

INTERNAL AFFAIRS STUDY

Wethersfield Police Department



**Internal Affairs Study
Wethersfield CT Police Department**

WORK PRODUCT NOT SUBJECT TO FOIA

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I. INTRODUCTION

1. Review Background

The Wethersfield Police Department (Department) retained Daigle Law Group (DLG) to conduct a review of the Department's Internal Affairs Investigations process and policy.

Fair, impartial, and timely internal review of allegations of law enforcement officer misconduct is paramount for maintaining agency integrity and public trust. A robust and well-functioning accountability system in which officers are held to the highest standards of integrity is critical to the legitimacy of the Wethersfield Police Department and should be a priority of the Department.

A police agency's mechanism for receiving and investigating allegations of alleged officer misconduct is of great importance to the department and the community. A well-functioning accountability system is one in which the Department:

- Openly and readily receives complaints reported by civilians and officers/personnel;
- Fully, fairly, and efficiently investigates those complaints;
- Supports all investigative findings by the appropriate standard of proof and documents them in writing;
- Holds accountable all officers who commit misconduct pursuant to a disciplinary system that is fair, consistent, and provides due process; and
- Treats all individuals who participate in the Department's internal disciplinary process – including complainants, officers, and witnesses – with respect and dignity.

To achieve these outcomes, the Department must ensure that complaints are received and investigated fully and that investigations are conducted in a complete and comprehensive manner, following established standards and procedures.

2. Reviewer Expertise

Attorney Eric Daigle and Daigle Law Group, LLC has developed and conducts Internal Affairs Investigations training across the country that provides investigator certification. The firm has worked on projects involving agencies under Department of Justice Settlement Agreements and has revamped various internal investigations systems with a focus on accountability. Attorney Daigle has worked for and with agencies across the country reviewing the mechanism of accepting and investigating allegations of misconduct, which includes development of department policies on investigating misconduct, training department members to receive and properly investigate allegations, and evaluating the completed investigation for effectiveness.

3. Scope of Review

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The scope of services for this report is to review the Wethersfield Police Department's Internal Affairs Investigative process. By correspondence dated September 8, 2022, Chief Rafael Medina, III retained the services of DLG to analyze the following practices of the Wethersfield Police Department from September 2017 to Present:

1. Internal/External Complaint intake process
2. Internal Affairs/Human Resource investigations
3. Internal Affairs investigative process
4. Internal Affairs investigations
5. Internal Affairs dispositions
6. Internal Affairs policies and procedures

Daigle Law Group was tasked with reviewing the history of the Wethersfield Police Department's internal affairs process and how it was operationally conducted. Discipline issued or lack of discipline issued in certain situations, and given overall, was included in our analysis. The intended purpose of this report is to provide the Wethersfield Police Department information and guidance for use during the internal investigations review process and deliberation of potential changes to procedures, policy, training, and supervision, where necessary, to ensure a more equitable and effective system for all. (**Appendix A**, September 8, 2022, Correspondence)

II. ORGANIZATIONAL CLIMATE STUDY

At the request of Chief Rafael Medina III, Lisa Barao, Ph.D. and Chelsea Farrell, Ph.D, conducted an independent climate assessment of the Wethersfield Police Department. The purpose of the study was to “holistically evaluate the historical workplace experiences and perceptions of officers and civilian employees in the WPD by conducting an independent organizational climate assessment.” The study explored the Wethersfield Police Department's culture by: “Examining officers' perceptions of key factors such as internal procedural justice, job satisfaction, internal support, resources, and areas of improvement; Assessing the prevalence and individual experiences of workplace discrimination and harassment; and investigating the organizational features of the department that may contribute to negative treatment of officers by their peers or supervisors.” To obtain information related to this study, the assessors sent out employee surveys and conducted employee interviews. In addition, assessors analyzed internal affairs case data by reviewing a sample of internal affairs investigations cases from 2019-2021. The assessors coded all complaints involving personnel relations (e.g., allegations of hostile workplace, discrimination) and/or initiated by Department personnel. It is important to note that assessors did not review or code citizen complaints against officers, meaning externally generated complaints. On April 15, 2022, the final report was released to the Department, which identified the primary concerns and issues of officers, and provided recommendations for improvement.

