opportunity to answer the charges in writing.
      - 2. Submit a report outlining the violation and all related reports through channels to the Department Advocate for review.
      - 3. After Advocate review and determination has been made that Documented Counseling is appropriate, issue the counseling and forward all reports of the Counseling as appropriate.
    - b. An oral reprimand:
      - 1. Provide the employee with the opportunity to answer the charges in writing.
      - 2. Submit the report of infraction and all related reports through channels to the Department Advocate for review.
      - 3. After Advocate review and determination has been made that an oral reprimand is appropriate, issue the reprimand and forward appropriate records of the reprimand.

BY AUTHORITY OF:

DEBORAH BARROWS, ACTING CHIEF OF POLICE





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3. Upon determining that the preferring of formal charges is appropriate:
    - a. Prepare the charges and specifications for signature by the Chief of Police and forward a copy to the individual concerned (and his counsel of record if any).
    - b. Provide the names of three (3) disinterested Hearing Officers, to be chosen by the Chief of Police, and allow the employee to select one of them to preside as Hearing Officer. The Chief may at his/her discretion designate a three person panel to serve as Hearing Officers.
    - c. If the employee does not designate a Hearing Officer within 5 days, the Chief of Police shall designate the Hearing Officer.
    - d. Schedule a hearing and notify the employee in writing of date and time.
  4. May grant continuances in accordance with the hearings Rules, HPD Order # 4-3.
  5. Allow the employee to plead guilty to the violation and waive in writing his/her right to a hearing and meet with the Chief of Police who will then determine the appropriate penalty.
  6. Represent the employee's Commander as prosecutor at any hearing or subsequent proceeding unless the Chief of police has designated an Assistant Corporation Counsel to represent the Department.
  7. Receive and file records of disciplinary action.
  8. Maintain a system for the timely purging of all records of oral reprimands and documented counseling.
- D. An attorney from the Corporation Counsel's office shall:
1. Train all personnel designated as Hearing Officers by the Chief of Police.
  2. Advise the Hearing Officers concerning the conduct of proceedings and preparation of findings as necessary and be present at the hearings to serve as Presiding Officer.

BY AUTHORITY OF:

DEBORAH BARROWS, ACTING CHIEF OF POLICE



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E. Hearing Officers shall:

1. Attend hearings as scheduled by the Department Advocate.
2. Refer all questions of law and procedure which arise during the hearings to the (General Counsel) presiding officer.
3. Prepare findings of fact and conclusions as to the significance of these facts relative to the charges preferred.
4. Make a recommendation to the Chief of Police as to the type of disciplinary action which he/she feels to be appropriate.

F. Employees shall:

1. Report all violations of Department Rules of Conduct and procedures to the Supervisor or commander of the individual concerned.
2. When in receipt of an oral or written reprimand, or documented counseling other than one resulting from a formal hearing, which is believed to be unjust, appeal to his/her Bureau Commander by:
  - a. Forwarding a written report of the incident indicating his/her grounds for disagreement within ten (10) days.
  - b. Meet with the Bureau Commander with or without Counsel as he/she may desire, when requested to do so.
3. When notified of the filing of formal charges against him/her:
  - a. Select a Hearing Officer from the list provided within five (5) days of notification.
  - b. Be entitled to representation by Counsel or Union Representation of his/her own choosing.
  - c. Appear at the hearing as directed by the Chief of Police and answer all proper questions as determined by the presiding officer.

BY AUTHORITY OF:

DEBORAH BARROWS, ACTING CHIEF OF POLICE



**HARTFORD POLICE DEPARTMENT  
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**G. Bureau Commanders shall:**

1. Supervise the administration of discipline within the Bureau.
2. Rule on appeals from Documented Counseling, Oral Reprimands, or Written Reprimands in a timely manner.
  - a. Permit the employee or his/her representative to personally state their case prior to entering an adverse ruling in cases involving disciplinary action up to written reprimands.
  - b. Forward a copy of all appeals to the Department Advocate for review.
3. Not impose a greater or lesser penalty or waive possible suspension as provided in the Code of Conduct.

**H. The Chief of Police or his designee shall:**


1. Upon the termination of an employee for misconduct, ensure the employee is notified in writing of the following:
  - a. Reason for dismissal (charges etc.)
  - b. The effective date of dismissal
  - c. A contact number and name for the departments Director of Personnel, in order to address the status of fringe and retirement benefits.

**I. Discipline of Senior Officers:**

In the case of disciplinary proceedings involving senior police personnel, (non-bargaining unit members), all action will be taken by the Commander at the next higher level of command or the Chief of Police.

BY AUTHORITY OF:

DEBORAH BARROWS, ACTING CHIEF OF POLICE

	<b>HARTFORD POLICE DEPARTMENT</b> <b>STANDARD OPERATING PROCEDURE</b> <b>INTERNAL AFFAIRS DIVISION</b>	<b>PROCEDURE #:</b> IAD 06-001
		<b>EFFECTIVE DATE:</b> 07/24/06
<b>SUBJECT:                      CITIZEN COMPLAINTS</b>		<b>PAGE:</b> 1 OF 1

**I. INTRODUCTION:**

This Standard Operating describes the Citizen Complain Process.

**DRAFT**

**II. DEFINITIONS:**

**Exonerated** – The investigation discovered that the act or acts complained of did occur but were justified, lawful and proper.

**Unfounded** - The investigation discovered that the act or acts complained of did not occur or failed to involve police personnel.

**Not Sustained** – The investigation fails to discover sufficient evidence to clearly prove or disprove the allegation(s).

**Partially Sustained** - The investigation discovered sufficient evidence to clearly prove at least one of the allegations.

**Sustained** - The investigation discovered sufficient evidence to clearly prove the allegation(s) made in the complaint.

**Withdrawn** - At some point prior to the completion of the investigation, the complainant notified the Department that he/she wished the investigation discontinued and all reviewers concurred.

**Closed at Intake** - Initial review of the complaint and Department records regarding the incident revealed no evidence of misconduct and the complaint was closed administratively.

**Other Misconduct Noted** - The investigation revealed no evidence to support the allegation made by the complainant; however, the investigation uncovered misconduct or other violations not related to the citizen's allegations.

**III. PROCEDURE:**

**A. How Complaints are Received:**

1. Citizen complaint forms will be received directly by the Hartford Police Department. Forms may also be submitted through the City of Hartford's Office of Human Relations.
2. Other written communications alleging misconduct, including electronic mail, will be accepted and forwarded to the Internal-Affairs Division.



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3. All allegations of misconduct as described below will be logged and assigned an IAD case number regardless of the nature of the allegation.

**B. Classification of Complaints:**

1. The IAD commander will classify cases according to the following criteria:
  - a. Class A complaints: The most serious allegations, including excessive force, civil rights violations and criminal conduct. These complaints will usually be assigned to IAD personnel for investigation.
  - b. Class B complaints: Less serious allegations, including verbal discourtesy, profanity and poor service. These complaints will usually be assigned through the subject employees chain-of-command for investigation.
  - c. Closed at Intake: When the initial review of the complaint reveals **NO** allegation of misconduct or inappropriate action by Department personnel acting within the scope of his or her duties, a brief memo to the Chief of Police documenting the review and recommending the closure will be completed. The concurrence of the Chief must be obtained prior to the closure of the case.

**Note:** A complete list of complaint classifications is contained in Appendix A of this procedure.

**C. Supervisors Accepting Complaints:**

1. Department supervisors accepting complaints will do so in a polite and professional manner, ensuring that the following actions are taken:
  - a. Review the complaint form and ensure that the complainant has signed the form. The form does not need to be signed in the presence of the supervisor.
  - b. Ensure that the "Complaint Received" portion of the office use box on the front of the complaint form is completed with the date, time and the name of the supervisor accepting the complaint.
  - c. If possible, provide the complainant with a copy of the form as a receipt.
  - d. Ensure that the original complaint form is forwarded to the Internal Affairs Division, either in person or via the IAD mailbox adjacent to the IAD offices.
  - e. Upon the receipt of complaints alleging serious misconduct or the commission of a crime, ensure that the Headquarters Lieutenant and the Commander of the Internal Affairs Division are immediately notified.

