

Complaints That Allege Misconduct By Department of Revenue Services Law Enforcement Personnel:

Policy:

The purpose of this policy is to comply with Public Act No. 14-166 and to provide a uniform policy to accept, process, investigate, take appropriate action upon and resolve complaints from a member of the public relating to alleged misconduct or malfeasance committed by Department of Revenue Services, (“DRS”) law enforcement personnel. Complaints may allege abuse of authority, corruption, criminality, poor or slow service, or other misconduct or malfeasance on the part of agency personnel.

Connecticut General Statutes § 7-294bb¹

1. Background: CGS § 7-294bb provides that “Not later than July 1, 2015, the Police Officer Standards and Training Council shall develop and implement a written policy concerning the acceptance, processing and investigation of a complaint from a member of the public relating to alleged misconduct committed by law enforcement agency personnel.”

The statute also provides among other things that “Upon the implementation of such policy by the Police Officer Standards and Training Council, each law enforcement agency shall, in consultation with a representative of a union that represents members of the law enforcement agency, adopt the policy implemented by said council or develop and implement an alternative policy that: (1) Addresses the issues described in subsection (b) of this section, and (2) exceeds the standards of the policy developed by said council.”

Additionally, the statute requires that “Upon the adoption of the policy developed by the Police Officer Standards and Training Council, or the implementation of an alternative policy, each law enforcement agency shall make its policy available to the public and shall ensure that:

- (A) Copies of the policy are available at the security desk of 450 Columbus Blvd., Hartford, CT, and
- (B) The policy is available on the Department of Revenue Services Internet web site.

¹ The text of the statute can be found [here](#).

II. Policy: The DRS shall respond to allegations of misconduct or malfeasance against its employees consistent with this policy. DRS will fairly and impartially investigate all complaints or allegations of such conduct to determine their validity. The DRS shall impose any disciplinary or non-disciplinary corrective actions that may be warranted in a timely manner. The DRS shall accept and document all complaints against any employee regardless of whether the filed complaint is in writing, verbal, in person, by mail, by telephone, by facsimile, electronic, or anonymous.

1. There shall be no retaliation in any form by any member of DRS directed at an individual who makes a complaint.
2. During the complaint intake process, no questions shall be asked of a complainant regarding their immigration status.
3. Special Agents who withhold information, fail to cooperate with DRS investigations or who fail to report alleged misconduct or malfeasance of employees to a supervisor shall be subject to disciplinary action.

III. Definitions:

1. Agency: As used in this document, “agency” refers to the Criminal Investigation Division, and is hereinafter interchangeable with the term “division.”
2. Complaint: An allegation of employee misconduct or malfeasance.
3. Complainant: Any person who files a complaint regarding misconduct or malfeasance on the part of a DRS employee.
4. Complaint Control Number: A unique numerical or alphanumeric code used to identify and track citizen complaint investigations.
5. Discipline: Adverse action taken by the agency against any employee as the result of a sustained internal affairs investigation including, but not limited to, a written reprimand, suspension, demotion or dismissal.
6. Employee: Any person employed by DRS, within the Criminal Investigation Division, whether sworn or non-sworn.
7. The Office of the Tax Division Chief: The designated division, unit or person with primary responsibility to conduct investigations of administrative or Citizen Complaints of misconduct or malfeasance.
8. Malfeasance: Illegal or dishonest activity especially by a public official.
9. Misconduct: Any act or omission by an employee that is illegal or which violates established policy.

10. Supervisor: Includes those holding the rank of Special Agent Supervisor or higher.

IV. Procedures:

A. The Office of the Tax Division Chief Responsibility:

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

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

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

B. Acceptance, Filing and Intake of Complaints:

1. General:

All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance of employees of the DRS. All sworn and civilian employees shall be required to accept a complaint alleging misconduct or malfeasance by agency personnel. All employees must courteously inform an individual of his or her right to make a complaint if the individual objects to an employee's conduct. Employees have a duty to assist any person who wishes to file a citizen's complaint by documenting the information and allegations they provide, advising the individual how to proceed, and by promptly putting the complainant in contact with a supervisor who can assist them with filing their complaint. No employee shall refuse, discourage, interfere with, hinder, delay, or obstruct any person who wishes to file a citizen complaint.