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During the review of the Wethersfield Police Department's internal affairs policy and procedures, DLG conducted interviews of several command level personnel and the Union President. During those interviews, the findings of the Climate Study were reviewed, and the interviewed members were asked about their overall opinion as to the validity of the findings. The overall opinion of all those interviewed was that the findings in the study were accurate, and all agreed that the findings in the Climate Study Report with regard to discipline were "real" and were not exaggerated, and that some individuals were being "targeted" while others were not. They also expressed the belief that new leadership was needed years ago, and that the Department's environment and internal affairs system had greatly improved under Chief Medina.

The primary concerns and complaints of the officers from the Climate Study surveys and interviews are provided below, as well as the thoughts and opinions expressed by WPD personnel during the DLG interviews.

A. Climate Study – Identified Concerns and Issues

1. Discipline is Unfair/Subjective/Inconsistent

To assess perceived fairness within the Department's disciplinary system, the survey asked: "how fairly are the disciplinary actions for misconduct applied in this department?" When the numbers were tallied, 85% reported disciplinary actions were applied unfairly (either somewhat or extremely) within the Wethersfield Police Department. Officers described Department discipline as "sporadic, inconsistent, and unfair" and "willy-nilly" and stated that inconsistent discipline was "killing morale." (Climate Study Report, p. 31). In fact, assessors found that the concern about inconsistent disciplinary practices was the most commonly raised issue during interviews. (Climate Study Report, p. 32)

During the DLG interviews, command personnel stated that if you were not "in the group" you might get "whacked harder," whereas someone "in the group" would "just get off." They further confirmed that the Chief "took care" of individuals he liked, specifically mentioning a particular sergeant who was friends with Chief Cetran, and a past union president being "taken care of on many occasions."

DLG interviewed personnel further stated that the Chief's discretion, not being "held within margins," often provided the environment for inconsistent discipline. One member specifically stated: *"I mean, so misconduct is misconduct. It doesn't make a difference who does it. You should be held to the same standard. Everybody should have the same standard. It shouldn't be one person gets hammered and the other one gets nothing. And that's what was happening here, and it was happening here historically, and that just destroys morale."*

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2. Cliques within the Department

The Climate Study surveys and interviews revealed the overall opinion that there was a strong division among two core cliques present in the Wethersfield Police Department. The separate factions were utilizing formalized complaints and investigations in a retaliatory manner.

During the DLG interviews, one member stated: *“I can't say core cliques. I mean, they're definitely cliques.”* Another confirmed this opinion, stating: *“So, there were cliques . . . there were the “haves” and the “have nots.” The haves are the people that, you know, declared loyalty to the Chief, blind loyalty to then Chief Cetran. Everyone knew that if you didn't do what he wanted you to do, whatever it was, once you made his list, you were dead to him. You were useless to him. And that was common knowledge.”* One member discussed encountering the “clique” phenomena during the application process, upon first stepping into the building.

3. Disproportionate Responses to Clear Misconduct

During the Climate Study surveys and interviews, the officers expressed the opinion that in some instances where the alleged behavior appeared to be severe, officers received minimal discipline or none at all, and in some instances where the behavior appeared to be minor, officers received harsher punishment.

During the DLG interviews, members agreed with this statement and cited specific examples they believed confirmed this finding, with one member stating: *“Say you have two officers who do the exact same misconduct. One officer might get a written reference, the other one would get suspended. And it was based on relationships versus the misconduct.”* One member specifically mentioned the “DUI” internal affairs investigation as the most blatant example of a disproportionate response to clear misconduct, which involved the intoxication of an officer during a training event. Another command member discussed the internal affairs investigation of the supervisor who was going home for hours at a time while on shift, and that the lieutenant who brought it to the Chief’s attention was disciplined more harshly than the supervisor against whom the complaint was brought. (Both of these internal affairs investigations are discussed more fully below.)