**Note:** In these instances, voicemail messages are not sufficient; personal contact must be made.

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**D. Responsibilities of the Commander, Internal Affairs Division:**

1. Receive, review and enter each complaint into the IAD database, assigning a specific IAD case number to each complaint.
2. Classify each complaint according to the criteria established in definitions listed above.
3. Within three business days of receiving a complaint, ensure that copies are sent to the Chief of Police and the Office of Human Relations.
4. Prepare a memorandum to the Chief for each case that is to be closed at intake.
5. Within three business days of receiving a complaint that will be classified as Class A or Class B, ensure that the complaint is assigned for investigation.
  - a. Class A complaints are assigned to specific IAD investigators.
  - b. Class B complaints are forwarded to the Assistant Chief of Police who has command responsibility for the subject employee.
6. Send a letter to the complainant informing him/her that the complaint has been received and the name of the person who will be conducting the investigation.
7. In Class B complaints notify the subject officer that a complaint has been made against him/her within thirty days of the receipt of the complaint.
  - a. In Class A complaints, the IAD investigator will make notification to the subject officer within thirty days of the receipt of the complaint.
8. Assign a due date for completion of each complaint investigation, regardless of where it has been assigned. The due date shall be thirty days from the receipt of the complaint. Requests for extensions must be made in writing using the following criteria:
  - a. A 15-day extension may be requested from the IAD Commander or the Assistant Chief responsible for the investigation.
  - b. Any extension beyond 15 days must be requested from the Chief of Police, with a detailed explanation of the circumstances requiring the extension and an anticipated date of completion.
9. Upon receipt of a completed investigation from IAD personnel:
  - a. Review the investigation, ensuring that any deficiencies are corrected.
  - b. Endorse the findings and recommendations contained in the investigation. Cases will be closed according to the definitions listed above.
  - c. Prepare a command review sheet and forward the investigation to the appropriate Assistant Chief for command review.
10. Upon receipt of a completed investigative package endorsed by the Chief of Police:
  - a. Update the IAD database with the appropriate finding.
  - b. Prepare a letter to the complainant from the Chief of Police informing him/her of the outcome of the investigation and his/her right to appeal to the CPRB.
  - c. Notify the subject employee of the outcome of the investigation.
  - d. Send a copy of the summary report to the City of Hartford's Office of Human Relations.
11. Prepare reports twice a year (no later than January 31<sup>st</sup> and July 31<sup>st</sup>) for the Chief of Police. Upon review, the Chief shall forward copies to the Mayor, the



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Chair of the Civilian Police Review Board and the Chairpersons of the Cintron Negotiating Committee. The report shall include the following:

- a. The number and type of complaints received during the previous six months.
- b. The number of officers against whom at least one complaint was received and the disposition thereof.
- c. The number of officers against whom multiple complaints were received and the disposition of each.

**E. Responsibilities of Assistant Chiefs of Police in receipt and distribution of Citizen Complaint investigations:**

1. Review the complaint to ensure familiarity with the allegation.
2. Within two days of receiving the complaint, ensure that the complaint is delivered to the supervisor who will be responsible for conducting the investigation. Ensure that the buck slip is returned to IAD.
3. Monitor the progress of the investigation to ensure that deadlines are adhered to.
4. Upon receipt of a completed investigation, review it for thoroughness ensuring that any deficiencies are returned for correction.
5. Upon receipt of an investigation that has been completed to the Assistant Chief's satisfaction, and if in agreement, endorse the findings and recommendations contained in the investigation. Cases will be closed according to the definitions contained in Appendix B of this SOP.
6. Forward the complete investigative package to the Chief of Police for final review.
7. Upon completion of investigations that do not result in disciplinary action, ensure that the appropriate district or division commander meets with the subject employee and reviews the circumstances that gave rise to the complaint. This review is not considered disciplinary in nature but is intended to stress the importance with which the Department views citizen complaints and instruct the employee on how to best avoid future complaints.


**F. Responsibilities of Department Supervisors assigned to investigate civilian complaints:**

1. Review complaint and gather any other Department records relevant to the incident including but not limited to, case incident reports, accident reports, summons, infractions, F.I. cards, use of force forms, traffic stop forms and dispatch records.
2. Make contact with the complainant advising him/her that you will be conducting the investigation and providing him/her with direct contact information including your normal hours of work and your voice mailbox number.
3. Meet with the complainant and provide him/her with the opportunity to review the complaint form and interview him/her regarding the incident.
4. Take other investigative steps necessary to resolve the complaint including, but not limited to, locating and interviewing witnesses, visiting the scene of the incident, reviewing cruiser videos, etc...
5. Interview police personnel involved in the incident, noting that:



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- a. Subject officers and officers who witnessed the incident under investigation must be interviewed.
  - b. Personal interviews of employees are the preferred method of conducting investigations. Supervisors shall keep detailed notes or shall record the interview. Notes and recordings are to be retained with the case file.
  - c. The use of written interrogatories will be limited to routine follow-up questions that arise as a result of other interviews.
  6. Supervisors conducting investigations are responsible for arriving at a finding consistent with the definitions included in Appendix B of this SOP.
    - d. Supervisors accepting a withdrawal of a citizen complaint are responsible for documenting the investigative steps that they took and the reason for the citizen's withdrawal. Whenever possible, the withdrawal should be made in writing and witnessed. The decision to accept the withdrawal will be subject to command review.
  7. Upon completing an investigation, prepare a case folder containing all relevant information including investigative narratives.
  8. Forward the completed investigation through the chain of command for review.
  9. In cases where a supervisor is recommending disciplinary action, the supervisor shall notify the subject employee of that recommendation.
- G. The IAD Steering Committee:**
1. The IAD Steering Committee shall meet twice a month on a schedule established by the Chief of Police.
  2. The following department personnel shall attend said meetings:
    - a. Chief of Police
    - b. Chief of Patrol
    - c. Chief of Detectives
    - d. Commander, Internal Affairs Division
    - e. All IAD investigators.
  3. A printout of all open citizen complaint investigations will be available for review by the Steering Committee.
  4. The IAD commander shall:
    - a. Review all new citizen complaints.
    - b. Review all open cases, reporting on proposed findings and recommendations.
  5. IAD investigators will present a synopsis of their open investigations, note any problems they anticipate encountering during the investigation and receive direction relative to specific investigative steps to be taken, as warranted.
  6. Assistant Chiefs of Police will update the Chief of Police on citizen complaint investigations for which they have command responsibility.
  7. An agenda will be prepared detailing the cases to be discussed and the action items.