2. Acceptance of Complaint:

a. The use of a standardized form to record complaints shall be implemented using the standardized form adopted by the Police Officer Standards and Training Council for such documentation or a standardized form that exceeds the model form adopted. Each complaint shall be assigned a Complaint Control Number (CCN) to track complaints and a copy of this form shall be filed in a separate Complaint File.

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

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

1. Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.
2. Explaining DRS' complaint procedures.
3. Providing complaint form(s) and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained.
4. Ensuring that complainants who are unable to read, write or understand the English language receive adequate language assistance to permit them to file their complaint. Providing assistance, as needed, in the investigation thereof. The name and identifying information of any person providing such language assistance to a complainant shall be recorded on the complaint form or in the body of the report.

d. All personnel who are approached by a person seeking to make a complaint will, when possible, call a supervisor, obtain a brief description of the allegation, record contact information from the complainant if provided and obtain a Complaint Control Number (CCN) which should be provided to the complainant.

e. If a supervisor is not readily available, the complainant will be informed that they will be contacted by a supervisor or the person or unit assigned to conduct internal affairs investigations by the next business day.

f. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.

g. All complaints shall be documented to include the date, time, location, and nature of the complaint, complainant's information: name, address, date of birth, telephone number, or other contact information, if provided, date and time the complaint was received, and the name, rank and/or title of the person receiving the complaint.

- h. The withdrawal of a complaint does not prohibit the agency from completing an investigation.
- i. Mailed-in complaints shall be forwarded to the Tax Division Chief or his designee where they will be officially received. These complaints shall be assigned a Complaint Control Number. A letter of acknowledgment shall be prepared advising the complainant that the matter is being investigated and that they will be contacted by the investigator assigned.
- j. Walk-in complaints shall be referred to a Supervisor who shall then forward the complaint to the Tax Division Chief or his designee. After the complaint is received and properly documented, the complainant may be placed under oath and requested to sign the complaint after reading or having it read to them the warning for perjury or false statement. If the complainant refuses to sign the complaint or acknowledge the oath, the complaint will still be accepted and investigated, however the refusal to sign or acknowledge shall be noted. In any event, the complaint will be assigned a Complaint Control Number and forwarded as above.
- k. Telephone complaints shall be referred to a Supervisor or the Tax Division Chief or his designee. The party who receives the complaint shall obtain the details of the complaint as soon as practicable, dispatch a supervisor to the complainant's location, and proceed as described in the foregoing paragraph.
- l. Complaints from the field in which any member of the agency is approached by a complainant expressing allegations of misconduct or malfeasance shall immediately be reported to a supervisor. The complainant shall be requested to await the arrival of the supervisor. If a supervisor is unavailable, or the complainant is unable to await the arrival of a supervisor, the complainant should be informed that he/she may respond to the agency headquarters to make his/her complaint.

3. Validity and Timeliness of Complaints:

- a. Complaints by persons Under the Influence of Alcohol or Drugs: When a person who is noticeably intoxicated or impaired wishes to make a complaint, he or she shall be encouraged to wait until the earliest opportunity after he or she has regained sobriety to do so. When the Supervisor determines the circumstances require immediate action, preliminary details of a complaint should be taken by a Supervisor, when available, regardless of the person's sobriety. In that event, the internal affairs designee should re-interview the person after he or she has regained sobriety
- b. Delayed or Untimely Complaints: Complaints of misconduct or malfeasance shall be accepted regardless of when the alleged misconduct or malfeasance is alleged to have occurred. However, the timing of a complaint is one of the circumstances that the agency may consider in determining whether misconduct or malfeasance can be reliably substantiated and, if so, the nature and extent of discipline to be imposed. When a delay in reporting alleged misconduct calls into question the veracity of the complainant, or, due to the passage of time, results in the loss or destruction of evidence or the inability to locate witnesses, these circumstances should be detailed in the report. Although allegations of criminal behavior may be made past the expiration of the applicable statute of limitations and criminal prosecution may no longer be possible, a criminal violator may still be held accountable administratively.