4. Favoritism

In the Climate Study surveys and interviews, officers reported that those who were liked by leadership were often treated more leniently than officers who were not liked by leadership. They believed that the Department's history of

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inconsistent discipline has created significant feelings of distrust and hindered departmental morale.

During the DLG interviews, members confirmed the environment of favoritism and stated that officers who were liked by leadership were treated more leniently. The members interviewed also stated that you could not question the Chief. If you did, you were “dead to him.” They reported that officers were afraid to say anything or get the union involved because you’d be “bashed or would not get a particular job.” They further explained that depending on who the officer was, he or she may get away with being spoken to and slap on the wrist while someone else for the same infraction or something, even more minor than that would be a full-blown internal affairs investigation. The culture was described as “*you stay in line and you will get something, but if you get out of line, you definitely won't get something.*”

5. Inconsistent Application of Rules / Lack of Formal Feedback or Explanation of Errors

The Climate Study found that officers often felt that the application of rules was inconsistent, supervisors failed to address or explain errors, and officers rarely received formal feedback. (Climate Study Report, p. 33) As a result, officers felt a fair amount of distrust towards their supervisors and were hesitant to approach supervisors to discuss issues. Officers believed that lack of training contributed to the lack of effective supervision.

DLG interviewed members all reported that the application of rules and discipline was inconsistent. Members revealed the belief that officers in the Department had an “underlying animosity towards each other” and it influenced decisions on discipline. Members also reported a “culture of fear” under Chief Cetran and stated officers feared retaliation from the Chief or others in “his group” should you be seen “speaking up against” the Chief. They reported that officers were often reluctant to file legitimate grievances for fear that things such as “perks” or “assignments” might be taken away or not given, which had occurred within the Department.

6. Code of Conduct

The Climate Study surveys and interviews found that “officers repeatedly stated that the WPD lacks a Code of Conduct and does not have standardized protocol for disciplinary action following issues of misconduct or policy violations.” The officers believed this “perpetuated views of favoritism and distrust in leadership.” (Climate Study Report, p. 32) The officers further stated that the Department’s policies and procedures are often unclear, outdated, and/or not followed. Overall, there was a request for increased standardization and clarified policies and procedures.

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During the DLG interviews, members confirmed the need for a Department Code of Conduct, stating that it provided an environment in which officers understood what was expected of them and what the consequences would be. One member discussed the attempt to develop a Code of Conduct at the union level, but they received opposition from the union membership. There were some members who did not want structure and pushed back on the disciplinary matrix and how it was structured.

B. Climate Study Recommendations

The Climate Study Assessors provided the following recommendations with regard to the Wethersfield Police Department's internal affairs policy and procedures: (p. 34-35)

Recommendation 4.1: Conflict resolution training/counseling should be implemented and required for all WPD employees.

Recommendation 4.2: Remedial options for addressing workplace conflict are needed in the WPD. All supervisors should be trained to provide informal conflict mediation as a first option for addressing interpersonal issues and problem behaviors.

Recommendation 4.3: An external review of the WPD's harassment training should be conducted to determine if any curricula deficits exist and then subsequently addressed. Additionally, appropriate conduct learned during harassment training must be modeled and reinforced in practice across all areas of the department.

Recommendation 4.4: Participatory training sessions focusing on appropriate workplace behavior and professionalism should take place annually, especially for those in supervisory roles who must set an example to others.

Recommendation 4.5: Implement an IA case management system to ensure that all complaints brought to the attention of supervisors are recorded and tracked.

Recommendation 4.6: Although proactive strategies to reduce stressors are critical, officers reported external factors as their most prevalent stressors and these are outside of the control of the police department. The WPD should therefore make visible efforts to remove barriers to help-seeking and provide accessible and free counseling options to assist officers.

Recommendation 4.7: A task force consisting of primarily patrol officers should be developed to seek officer input on challenges and solutions to increase job satisfaction.