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## **APPENDIX A**

### **CITIZEN COMPLAINT CLASSIFICATIONS**

#### **Class A Complaints**

1. Excessive Use of Force
  - a. During the course of an arrest
  - b. While in custody
  - c. While in custody inside a police facility
  - d. In a non-arrest situation
2. Civil Rights Violation
  - a. Illegal search and/or seizure
  - b. Illegal arrest
  - c. Illegal detention
3. Criminal conduct
4. Discriminatory language and/or behavior
5. Conduct unbecoming
  - a. On-duty
  - b. Off-duty

#### **Class B Complaints**

1. Verbal Abuse and Discourtesy
  - a. Profane language.
  - b. Discourteous attitude.
2. Poor or slow service
3. Harassment
4. Neglect of Duty
5. Violation of the Code of Conduct
6. Violation of Department policies, standard operating procedures and/or applicable training programs
7. Miscellaneous
  - a. Bad judgment.
  - b. Improper handling of a prisoner's property

**SUMMARY OF RECOMMENDATIONS FROM AUDIT OF IAD COMMISSIONED IN 2008 BY FORMER MAYOR PEREZ AND CHIEF ROBERTS:**

1. Codify the written order currently identified as “Citizen Complaints,” IAD 06-001 with the reasonable suggestions embodied in this audit report.
2. The Department should consider bifurcation of criminal and administrative investigations and removing the criminal investigation from the responsibility of the IAD.
3. Create a written definition of what constitutes a complaint.
4. Expand the information about Internal Affairs on the Police Department website to include the definition of a complaint and the steps necessary to file a complaint.
5. Create a brochure that describes for citizens the process to commend agency personnel as well as to complain about police performance.
6. Ensure that this brochure is made available in convenient public locations at all police facilities as well as City Hall.
7. The Citizen Complaint Form should be used for all complaints whether made in person, telephonically, letter or anonymously.
8. Specific preliminary steps for employees initiating a Citizen Complaint Form should be delineated in policy and the form should be expanded to include the specific preliminary investigation conducted and notification to IAD on the Form.
9. Training in the supervisor’s role for this preliminary investigation should be included in the New Supervisors’ School; in-service training should be directed for current supervisors.
10. The “closed at intake” process should be delineated in official documents and should include a provision that the complainant shall be notified.
11. The Police Department should decide whether or not it wants to use a form of mediation of citizen complaints. This should be codified and specific guidelines should be identified. Mediation requires that persons conducting the process be specifically trained in this practice. Before implementation within the Department, orientation training should be provided to agency personnel and the Police Union.

12. The Police Department should include in the written citizen complaint process that personnel meeting with a citizen regarding their intent to file a complaint must either document the complaint on the Citizen Complaint Form, or prepare a report delineating why the complaint was not accepted and forward the report to IAD.
13. Develop an Internal Affairs Unit operational manual. (A manual was drafted and is available in IAD. We were informed that it has never been formally adopted.)
14. Develop an investigative guide for field level investigations including a template for the completed investigative report.
15. Include in supervisors' training the acceptable investigative protocols for administrative complaint investigations.
16. Use a consistent case file format. (Appears to have been implemented)
17. Adopt a standardized series of investigative control sheets and logs.
18. Establish a written procedure that all persons will be interviewed and tape recorded during any administrative investigation.
19. Formalize the process as to which interviews will be transcribed.
20. Develop a format to direct the method of interviewing persons during administrative investigations in relation to the substance of the allegation.
21. The IAD should conduct a sampling review of the narrative summaries against the actual tape recording.
22. IAD investigators should be fact finders only.
23. The Police Department should be required to provide a written rationale for the adjudication of administrative investigations and the recommendation of discipline.
24. The Department should consider methods to formally involve the chain of command of accused employees in the adjudication and discipline process.
25. The Police Department should implement a database of discipline penalties imposed and this should be available to persons designated with the task of making discipline recommendations.

26. Working with the prosecutor's office, the Department should develop a written policy and production protocol for "Brady" materials.
27. The Police Department should establish an audit protocol for all administrative investigations in addition to the current chain of command and IAU review.

**EXCERPTS FROM AUDIT OF IAD COMMISSIONED IN 2008**

**BY FORMER MAYOR PEREZ AND CHIEF ROBERTS**



## **Section II: INTERNAL AFFAIRS OPERATIONS**

### **A. Foundation for the Internal Affairs/Citizen Complaint Process**

#### **Overview:**

The foundation for the Internal Affairs and citizen complaint process traditionally has been codified in a written policy/procedure document in the police agency. In some jurisdictions that policy/procedure is influenced by other factors such as civil service guidelines, Law Enforcement Officer Bill of Rights or similar provisions, jurisdictional charters, collective bargaining agreements, and administrative decisions and case law. Additional available guides can be found in professional organization model policies, accreditation requirements, various Consent Decrees or other agreements, and nationally recognized police training programs on the specific topic.

#### **Findings:**

The Hartford Police Department policy on Internal Affairs and citizen complaints currently is complicated by outdated and conflicting written procedures and the Federal Court Order, June 30, 2004. Several specific issues delineate the problems caused by this problem.

The U.S. District Court order specifies that "Investigation of citizen complaints shall be handled by the Internal Affairs Unit..." Yet the Department has citizen complaints handled by field supervisors. This is a reasonable, accepted practice within law enforcement and should be clarified as not being in conflict with the Federal Court Order.

Personnel assigned to the Hartford IAD are reasonably trained in conducting administrative investigations. Most of that training was conducted by the Institute for Police Technology and Management, Florida, which is a recognized, reasonable training program. This training would meet the conditions specified in the Federal Court Order. It is also indicative of the progressiveness of the agency.

The Internal Affairs Unit in Hartford Police Department currently is operating under a written guide, "Citizen Complaints," SOP IAD 06-001, (unfortunately there is no effective date and this order may not be officially approved). Appendix A of this order should be modified to include sexual misconduct and employee involved domestic misconduct under those allegations designated as Class A to be handled by the IAD.

Another significant deviation from generally accepted police practices is that incidents involving Department employees which are criminal as well as administrative violations are being conducted by the IAD. While the IAD indicates that it bifurcates these cases and does not allow investigators handling the criminal charge to co-mingle with investigators conducting the administrative portion, this would be difficult in an IAD the size of Hartford's. This could be rectified by truly bifurcating the case and having a criminal unit within the Hartford Police Department or an outside agency conduct the criminal portion and

requiring IAD to conduct the administrative aspect of the incident. This provides the employee with all the guarantees afforded to persons suspected of being involved in criminal activity, while providing the agency and community with the protection of the administrative investigation.

Currently personnel assigned to IAD are there for a limited period of time. A two (2) year tenure is an acceptable period of time. The current tasks assigned to IAD investigators appear to have become an issue of concern to investigators when they transfer out of that assignment. They feel that their assignment to IAD and what they are required to do creates a stigma that has adverse consequences to their reputations in the department. This is an issue confronting most police agencies that have a dedicated IA unit. It is an issue that should be addressed by the Hartford Police Department.

**Recommendations:**

- 1. Codify the written order currently identified as "Citizen Complaints," IAD 06-001 with the reasonable suggestions embodied in this audit report.**
- 2. The Department should consider bifurcation of criminal and administrative investigations and removing the criminal investigation from the responsibility of the IAD.**

References: (Tab 3)

1. IACP National Law Enforcement Policy Model Policy and Paper "Investigation of Employee Misconduct" 2001
2. *Beck v. City of Pittsburgh, et al.*,
3. "Internal Affairs/Citizen Complaints," model policy of the Legal and Liability Risk Management Institute, Public Agency Training Council
4. United States District Court, District of Connecticut, Order, June 30, 2004
5. Hartford Police Department order, IAD 06-001, "Citizen Complaints"
6. Hartford Police Department Order 3-2 "Citizen Complaint Procedure," 1981
7. Amended Order 3-2a, 1988

### **B. Access to the citizen complaint process**

#### **Overview:**

The citizen, or aggrieved person, is one of the four essential elements in the development and openness of the police grievance system. The other three essential elements of this ideal system are the accused agency employee, the police agency and the community served by the agency.

Requirements for this openness of the complaint system to citizens are (1) knowledge of the process to file a grievance, (2) accessibility, and (3) a receptive philosophy at the agency. There are many methods to ensure that a community is aware of the police agency's grievance/complaint system. The most common is the development of a printed brochure outlining the process. Other common approaches are websites and public information articles. Progressive police agencies use all available techniques.

Citizen accessibility to the system is recommended to be open and varied. The best practices and model policies require that citizens be allowed to make complaints regarding police performance in a variety of methods; including in person, by telephone, or via mail. These same guides support the taking of complaints from third parties and anonymous sources.