4. Complainant Who Fears Retaliation Associated With Filing a Complaint:

If a complainant expresses fears of retaliation as a result of filing a complaint, they must be assured that those fears will be taken seriously. Complainants should be asked to provide the basis for their concerns, if possible, and the information provided should be noted in the complaint. This will allow the unit, supervisor or internal affairs designee to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

V. Investigation of Complaints:

a. The Tax Division Chief or his designee shall assure that all complaints are processed and investigated appropriately as set forth in this policy. Internal Affairs investigations shall be completed in a timely manner. Extensions may be granted by the Tax Division Chief or his designee.

b. Complainants shall be notified in writing within five (5) business days of receipt of their complaint that: (1) their complaint has been received by the agency and is currently pending; (2) that a complaint number has been assigned (including the assigned number); (3) that they will be informed in writing of the outcome of the complaint promptly following the conclusion of the investigation; and (4) that they may contact the designated investigator (identified by name, telephone and/or email) at any time for further information while the investigation is pending.

c. The subject of the investigation shall be promptly notified of the complaint in accordance with the provisions of applicable labor agreements. In the absence of an applicable labor agreement, an employee who is the subject of a complaint shall be notified in writing within five (5) business days of the receipt of such complaint. The notification shall include the follow: (1) the fact that a complaint has been made, (2) the identity of the complainant, if known, (3) the substance of the complaint, (4) the law or policy that is alleged to have been violated, and (5) the date upon which the investigation is expected to be completed.

d. Where notification of the subject of a complaint is reasonably likely to impede the progress of an investigation; result in the loss or destruction of evidence; or jeopardize the safety of any individual, the Tax Division Chief may direct in writing that such notification be delayed. The reasons therefore and the anticipated extent of the delay must be stated in writing.

e. Nothing in this policy precludes the Tax Division Chief from referring an internal investigation to an outside agency if such action would be in the best interest of DRS and of the investigation.

VI. Review of The Investigation:

a. The Tax Division Chief or his designee shall review the investigation to determine the thoroughness, completeness, accuracy and objectivity of the investigation.

- b. The completed report of the investigation, recommendation of disciplinary action, if any, and the recommended disposition shall be reviewed by the Tax Division Chief or his designee.
- c. The complainant shall be promptly notified in writing of the status and/or disposition of his or her complaint at the conclusion of the investigation by the Tax Division Chief or his designee.
- d. Findings of completed investigations and disciplinary recommendations if any, shall be promptly conveyed, in writing, to the employee through his or her chain of command.

VII. Case Dispositions — Standards:

For each charge or allegation of misconduct or malfeasance which forms the basis for an internal affairs investigation, such charge or allegation shall be classified upon closing of the investigation in one of the following manners:

- a. Exonerated: The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.
- b. Unfounded: The investigation determined by a preponderance of the evidence that the alleged misconduct or malfeasance did not occur.
- c. Not Sustained: The investigation was unable to determine by a preponderance of the evidence whether or not the alleged misconduct or malfeasance occurred, or whether or not it was committed by the subject of the investigation.
- d. Sustained: The investigation determined by a preponderance of the evidence that the alleged misconduct or malfeasance occurred and that it was committed by the subject of the investigation.
- e. Misconduct Not Based on Original Complaint: The investigation determined by a preponderance of the evidence that other misconduct or malfeasance, not part of the original complaint, was discovered during the course of the investigation, and was committed by the subject of the investigation.
- f. Withdrawn: At some point prior to the completion of the investigation, the complainant notified the agency that he/she wished the investigation to be discontinued. The Tax Division Chief must concur with this course of action.
- g. Summary Action: Summary Actions are the lowest level of disciplinary action or remediation. Examples of Summary Action include: oral reprimand, or counseling. For minor violations of department rules, policies or procedures as defined by this agency. The Summary Action shall be the responsibility of the employee's supervisor or commander and documented in writing.
- h. Reconciled: At the discretion of the Tax Division Chief. The process of reconciliation may be encouraged in lieu of any of the above dispositions. When authorized by the Tax Division Chief, supervisors receiving complaints shall to the extent possible, bring together the complainant and the officer or employee involved in minor violations and attempt reconciliation. This may be used

where the complaint is from a misunderstanding on the part of the affected officer, employee or the complainant. Reconciliation may be employed for complaints of a minor nature that do not reflect:

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

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

VIII. Training:

All supervisory CID personnel shall be required to attend training on the agency's Complaint Policy and procedures. The training will include the responsibilities and professionally accepted practices (related to conducting internal investigation) for those who conduct internal investigations. All supervisory personnel will be required to attend periodic refresher training.

IX. Public Information and Access:

The Tax Division Chief or his designee will ensure that the complaint policy and forms are available on the DRS web site and the security guard station at 450 Columbus Blvd., Hartford, CT.

Name	Title Tax Division Chief	Date
		August 23, 2019