III. REVIEW OF SPECIFIC WPD INTERNAL AFFAIRS CASES

We received approximately seventy (70) Internal Affairs Division Investigations and seven (7) Administrative Investigations from 2017 through 2022. While a review of the complaints revealed some common procedural issues, which are discussed briefly below, we were not privy to much of the “behind the scenes” information that would have revealed a more obvious inequitable procedure or outcome. However, we have included below a more detailed discussion of certain Internal Affairs Division investigations we found particularly troublesome with regard to the investigation, procedures followed, and/or outcome of the investigation:

A. INTERNAL COMPLAINTS

1. IAD #17-001

The complaint was self-reporting and involved a sergeant who left his department-issued weapon in his personal vehicle overnight at his home and had left his vehicle unlocked. The weapon was stolen from his vehicle. Upon discovery, the sergeant promptly reported the incident. The internal affairs investigation found that while the “incident of inadequate storage security was unintentional and inconsistent with [the sergeant’s] normal routine, it is a violation of policy nonetheless.” The involved officer was issued a written reprimand.

This investigation is concerning in that we found it alarming that such a significant safety issue resulted in minor discipline, particularly when such misconduct would have resulted in substantial liability for the Town and Police Department were the weapon to have been used during a future crime. This internal affairs investigation and disposition was mentioned several times during the DLG interviews as an example of disproportionate treatment in the internal affairs system and is noted below.

2. IAD #17-009

The complainant officer alleged that a sergeant yelled at him and spoke to him in a derogatory manner for stopping a vehicle on Route 5 & 15. The officer reported that the incident occurred at the conclusion of the traffic stop and was recorded on the in-car camera system. Chief Cetran advised the investigator to ensure the Sgt. watch the recording prior to being asked any questions regarding the incident, which was done.

The investigation resulted in a sustained finding for Conduct Unbecoming an Officer and a sustained finding for failure to document counseling/discipline. The investigation also included discipline recommendations: two (2) day suspension and one-day training class.

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During the DLG interview, this internal affairs investigation was brought up as an example of inconsistent or inequitable disciplinary practices. It was noted that a sergeant was given a two-day suspension for swearing at an officer who was not listening to him, but the officer who didn't follow Department protocol and had his weapon stolen was given a written warning. (IAD #17-001)

As a secondary issue, this investigation is an example of the fact that investigators were often recommending discipline. Investigators serve as fact finders during an internal affairs investigation and offer their conclusions based on their investigation. Investigators should not recommend discipline as part of their investigation findings/conclusion, as that is the responsibility of the Chief of Police.

The majority of the internal affairs investigations for the years 2017-2021 that resulted in a sustained finding included recommended discipline from the investigator. As stated above, the Chief of Police is responsible for assigning discipline for a sustained allegation of misconduct. Internal affairs investigations conducted in 2022 no longer included recommended discipline as part of the investigators' conclusion.

3. IAD #19-002

Background: On February 25, 2019, a Department detective conducted Cadet DWI Training, during which WPD police officers volunteered to assist. The volunteers would become intoxicated under the supervision of a department member and would take part in the training to assist cadets in learning how to identify signs of intoxication in citizens and conducting DUI testing procedures. Following the training, one volunteer member failed to wait for his ride home and instead drove his personal vehicle from WPD headquarters to a bar in Hartford. The testing during the training exercise revealed that the subject of the investigation's BAC level was above the legal limit. The internal affairs investigation also included the detective who conducted the Cadet DWI training and an on-duty supervisor who was in the building and provided pointers to the cadets during the training.

The investigator sustained a finding against the member volunteer who "knowingly, under the influence of alcohol, drove his personal vehicle after a department sanctioned training, caused potential harm to himself and innocent persons, and potential harm and liability to the Town of Wethersfield." The investigator also sustained a finding of failing to plan/document Cadet DWI training against the detective in charge of the Training. He further sustained a finding against the supervisor for failing to immediately contact the on-call Lieutenant during a potential high liability incident.