One of the most common complaints that citizens' groups and police study commissions have heard is that the local police agency's attitude toward complainants is hostile (Christopher Commission Study of Los Angeles Police Department; Koltz Commission Study of the Los Angeles County Sheriff's Office, and the St. Clair Commission Study of the Boston Police Department). One national advocacy group regularly tests local police agencies on this point and frequently documents this type of police employee hostility. Other police agencies with inspections units or covert administrative operations have conducted similar tests to internally assure that its employees are treating citizen complainants in a reasonable manner.

**Findings:**

The Police Department acknowledges that it does not have a reasonable brochure or other methods to inform citizens of the complaint process. The development of a brochure is one of the provisions in this audit contract to assist the Department in the development of this community information source. This brochure should include information concerning the Hartford Police Citizens



Review Board, its role in this process, and the various access points for concerned citizens.

However, the team's review of complaint investigations and interviews with various police personnel indicate that the Police Department appears to readily accept citizen's complaints. The Department appears to take formal complaints when one might not be necessary. The Department philosophy, however, is to accept all complaints and make determinations of whether to investigate them, handle them in some other manner, or dismiss them as not meeting the criteria for a complaint investigation. What is missing is a succinct definition of what constitutes a complaint. It would be acceptable to have various categories of complaint allegations with different styles of investigation for each, if the agency desired.

Confusing the complaint initiation process is the myriad of written provisions, many of which conflict with one another and with generally accepted reasonable police practices. The "Citizen Complaint Procedure" is codified in General Order 3-2, implemented in 1981. This Order was amended in 1988 by General Order 3-2a. An updated written procedure, Standard Operating Procedure, Internal Affairs Division IAD 06-001 "Citizen Complaints," was apparently developed in 2006, but there is no indication that it was officially implemented. The audit team's review of investigations, however, indicates that it is being followed by the

Department. Finally, there is the Order by the United States District Court implemented in June, 2004, entitled "Citizen Complaint Procedure."

#### **Recommendations:**

- 3. Create a written definition of what constitutes a complaint.**
- 4. Expand the information about Internal Affairs on the Police Department website to include the definition of a complaint and the steps necessary to file a complaint.**
- 5. Create a brochure that describes for citizens the process to commend agency personnel as well as to complain about police performance.**
- 6. Ensure that this brochure is made available in convenient public locations at all police facilities as well as City Hall.**

#### **References:**

- 1. Sample brochure development guide from Chapter 22 Law Enforcement Administrative Investigations, 3d Edition (Tab 4)**
- 2. Suggested police websites: New Jersey State Police (Office of Professional Standards Annual Report); New York State Police (PDF of actual citizen brochure of how to file a commendation or complaint); Portland Maine Police Department (link to file a commendation or complaint); and Washington State Police (definition of what constitutes a complaint and link to OPS)**
- 3. Sample on definition of a complaint from Law Enforcement Administrative Investigations, 3<sup>rd</sup> Edition (Tab 4)**
- 4. Sample Order "Internal Affairs/Citizen Complaints," Legal and Liability Risk Management Institute, 2007 (Tab 3)**

### **C. The initiation of the complaint**

#### **Overview:**

Typically, the initiation of some type of report starts the investigative process of a citizen's complaint or an internal administrative investigation. Stringent

guidelines must be delineated by a police agency to ensure that every complaint that meets the agency's definition of a complaint is in fact documented and processed. The weakest link in this vital documentation process is often when complaints come to other units or persons rather than the IAD.

**Findings:**

The audit team found that this does not appear to be an issue of compliance with the Hartford Police Department. Review of complaint investigations, observation by audit team members and interviews with both IAD and field personnel reveal that the Department actually may go overboard in this area. Some citizen complaints that many police agencies might not consider a complaint are still taken by field and desk sergeants. It appears that the agency has accepted a philosophy of 'when in doubt, take the complaint.' None of the documentation provided by the Police Department, including the Federal Court Order, addresses the issue of acceptance of anonymous complaints.

The Citizen Complaint Form used by the Hartford Police Department is an adequate starting point for this process and the form is a rather lengthy document. This form is acceptable, but should be expanded to ensure compliance particularly by field level personnel receiving information amounting to a citizen complaint. The form, however, does not have a place to document when and by whom IAD was notified of the acceptance of the complaint. Neither the form nor training currently directs the field employee taking the complaint as

to what specific steps s/he should take to begin the investigative process. Some of these field employees receiving the complaint are ensuring that medical attention is provided, if warranted; that photographs are taken if the complaint involves use of force whether there is observable injury or not; that video surveillance records were preserved, if present; that an immediate follow-up is conducted, when warranted, and the accused and witness employees are still on duty; and that required reports are completed and attached.

The Citizen Complaint Form requires that supervisors taking a complaint must ask the citizen whether they would agree to some form of reconciliation/mediation of their complaint, if requested by the Department. This is allowed in General Order 3-2 "Citizen Complaint Procedure," 1981. There also is a memorandum from the Police Department, issued August 16, 2007, on this process which should be codified officially. One complaint investigation reviewed by the audit team used this technique and was reported in a manner consistent with a reasonable mediation process. However, there is no protocol for this in place within the Police Department. There is a volume of information available to police departments on the mediation of citizen complaints from the U.S. Department of Justice, Office of Community Oriented Policing ([www.usdog/cops.gov](http://www.usdog/cops.gov)). The Hartford Police Department could also visit the Police Departments in Rochester and Albany, NY, which are noted for their use of this process. There appears to be a lack of understanding regarding this process by field personnel and the Union.

The Standard Operating Procedure of IAD – IAD 06-001 “Citizen Complaints,” undated, authorizes personnel within IAD to close out a citizen’s complaint when it is determined that the allegation “reveals NO allegation of misconduct or inappropriate action by Department personnel acting within the scope of his or her duties...” This “Closed at Intake” appears to be a violation of other provisions within the agency and the Federal Court Order. The procedure as written and as reviewed by the audit team does not require that the complainant be notified, but the Department indicates that this is always done, usually by letter.

In some cases citizen complaints are not taken by supervisors when they determine that the allegation does not warrant completion of the complaint form or when the supervisor believes that he or she has satisfactorily appeased the citizen making the complaint. There is no provision for this and no reporting requirement. This could result in legitimate complaints being quashed before any documentation is made. There would be no opportunity for the Department to conduct any quality control checks.

**Recommendations:**

- 7. The Citizen Complaint Form should be used for all complaints whether made in person, telephonically, letter or anonymously.**
- 8. Specific preliminary steps for employees initiating a Citizen Complaint Form should be delineated in policy and the form**

should be expanded to include the specific preliminary investigation conducted and notification to IAD on the Form.

9. Training in the supervisor's role for this preliminary investigation should be included in the New Supervisors' School; in-service training should be directed for current supervisors.
10. The "closed at intake" process should be delineated in official documents and should include a provision that the complainant shall be notified.
11. The Police Department should decide whether or not it wants to use a form of mediation of citizen complaints. This should be codified and specific guidelines should be identified. Mediation requires that persons conducting the process be specifically trained in this practice. Before implementation within the Department, orientation training should be provided to agency personnel and the Police Union.
12. The Police Department should include in written citizen complaint processes that personnel meeting with a citizen regarding their intent to file a complaint must either document the complaint on the Citizen Complaint Form, or prepare a report delineating why the complaint was not accepted and forward the report to IAD.

References:

1. Chapters 1, 2, and 22, Law Enforcement Administrative Investigations, 3d Edition (Tab 4)
2. Hartford Police Department Order 3-2 "Citizen Complaint Procedure," 1981 (Tab 3)
3. Amended Order 3-2a, 1988 (Tab 3)
4. Consent Decree between the U.S. Department of Justice and the City of Pittsburgh, PA, 1997 (Tab 5)

**D. Investigative procedures and case file maintenance**

**Overview:**

Administrative investigations are no different than conducting a criminal investigation. It could be equated as being the same as the investigation of a



felony crime with a known suspect. The investigator's work performance is very important, but, if the outcome of that investigation is not preserved in a professional manner, that effort may not provide adequate documentation for any one of the four essential elements of the citizen and administrative grievance system.