While Chief Cetran sustained the violations against the detective and supervisor, he exonerated the volunteer member, finding his "actions were not in violation of the

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Department's general orders and exonerate him from any wrongdoing. [The volunteer member] attended a department sanctioned program where he was asked to drink alcoholic beverages to the point of intoxication and drove off after being left alone. No disciplinary action will follow from [the volunteer member]."

Chief Cetran's conclusion exonerating the Department member who drove while intoxicated is shocking considering the number of Department policies such actions violated. Furthermore, the Chief did not even appear to consider the criminal violations for driving while intoxicated, the danger to the Department member and others on the roadway, or consider the potential liability for the Town of Wethersfield. During the DLG interviews, multiple statements were made regarding the potential liability to the Town, which was ignored by the Chief. The Chief attached to his Disposition memorandum a single page document authored by Sandra Lee Jones LCSW Ph.D. Specialty Certificate in Addictions addressing the question: "What is the likelihood of a blackout occurring in someone with a .20 BAC?" There is no explanation as to why this document is attached and no reference to "blackouts" or effects of alcohol in his Disposition Memorandum, although the inference appears to be that the member was too intoxicated to be responsible for his actions.

Based on interviews we conducted, Chief Cetran's exoneration of the member's conduct caused great upset within the department. Department members found themselves saying "what is going on here," particularly since the two other individuals in charge of the training event received sustained findings and were issued a verbal warning and a written instructional. One DLG interviewee stated that one of the individuals who did receive sustained violations did not grieve the decision for fear he would lose the "Detective Division" in retaliation for questioning the decision. (Fear of retaliation was mentioned throughout all interviews and will be discussed more fully below in the DLG Recommendations section). Another individual stated: *"It was like, wait? This guy goes, he drinks, he drives, he should have been arrested. He's at a bar when they find him and then nothing happens to him. But you're disciplining the Sergeant that was on B Squad that had nothing to do with the program. And then the Detective that ran the program? It was just, he found the way to excuse that behavior of that employee."*

4. IAD #20-005

This investigation involved allegations that a sergeant was going home while on patrol, parking his Department vehicle in the garage, and remaining in his home for considerable amounts of time on multiple occasions, and was alleged to have been doing it for quite some time. The investigation was sustained, but the sergeant only received a written reprimand. The investigating LT, who first looked into the allegation and then brought it to the Chief's attention, was later investigated for conducting an unauthorized internal affairs investigation and unauthorized audio/video recording of a department member, received the same discipline as the

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officer who had been sleeping on duty or otherwise not patrolling or supervising while on duty (See IAD #21-001, discussed below)

Discussions regarding the disposition in this particular internal affairs investigation generated a great deal of strong emotions during the DLG interviews. This investigation, and the negative feeling regarding it, was brought up in every interview without any prompting by DLG. It is clearly one of the most egregious and glaring examples of the breakdown and failure of the WPD internal affairs system. During the DLG interviews, the following statements were made:

- *You have this egregious potentially criminal conduct. . . . And here was, "hey, you're out of your area" and by the way, crimes were committed while you were at home, burglaries in your district and you're at home in your garage with a car off so you can't even be tracked on the computer. And that was let go with a slap on the wrist."*
- *"And then again, he didn't get in trouble, but the folks around - the patrol sergeant got in trouble supposedly for not calling the on call lieutenant to let him know that the [member] was not accounted for. And then the detective who was running the training got in trouble, but their supervisor didn't. But he was a lieutenant, he was well liked. So nothing happened to him, but these guys did, you know what I mean? So that's another example of how discipline was meted out. If you're liked, you didn't get anything."*
- *Do you really want the embarrassment to say that, "Hey, you know, an employee made a complaint against another employee stealing time," the Town was well aware of this and they did nothing about it. It's about fiduciary responsibility to the taxpayers. And that's the other thing. He stole time. He committed a [...] crime and it got swept under the rug because Cetran liked him.*

During the DLG interviews, it was revealed that the lack of equitable discipline often resulted in a pattern of continued misconduct. During an IAD assigned at a later date of the same individual, a review of the AVL coordinates and maps from the month after the IAD #20-005 was disposed revealed that out of 500 or so times the individual went home, he overstayed at his house 172 times, and parked in the garage with the car and computer off. It was believed that he continued this behavior because it had gone unpunished in the past.