The standard of care within the police industry recommends that checklists, guides and specific forms be used to ensure that a reasonable and consistent investigation is done. Another common form would include a witness canvass search form. These also can assist in supervising and auditing these types of investigations.

It is common and acceptable to delegate less serious allegations to field supervisors for investigation. These normally are allegations concerning attitude, verbal abuse, neglect of duty and poor response to calls for service. This is actually an important process since the field supervisor is in the best position to provide positive and constructive feedback to his/her subordinates on these frequent and common citizen encounters. Traditionally, however, these delegated investigations may vary in quality. This can be averted by agency training, providing an investigative template for the finished investigation, a written protocol, and quality control checks by some unit/person within the agency.

**Findings:**

The audit team reviewed a random selection of completed investigations originating in 2005-2007. A portion of these were investigations conducted by field level supervisors. The audit team was informed that significant changes had occurred during the past several years in these administrative investigations, particularly those done by IAD. For that reason the audit team focused on contemporaneous practices by reviewing those investigations occurring during this current period. Issues concerning administrative interview protocol will be addressed in the subsequent section.

Most of these investigations were completed within two (2) months of complaint initiation. A few, usually more complex investigations, were completed within four (4) months. With the expectation of the introduction of a computer management system (IA-Pro), oversight of the investigation timeline should be enhanced. The Federal Court Order and current practices of the Department are to complete the investigation within 30 days. That terminology of completion is rather vague since if the complaint is sustained and discipline is proposed the appeal could take a considerable period of time. The IACP Model Policy on Internal Affairs operations recommends a 45 day completion date. The various agreements of the U.S. Department of Justice and local governmental units have a case completion time ranging from 30-150 days. The essential point of a due date is to ensure that the complaint and investigation will not disappear without resolution.

The investigation files reviewed that were completed by IAD were generally very acceptable and complete. There appeared to be a fairly consistent format in reporting these investigations. The IAD, however, does not have an operational manual that covers all aspects of conducting administrative investigations and file management. The S.O.P. IAD06-001 "Citizen Complaints" is a good beginning. Most of the other practices are known to the most senior investigators and are passed on through on-the-job experience. Currently IAD investigators are using the generally accepted practice of expanding the investigation beyond the "four corners" of the citizen's complaint allegation. The citizen's complaint should be considered by the Department as an opportunity to review the employee's encounter with the citizen and evaluate whether policy, training and safety issues were used by the employee. Most of these are issues the average citizen would not have any information about.

Some of the specific areas of concern, even with the investigations done by IAD, are the consistency of accumulating documentation that should be available within the police agency (police reports, video documentation, dispatch records, shift assignment sheets and officer activity materials). On some occasions, usually only when a case is sustained, the investigation included training materials such as lesson plans. On occasion the trainer most knowledgeable was interviewed as to the current training provided to officers. There is no written guideline on when an administrative investigator is required to contact the

prosecutor for advice or declination when a criminal issue may be involved in the investigation. Currently the practice in IAD to consult with the prosecutor appears to be when the investigator is "concerned" that there may be a criminal issue and the investigator believes the case will be sustained.

File maintenance appears to be inconsistent. There are multiple files maintained of completed investigations. Some files appear to be disorganized and could be characterized as a "stuff folder." Most files do not contain finalized disciplinary records. If the investigation resolution includes a provision that the employee receive training, normally documentation of that training completion is not in the file maintained by IAD.

The audit team reviewed complaint investigations completed by field supervisors. Some of these were acceptable. Many were not. There were wide variations in the completed investigations. A few could be considered as a perfunctory investigation. Department personnel acknowledged that there was little, if any, specific training provided to these supervisors in how to conduct administrative investigations and there is not a template for these supervisors to consult on how to conduct these types of investigations. The Department should provide specific training to all supervisors on the protocol for conducting administrative investigations, a template for completed investigations, and consider requiring new supervisors to spend a short period of time in IAD (two weeks would be adequate).

Investigative oversight tools such as investigator case management checklists and a standard format for case folders are reasonable techniques. These are not currently being used by the Hartford Police Department.

**Recommendations:**

- 13. Develop an Internal Affairs Unit operational manual.**
- 14. Develop an investigative guide for field level investigations including a template for the completed investigative report.**
- 15. Include in supervisors' training the acceptable investigative protocols for administrative complaint investigations.**
- 16. Use a consistent case file format.**
- 17. Adopt a standardized series of investigative control sheets and logs.**

**References:**

1. Sample investigative control sheets/logs, included in Chapter 22 of Law Enforcement Administrative Investigations, 3d Edition referenced in Tab 2
2. Consent Decree between the U.S. Department of Justice and the City of Pittsburgh (Tab 5)
3. IACP National Law Enforcement Policy Center, "Investigation of Employee Misconduct" concepts and issues paper, July 2001 and "Investigation of Employee Misconduct" model policy, July 2001 (Tab 3)

**E. Interview protocol**

**Overview:**

The two major investigative elements of a reasonable and successful administrative investigation are the collection of physical evidence/documentation

and interviews. While most of the persons necessary to be interviewed are known from the start of an investigation based upon the citizen's complaint, police documentation, and communication records, a reasonable investigator will conduct a search for other persons who may have information. This search, depending on the nature of the complaint, frequently involves a canvass of the area of the incident, review of surveillance videos, and a lockup canvass. This latter canvass is imperative in cases where the incident leading to the complaint occurred in the police facility or booking location. The completeness of this search for witnesses is indicative of the police agency's dedication to finding the truth of the allegations.

Once the persons to be interviewed are identified, the next stage for the investigator is to conduct the interviews. These interviews are really the most significant aspect of any administrative investigation. They are graphic evidence of the investigator's professional orientation and are principal indicators of an investigator's bias. While these are interviews, if done correctly the person being interviewed will feel as though they are being interrogated. The investigator must challenge the version of the person being interviewed, whether it is the complainant, other witness or the accused police employee, when his/her version is in conflict with physical evidence and other witness accounts.

The police agency must establish a consistent protocol for interviews during administrative investigations to ensure all persons interviewed are treated in the



same manner. These investigations frequently involve interviews with the complainant, the complainant's identified witnesses, other citizen witnesses, agency employees not directly involved in the incident, other agency personnel at the scene of the complaint incident, and the accused employee(s). All persons should be interviewed during the administrative investigation. This generally accepted police practice is based upon Department of Justice Consent Decrees, model policies, Law Enforcement Officer Bills of Rights, and leading Internal Affairs training programs, which all advocate that all interviews be recorded. The issue of whether these interviews are transcribed verbatim is not as settled. Established protocols, however, can be used to indicate which interviews will be transcribed verbatim and those where this is unnecessary.

**Findings:**

The audit team's review of completed complaint investigations revealed an inconsistency in interview formats being used by both IAD and the field supervisors. Some interview summaries were very extensive and complete. The audit team reviewed one audio tape of an officer's interview conducted by IAD and found the interview was complete, but the investigator frequently used leading questions. The field supervisors' investigations were observed to be particularly deficient. Many of these interviews by the field supervisors were conducted only by telephone and often persons documented in the complaint were not contacted.

It appears that the Department is not complying with the Federal Court Order of interviewing persons during complaint investigations and some other internal documents are evasive on specific direction. The Federal Court Order requires "questioning all available witnesses..." SOP IAD06-001 is not sufficient and clear on interview protocols, "Personal interviews of employees are the preferred method of conducting investigations." Also within this SOP is "F. Responsibilities of Department Supervisors assigned to investigate civilian complaints," which appears to be inconsistent with generally accepted police practices. The Department's document "Internal Investigation – Interviewing of Employees" 8-26, 1984, has apparently not been updated and conflicts with generally accepted police practices and fails to address tape recording the interview or any use of a Garrity admonishment.