5. IAD 21-001

Following internal affairs investigation #20-005, Chief Cetran filed a complaint and commenced an investigation against the LT who investigated IAD # 20-005 with the following allegations: "Unauthorized Internal Affairs investigation in violation of Wethersfield Police General Order 6-262, Internal Affairs (Sections I.B.2 and V.C) and Unauthorized audio-recording of another Division member in violation of Wethersfield Police General Order 3-0261, Disciplinary Procedures (Section

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V.2.j.20). The investigating officer was advised of the following complaint: “Audio/video taping a member of this department without the member’s permission. Conducting an Internal Affairs Investigation without the Chief of Police’s direction/knowledge/assignment.” The investigator in this matter sustained both allegations, finding violations of the referenced Department policy. Chief Cetran issued the involved LT a “written instructional.”

This particular internal affairs investigation, and the motivations behind it, were also repeatedly brought up during the DLG interviews – in connection with discussion of IAD #20-005. Opinions regarding this investigation, and Chief Cetran’s decision to commence the investigation as well as his findings, were extremely negative. It is believed this investigation is another clear example of bias and personal preferences within the Department, and an inequitable internal affairs system. During the DLG interviews, the following statements were made.

- *“There was an instance where there was an officer supervisor going home for hours at a time. Sometimes the whole shift with this car parked in the garage because he lives in town. He got a written reprimand for being out of his area. As a matter of fact, the lieutenant who brought it to the attention of the Chief was disciplined more harshly than the guy who’s committed Now, this is a command staff member whose job it is to protect the Chief’s blind spot. Hey chief, we got a problem. And instead, they turned around on him, he was disciplined, which is like, what?”*
- *When [the Sergeant] was brought up by, when there was concern by [the Lieutenant] about him going home and sleeping or staying at his house and not doing what he’s supposed to do, they retaliated against [the Lieutenant] and [the Lieutenant] takes the discipline. So, what’s worse? You bring misbehavior and misconduct to the attention of the head guy. He says, look into it. You look into it, you prove it, they make a counterclaim against that individual. He gets disciplined, he gets something in his personnel file. The guy who is stealing the time, which has been proven, gets a slap on their wrist. Which is more egregious? You’re padding your pension, you’re the president of the union, you’re a supervisor and you’re staying at home and you’re stealing time. . . . but the guy who reports the misconduct then gets disciplined and he gets the same discipline as the guy who did all those things.*

6. IAD #21-003

This complaint was initiated via an anonymous letter sent to the Mayor that included numerous allegations, but specifically claiming that a member of command personnel was “stealing time” by not working full 40 hours or double dipping private and regular time at same time.

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The investigation into this matter was minimal at best. There were no interviews conducted of any other persons in the Department and no other substantive inquiry into the matter. The interview of the command member involved was not adequate. The investigator asked this member two questions, to which he answered “no” and did not pursue the matter further. The investigator simply stated that since he could not access video footage and since the command member stated he did not “do it,” the complaint was NOT SUSTAINED. The investigation into the matter appears inadequate. Furthermore, there were some questions raised during the DLG interviews that the anonymous complaint may have been brought by a specific individual within the agency, who was upset over a prior internal affairs investigation against them. Given the apparent historical practice of Department members utilizing the internal affairs system as a weapon against each other, this suggestion does not appear unlikely.

7. IAD #21-006

The primary issue surrounding this internal affairs investigation is that while the complaint was made on 02/25/19, but not assigned by the Chief for investigation until 06/06/21. All internal affairs investigations should be assigned for investigation once received and conducted in a timely manner.