The review of field supervisors' investigations indicated that there is a tremendous variance in the conduct of interviews. Most of these interviews are not tape recorded. Supervisors are using an "interrogatory" format when dealing with officers. They are asking the officers to respond by memorandum to a series of questions and there is no indication that the officers are ever interviewed by the supervisor. In one case reviewed by the audit team, a discourtesy allegation was sustained against an officer who was never interviewed or spoken to by the investigating supervisor. In that case, the officer accepted the recommended discipline; but it would have been very doubtful whether it could have withstood any appeal.

The Department should consider establishing categories of complaint investigations ranging from less serious to most serious and internal investigations of procedural violations. This categorization would then detail exactly what form interviews should take during each investigation category.

The Department should consider transcribing interviews when there is a strong potential that the allegation will be sustained and warrant significant disciplinary action or that the incident is likely to result in civil litigation. This allows the Department to ensure that the interview is accurately documented in the investigation and the adjudication review. This transcription also facilitates supervisory review of interview techniques used by the investigators.

Most interviews conducted by the Hartford Police Department are documented in a narrative summary format. This is a very time consuming task for investigators. This is a difficult assignment for anyone to ensure that personal bias does not alter the intent of the person being interviewed. The Department should monitor this by comparing the audio recording to the narrative summary.

**Recommendations:**

- 18. Establish a written procedure that all persons will be interviewed and tape recorded during any administrative investigation.**
- 19. Formalize the process as to which interviews will be transcribed.**

20. **Develop a format to direct the method of interviewing persons during administrative investigations in relation to the substance of the allegation.**
21. **The IAD should conduct a sampling review of the narrative summaries against the actual tape recording.**

**References:**

1. U.S. D.O.J. Consent Decree with Pittsburgh, PA. Police Department included (Tab 5)
2. Florida Chapter 112 "Police Officers Bill of Rights" (Tab 6)
3. California Government Code Section 3303 "Rights of Police Officers" (Tab 6)
4. "Internal Investigations – Interviewing of Employees" 8-26, 1984 (Tab 6)
5. United States District Court, District of Connecticut, Order, June 30, 2004 (Tab 3)
6. Hartford Police Department order, IAD 06-001, "Citizen Complaints" (Tab 3)
7. Hartford Police Department Order 3-2 "Citizen Complaint Procedure," 1981 (Tab 3)
8. Amended Order 3-2a, 1988 (Tab 3)

**F. Adjudication and discipline**

**Overview:**

The investigation of citizen complaints and other administrative investigations require investigative skill and the ability to be impartial. This latter ability is extremely important since many in the community are concerned that the investigation will automatically be biased towards the police officer and the police agency.

Reasonable and professional police practices require the administrative investigator to remain objective and to be a fact finder. Traditionally, the investigator is not required to make findings and rarely is the investigator charged with recommending discipline. This requirement might channel the investigator's orientation and search for various directions in the investigation. It would be reasonable, however, for whoever is held accountable for making findings and disciplinary recommendations to consult with the investigator since s/he may have valuable insights into credibility of various persons encountered during the investigation.

The ultimate decision for discipline is usually vested with the chief executive of the police agency. This position may be the Chief of Police, Director of Public Safety, City Manager or some elected official. Each jurisdiction has codified this decision making point. While the task can be delegated, the ultimate authority is still with the designated position. The adjudication of administrative investigations is handled in various ways in law enforcement. Some agencies are using a review panel; others use the traditional chain of command; and other chief executives restrict the task to themselves. Employee unions have sought to standardize discipline penalties to ensure that there is no disparate treatment. Some agencies have adopted a disciplinary matrix to guide this decision making. Whatever method an agency uses, there needs to be some method to ensure that discipline penalties are consistent, reasonable, fair and defensible.

**Findings:**

Investigators assigned to IAD in Hartford Police Department currently are required to find facts and make recommendations on the cases they investigate. In some cases they are recommending discipline, as well. Once the investigation is completed by IAD it is forwarded to the Chief of Police. When the case results in discipline it is forwarded to the Advocate. The Advocate uses the 1994 Code of Conduct 4-1 and has reduced that to its Discipline Review Form (2006). Both of these forms are reasonable, however, the Code of Conduct apparently has not been revisited since its inception. Several other written orders concerning disciplinary practices are in conflict and are very dated.

The Advocate indicated that he reviews the employee's disciplinary history and commonly will discuss the matter with the employee's immediate supervisor (either a sergeant or lieutenant), unfortunately that is rarely documented. There is no specific written protocol detailing this. Cases reviewed did not always have the employee's disciplinary history included in the file reviewed during this audit.

Appendix B of IAD 06-001 (2000) lists the possible dispositions for each case that the investigator uses to make their recommendations. This is reasonable, however, to be more up-to-date the agency should add a category "Policy/Training Deficiency." This category would be appropriate when the allegation did occur but was a result of the employee not being directed or trained in how to handle the specific encounter with the citizen.



The Hartford Police Department uses the concept of a disciplinary matrix embodied in the Code of Conduct policy and the Discipline Review Form. This is a reasonable approach to providing consistency in discipline of employees. The Advocate has indicated that he will sit down with the accused employee before the administration of discipline. His access to determine the consistency of discipline currently is a spread sheet Access program; but the agency is in the process of converting to the use of IA-Pro (this is one of the more advanced computer programs available for law enforcement).

The principal problem with the current practices of the Hartford Police Department is that it appears to eliminate any direct involvement in the disciplinary process by immediate supervisors. These supervisors are the persons most able to correct, direct and monitor employees and ensure that they are performing consistent with the agency policies, training and practices. Between the requirements for the IAD investigators to make specific recommendations and the role of the Advocate, immediate supervisors and the chain of command of the involved employees are not being held accountable for the performance of their employees and any degree of ownership in the disciplinary process.

Law enforcement has approached these issues with two (2) significant disciplinary techniques. The first is the creation of what is commonly referred to

as a disposition review panel. The task of evaluating the complaint investigation and making recommendations in this technique becomes a process for the disposition panel, often supervisors and/or managers within the chain of command of the involved employee. The second technique is the requirement of the person(s) reviewing the investigation to provide a complete narrative of their evaluation of the investigation and their rationale for determining one adjudication over other available options. This has been referred to as "administrative insight." Of course there are drawbacks to even this system. With different personnel being tasked to evaluate and make decisions there could be disparity in dispositions and discipline. This is a management system that oversight, training and individual guidance can overcome.

A current issue in law enforcement is the implication of "Brady" provisions and protocol/policy to ensure that potentially exculpatory information is given to the prosecutor. While it is the role of the prosecutor to determine what is exculpatory and what should be turned over to the defense, the Police Department should be aware of its employees who may have "Brady" issues due to their disciplinary record. Discipline that might be applicable is lying during an administrative investigation, providing false and misleading statements to administrative investigators and/or supervisors, or submitting a false police report. Currently, the Hartford Police Department has no specific policy to direct its employees in this matter and one IA case reviewed indicated that the employee was disciplined for lying during the investigation.

**Recommendations:**

- 22. IAD investigators should be fact finders only.**
- 23. The Police Department should be required to provide a written rationale for the adjudication of administrative investigations and the recommendation of discipline.**
- 24. The Department should consider methods to formally involve the chain of command of accused employees in the adjudication and discipline process.**
- 25. The Police Department should implement a data base of discipline penalties imposed and this should be available to persons designated with the task of making discipline recommendations.**
- 26. Working with the prosecutor's office, the Department should develop a written policy and production protocol for "Brady" materials.**

**G. Quality control measures for administrative investigations**

**Overview:**

All law enforcement high risk, critical tasks should be subjected to quality control measures to ensure that these tasks are being performed consistent with the agency's written policies and procedures and within acceptable risk management parameters. Historically, police professional organizations have advocated that each police agency conduct periodic audits and inspections of these high risk, critical tasks. Today that concept is also referred to as quality control.