8. IAD # 21-007

This complaint originated from an officer within the Department alleging the investigating LT had “omissions and/or inaccuracies in a memo dated 09/08/2020, subject “Party Flyer.” While the underlying event leading to this complaint is not clear, after reviewing the documents it appears an initial investigation may have been commenced by the LT following complaints that a female member had handed out party flyers to other female members calling it a “vagina party” and other members found the flyers offensive. The investigating LT attempted to audio/video record the interview of the involved officer during the investigation and drafted the memorandum. Chief Cetran called off the LT’s investigation into the matter, but the memorandum drafted by the LT was placed in the involved officer’s file.

The complaint alleges that the investigating LT had violated Department policy by recording the interview, and that he had left out or misrepresented certain statements from the involved officer and an interviewed witness. While the investigator’s conclusion section in this investigation is convoluted, he sustained a violation for audio-video recording a division member without the member’s permission and sustained the complaint allegations of inaccuracies and omissions in the memorandum. While this investigation was commenced under a prior acting Chief, Chief Medina issued the disposition in this matter and did not sustain the claim of “omissions and inaccuracies.” The Chief, however, sustained the violation of the Department’s audio-video recording policy – as it written at the time – but included the following notation: “This policy is being reviewed to mirror best practices for

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Internal Affairs interviews by other law enforcement agencies.” The involved LT was not issued any discipline.

This internal affairs investigation also serves as an example of the importance of recording all interviews conducted during an investigation, which is discussed in the recommendations section. Recording interviews and providing summaries from those interviews protects both the interviewer from claims that the summary was inaccurate or omitted key statements and protects the interviewee from allegations such as those found in this complaint.

9. IAD #21-006

This internal affairs investigation is connected with IAD # 21-013, discussed below. The complainant, a sergeant in the Department, went into the office of LT #1 and advised him that he believed an officer had failed to properly investigate a domestic violence call and had lied on a CAD report. Based on the provided information, LT #1 told the sergeant he should handle the incident at his level and investigate the case to find out what happened. The sergeant was reluctant and believed an internal affairs investigation should be started. LT #1 told the sergeant he would speak to Chief Cetran about it the following week and they'd go from there.

The complainant sent a detailed email to LT #1 as to his findings and why he believed the matter should be an internal investigation. The complainant then verbally reported it to LT #2, who reported it to the Chief and an internal affairs investigation was initiated. LT #1 learned that at some point, LT #2 contacted the New Britain Court and informed the inspector of the incident and that he believed the matter should be criminally investigated. LT #1 was assigned the internal affairs investigation and LT #2 was assigned the criminal investigation. Acting Chief Donald Crabtree, however, later determined that the officer would not be investigated criminally. LT #1 sustained the internal complaint, recommending that the officer receive verbal counseling regarding the importance of a written report for any call. LT #1 stated in his report, however, his belief that this matter should have been handled at the first line supervisory level.

10. IAD #21-013

The complainant officer in this matter was the subject of IAD #21-006, discussed directly above. The complainant alleges retaliatory behavior and possible collusion between a sergeant and LT #2 to initiate an internal affairs investigation against him. The complainant believes that the sergeant's actions in bringing the complaint in IAD #21-006 was retaliatory behavior based on the complainant's resistance to and opposition of the sergeant's role as union president. The complainant claims that after a union meeting, the sergeant addressed the complainant in the men's locker room stating he "had a bone to pick" with the complainant officer and believed the officer was undermining his authority as union president. The complaint further

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alleges that the sergeant went outside his chain of command by voicing his concerns to LT #2, even though he had already spoken to LT #1. The complainant officer also believes LT #2's actions in trying to get him placed on administrative leave and contacting the GA's office were in stark contrast to his actions during an internal affairs investigation into the sergeant for a similar complaint.