An administrative investigation is one of those high risk, critical tasks in law enforcement. These investigations can end up being a critical element in civil

litigation, a fundamental document in employee challenges and a source of community oversight. This is even more important when various units within the police agency conduct these types of investigations. This type of quality control audit process should be conducted at least annually and review a relevant sampling of all types of administrative investigations conducted by the agency.

**Findings:**

There are no formalized quality control methods for IAD or citizen complaint investigations being used by the Hartford Police Department. Field supervision investigation of citizen complaints are simply just filed by IAD.

The Department should implement a formal audit system for administrative investigations.

The SOP IAD06-001 "Citizen Complaints" indicates that IAD is required to prepare a statistical report concerning citizen complaint investigations. Also included in this SOP is the creation of "The IAD Steering Committee." This is a reasonable unit to ensure that quality control checks are conducted of this important function with the Department.

IAD in the Hartford Police Department in 2007 began issuing memorandums concerning recurring policy and training issues noted during its complaint investigations. This is a very innovative practice seldom seen in law

enforcement. Most of these are transmitted under the signature of the IAD supervisor, but they should be under the signature of the Chief of Police. This would add force to the information and eliminate any stigma that might be placed on the members of IAD.

Also noted was one memorandum that alerted the Department to risk management issues concerning the necessity to have video monitoring of the booking area of the jail. There is no indication, however, that this was followed up on or whether anyone made a determination whether or not to implement this procedure. This could increase the Department's potential risk management liability.

#### **Recommendations:**

- 27. The Police Department should establish an audit protocol for all administrative investigations in addition to the current chain of command and IAU review.**

#### **References:**

1. "Need for IA/OPS audits," Reiter (Tab 7)
2. Six (6) Hartford Police Department Interdepartmental Memorandum 2007-2008, concerning issues identified during investigations (Tab 7)
3. Sample of report of an IA audit conducting during a civil litigation matter (Tab 7)
4. "Administrative Insight: a key to defending your decisions for administrative investigations," Reiter, September, 2006 (Tab 7)
5. Police Department Order 4-3 "Hearing Rules," 1981 (Tab 8)
7. Disciplinary Review Form, June, 2006 (Tab 8)
8. Code of Conduct 4-1, 1994 (Tab 8)
9. Disciplinary Procedures General Order 4-2, 2000 (Tab 8)

## CITY OF HARTFORD

## INTERDEPARTMENTAL MEMORANDUM

HARTFORD POLICE  
CONTROL DIVISION

2011 APR 11 - A 11: 52

**TO:** John Horvath  
Assistant Chief**FROM:** Sergeant Gabriel Laureano  
Investigator, Internal Affairs Division**DATE:** April 11, 2011**SUBJECT:** IAD

After a week or so of your promotion to Assistant Chief and Deputy Chief Sansom being promoted Lt. Neville Brooks, during private conversations with me, began making statements about "shoving it up all the Chiefs asses." Lt. Brooks appeared disturbed about being passed over for the position of Deputy Chief. He made statements to me that you were all "drunk" on your power and didn't know what you were doing.

Lt. Brooks suddenly had a vested interest in ongoing internal investigations, specifically ones where any Hartford Police Chief was involved. Lt. Brooks confided in me that he wanted to make it as uncomfortable for the command staff as possible; he felt that if we (the investigators) were to bring in all the chiefs for interviews and ask hard and uncomfortable questions, it would somehow insulate us from the chiefs for the rest of our careers. As Lt. Brooks put it we would be "Teflon." Lt. Brooks was looking for any reason, no matter how minuscule, to have members of the command staff interviewed. During these conversations I would often openly agree with Lt. Brooks. Knowing that Lt. Brooks has close relationships with other commanders within the department and his vindictive personality, I feared that if I showed any unwillingness to go along with his plan that I would then be subject to a hostile work environment. There was and is no doubt that Lt. Brooks is using his position as the commander of Internal Affairs for his personal benefit, without taking into consideration the ramifications of his actions and the compromising positions he is putting his Sergeants in.

This work environment has caused me extreme duress. These stressful circumstances have taken a serious toll on my personal life. I have suffered from migraines regularly since this whole situation began. I find it difficult to sleep because I am constantly thinking about this. I am hoping for a quick resolution to this matter for my personal well being.

Thank you.

CITY OF HARTFORD

INTERDEPARTMENTAL MEMORANDUM

**TO: Chief Daryl K. Roberts**  
**FROM: Deputy Chief Paul J. Ciesinski, Commander, South Division p/c**  
**DATE: April 7, 2011**  
**SUBJECT: Record of Chief's Interview of Lieutenant Neville Brooks**

The purpose of this memorandum is to document, at the best of my recollection and by your direction, an interview of Lieutenant Neville Brooks, the HPD Internal Affairs Division (IAD) commander, and conducted by Chief Daryl K. Roberts. I was also present, as was Assistant Chief Lester McKoy. Both A/C McKoy and I asked questions at times.

The interview occurred today at 1100 hours in the office of the Chief.

The interview was conducted in response to concerns by Chief Roberts that Lt. Brooks, without informing Chief Roberts, was exceeding the scope of directions given him by the Chief in I-File investigations, that members of the command staff were the targets of internal investigations without the Chief being informed of this fact, and that certain nationally accepted best practices in internal investigations may not be followed within the investigations.

Chief Roberts asked Lt. Brooks if he read a Garrity rights warning to A/C Heavren in a recent I-File interview. Lt. Brooks said that he did, and that he ensures that all interviewed employees receive the identical warning. Lt. Brooks also said that he does this because he was trained to do so.

Chief Roberts asked Lt. Brooks if there was a personality dispute between him (Lt. Brooks) and A/C Heavren. Lt. Brooks did not deny that there was a personality dispute or dislike between the two. Chief Roberts said that he thinks it is possible that there is a personality dispute between the two.

Chief Roberts said that Lt. Brooks told him that IAD would only need to ask A/C Heavren one question in his IAD interview. Chief Roberts noted that his information was that IAD instead asked A/C Heavren four questions, one of them asked personally by Lt. Brooks.

Lt. Brooks responded that, in fact, IAD asked A/C Heavren seven questions, and that the number of questions increased because IAD learned new information that made A/C



Heavren a target of the investigation, and that "things" developed too fast for him to inform Chief Roberts that the number of questions had increased to seven.

Chief Roberts said that if A/C Heavren was a target of the investigation and suspected of potential misconduct, that he (Chief Roberts) should have been immediately informed of this by Lt. Brooks, before A/C Heavren was interviewed. Lt. Brooks responded that he "misspoke," earlier and that A/C Heavren only became suspected of potential misconduct the morning of this conversation (April 7<sup>th</sup>), *after* the interview of A/C Heavren.

Chief Roberts further asked Lt. Brooks to consider the situation from A/C Heavren's point of view: that he (A/C Heavren) was read formal Garrity warnings at the beginning of the interview, that he had been told by Chief Roberts, based upon the information the Chief received from Lt. Brooks, that he would only be asked one question but then was asked seven, that he was interviewed in the IAD complex, that he was in the room alone with three investigators, and that these factors all together could cause him concern.

Chief Roberts asked Lt. Brooks about the I-File investigation involving Detective Seth Condon. Chief Roberts asked Lt. Brooks to describe the steps he took in investigating the anonymous allegations or rumors involving Det. Condon, and Lt. Brooks did so.

Chief Roberts then asked Lt. Brooks what investigative steps Lt. Brooks planned to take at that time the investigation was still open, after the initial steps described above by Lt. Brooks were completed. Lt. Brooks responded with words to the effect that IAD had not, in fact, looked at anything else regarding this investigation, but did not specifically answer the Chief's question of what steps he had planned to take when the investigation was still underway.

A/C McKoy further asked Lt. Brooks about the subject of Garrity warnings to interviewed employees, and asked him if he was aware that there was a school of thought that formal Garrity warnings did not need to be read in every internal investigative interview. Lt. Brooks did not specifically answer A/C McKoy's question, saying words to the effect that he thought these specific warnings should always be read before an investigative interview.

I (D/C Ciesinski) asked Lt. Brooks further about Garrity warnings. I said that yes, one could give Garrity warnings before every internal investigative interview, that giving Garrity warnings before every interview often had the effect of chilling the climate of the interview and hurting communication, and that one could conceivably also give Miranda warnings during every criminal investigation, indeed during every traffic stop, and asked Lt. Brooks yes or no whether that was true or untrue.

Lt. Brooks replied with words to the effect that Miranda was a custodial warning and therefore my question was not relevant. I said that his answer was not responsive to the question, and that a yes or no answer was possible. I attempted to clarify for Lt. Brooks another time, and he then answered that yes, Miranda could conceivably be given during every traffic stop.

Chief Roberts later said to Lt. Brooks that while it is possible to read Garrity to every person being interviewed in an internal investigation, it is not necessarily wise to do so.

Chief Roberts played a CD audio recording of Lt. Brooks' internal interview of A/C Heavren. Chief Roberts stated that he did not hear evidence on this recording of disrespectful actions or tone on the part of the IAD investigators.

Chief Roberts said to Lt. Brooks that he must remember that members of the command staff deserve and should be treated with the respect due their ranks and positions within the HPD. Chief Roberts asked Lt. Brooks why A/C Heavren's interview was conducted in the IAD complex, and asked him if it was possible for it to have been conducted elsewhere, including A/C Heavren's office.

Lt. Brooks responded that, according to an HPD order, he must conduct all internal interviews of employees in the IAD offices, and said that during his tenure as commander only one interview was not so conducted, by Sergeant Elliott in the JID complex.

Lt. Brooks later said that he "misspoke," and that at least one more internal interview during his tenure was conducted outside the IAD offices.

Someone asked Lt. Brooks if he told A/C Heavren, before his internal interview in question, whether or not he was the subject or not of the investigation he was being interviewed about. Lt. Brooks seemed to me to be unsure, and Chief Roberts offered to replay the audio CD, which he did. The CD showed that A/C Heavren was not informed during his interview whether or not he was the subject or target of the investigation.

Lt. Brooks verbally agreed that Lt. Heavren was not so informed whether he was a witness or a subject of the investigation, but said that this advisement may have occurred in a non-recorded conversation before the interview began. I advised Lt. Brooks that such off-the-record conversations are a poor idea.

Lt. Brooks said words to the effect that he does not unfairly or improperly target anyone in his internal investigations, that he shows no favoritism or prejudice, and that he believes that by doing his job properly he is sure to anger certain people.

The interview concluded, Lt. Brooks shook hands with the chiefs in the room, and departed.

PJC/pjc

## CITY OF HARTFORD

## INTERDEPARTMENTAL MEMORANDUM

To: Daryl K. Roberts  
Chief of Police

From: Assistant Chief John K. Horvath  
Chief of Detectives

Date: April 11, 2011

Subject: Request for I-File Investigation

H.P.D. CHIEF'S OFFICE  
2011 APR 11 P 2:10

Chief, after receiving information of a serious nature verbally from IAD Sergeant Gabriel Laureano on Friday, April 8<sup>th</sup>, pertaining to the actions of IAD Commander Lieutenant Neville Brooks I have directed Sergeant Laureano to commit his information to writing. Attached is a memorandum from IAD Sergeant Laureano detailing his recent experience in the Internal Affairs Division. The information contained in the one page memorandum to me from Detective Laureano, dated April 11, 2011 reinforces the discussion the Chiefs (Ciesinski, McKoy, you and I) had with Sergeant Laureano on Wednesday, April 6<sup>th</sup> in the late afternoon hours in your office. As you recall during that conversation, Sergeant Laureano stated in response to your questions, that he had been asked to do things that were unethical and not in line with proper practices with respect to IAD Investigations involving members of the Command Staff. Sergeant Laureano even requested to leave the division because of Lieutenant Brooks' actions. You asked Sergeant Laureano if he was leaving for personal/family reasons as originally stated and he replied "no", he was leaving because of what was going in IAD. You reiterated to Sergeant Laureano that he was a man of honor and integrity and you would like him to remain in Internal Affairs. He thanked you and stated he would remain in the division.

The attached memorandum speaks to specific things Lieutenant Neville Brooks has said and reinforced through his recent actions, regarding his intent to maliciously and unjustly target Command Staff members for his own benefit. This information is serious in nature, creates a hostile work environment and exposes the police department to severe liability. It appears that Lieutenant Brooks has used his position and authority to direct IAD Sergeants to carryout tasks that are unethical and contrary to the good order of the police department.

Sergeant Laureano, who has always maintained himself as a person of integrity and professionalism has now expressed to us his concerns regarding the actions of Lieutenant Brooks. We have a duty to act. In addition, Sergeant Laureano is now being affected by the work environment that has been established in IAD, which is impacting



his health and well-being. Sergeant Laureano states he has been caused "extreme duress" and is suffering from "migraines" [headaches].

**It appears that Lieutenant Brooks has abused his power and authority as a Hartford Police Lieutenant to inflict harm on members of this department's Command Staff, including myself. I personally feel victimized by Lieutenant Brooks intended actions. I feel victimized professionally as well, because of the harm he has caused to this police department's reputation and the impact to public trust we will now have to endure. I am very concerned for Sergeant Laureano's well-being based on the information he has provided. We as an organization have a duty to ensure that this serious matter is dealt with swiftly and fairly to ensure the protection of everyone involved as well as the organization.**

**I am officially requesting that an I-File Investigation be opened into the actions of Lieutenant Neville Brooks, with regard to his apparent unethical decision-making and inappropriate directives he has provided to the Sergeants assigned to the Internal Affairs Division. Furthermore, to maintain organizational integrity any additional identified IAD cases that may have been tainted by Lieutenant Brooks' unscrupulous actions should also be revisited for the proper resolution.**

Thank you

Attachment

**CITY OF HARTFORD**

**INTERDEPARTMENTAL MEMORANDUM**

**TO:** Deputy Chief Paul J. Ciesinski, Commander, South Division  
**FROM:** Chief Daryl K. Roberts  
**DATE:** April 12, 2011  
**SUBJECT:** Initiate I-File Investigation

This memorandum directs you to conduct an I-File investigation into allegations that Lieutenant Neville Brooks, in his role as Internal Affairs Division Commander, improperly targeted department members in internal investigations, possibly for personal gain, and directed his subordinates to do the same.

PJC/pjc

## CITY OF HARTFORD

## INTERDEPARTMENTAL MEMORANDUM

**TO:** Deputy Chief Paul Ciesinski  
**FROM:** CHIEF DARYL K. ROBERTS  
**DATE:** April 14, 2011  
**SUBJECT:** I-file Investigation

This memo is to address the allegation that Lieutenant Neville Brooks misused his authority as a commander of the Internal Affairs Division creating a hostile work environment and targeted members of the senior command staff for personal gain. In order to protect and maintain the integrity of this investigation, it is paramount that Lt. Brooks no longer have access to the Internal Affairs Division, this is effective immediately. This action is consistent with all investigations of any employee accused of abusing his/her authority and creating a hostile work environment for his/her subordinates.

Effective immediately under the direction of Assistant Chief Lester Mckoy, who will be present, Lt. Brooks is to relinquish his interior office door keys and the combination to the safe and remove his personal items from his office. Lt. Brooks should also turn over to his replacement, immediately on scene, administrator privileges to IA Pro, and the computer in his office.

This action is being done to preserve the integrity of the investigation and to remove any appearance of impropriety or favor.

Cc: Asst. Chief Lestor McKoy

DKR/sd

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SERVICE-RELATIONSHIPS-SAFETY