During this investigation, LT #1 again stated that the investigation should have been handled at the first line supervisory level and he believed his instructions to the sergeant were clear. LT #1 was shocked to discover an email detailing the sergeant's insistence that the matter should be an internal affairs investigation. He was further "taken aback" by the fact that LT #2 had so much information regarding the matter and was upset that the sergeant had gone to LT #2 and took it as a personal attack. LT #1 further stated that the sergeant did not agree with his findings in the internal affairs investigation #21-006 and believed the involved officer required discipline. At the conclusion of the investigation, LT #2 asked LT #1 if the complainant officer was "getting fired" and seemed upset when informed of the outcome of the investigation.

The investigator concluded: *"It appears as though Wethersfield Police General Order 3-261 Section V.A.2.j.9 was violated. Therefore, I would consider this portion of the complaint by [the complainant officer] that [the sergeant and LT #2] 'violated several Department Policies and Procedures' as SUSTAINED."* The Disposition section of the Police Receipt of Complaint form, however, indicates that the matter is NOT SUSTAINED as to both the sergeant and LT #2 – dated 11/02/21.

This internal affairs investigation – stemming from IAD #21-006, was discussed in the DLG interviews as another example of the weaponization of WPD's internal affairs system. The following statements were made regarding this matter:

- *"We've had problems and probably you've seen it too, it's not happening now, but chain of command type stuff . . . , that I did that one [of involved officer] that didn't even need to go that way. And that wasn't the way I wanted it to go. The sergeant should have handled it, but yet circumvented me and went to another lieutenant and then Cetran was fired. Then [LT #2] took it upon himself to call the court for the criminal, without any direction or being told to. That type of stuff was detrimental to our process here too."*
- *The [sergeant and LT#2] went above and beyond anything that should have been done, it was a minor administrative violation. If anything, that could, should have been addressed at the lowest level of supervision.*
- *[The officer] had a disagreement with the union president over how he was handling a union issue. [The union president] used his authority within the police department to come after the employee."*

B. EXTERNAL COMPLAINTS

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11. In the following internal affairs investigations, the complainant was never sent a written communication regarding the acceptance of the complaint and/or correspondence notifying him/her of the outcome of the complaint. # 17-006,

#17-008, #18-001, #18-002, #18-006, #18-007, #19-003, #19-004, #19-013, #19-014, #19-018, #20-001, #20-002, #20-003, #20-004, #20-006, #21-002, #22-003. WPD General Order 6-262, Section IV.C. provides: “It will be the policy of the Division of Police, Wethersfield, CT to provide written verification to persons lodging complaints by telephone or letter against this Division or its employees advising that their complaint has been received.” Section IV.D. provides: It will be the policy of the Division of Police, Wethersfield, CT to notify the complainant of their respective complaints.

12. IAD #19-008

A black female lodged a citizen’s complaint at police headquarters alleging that the involved officer racially profiled her during a traffic stop. The investigator spoke to the complainant at headquarters that day and had her explain what had occurred. After meeting with the complainant, the investigator spoke to the involved officer and informed him of the complaint. At that time, he reviewed the in-car video of the incident with the involved officer and the involved officer provided information to the investigator as to what had occurred. The following day, the investigator gave the involved officer Garrity Warnings and instructed him to prepare a complete memorandum detailing the incident. While it is clear the investigator did not consider his initial discussion and review of the video with the officer as an “interview” or investigating the incident, he did discuss the event in detail with the involved officer, obtaining his version of the events. Investigators should avoid conducting informal interviews or investigation outside of internal affairs investigative procedures. If the investigator intended to provide Garrity Warnings to the involved officer, he should have done so prior to discussing the incident or allegations in an informal manner.

13. IAD #19-009

The complaint involved an allegation of abuse of authority. The complainant was upset that an officer learned of personal information about her through the officer’s girlfriend and, upon locating her, the officer questioned her activity at a hotel and if she was with her boyfriend, as the officer knew the complainant had a family violence history with her boyfriend. The officer asked the complainant about the existence of protective orders and when she couldn’t recall the status, strongly suggested she leave the hotel. The officer told the complainant if he ran an inquiry on the protective orders, he would have to act on any information he received, including possible arrests. During the internal affairs investigation, the

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officer stated it was not his intent to harass anyone and that his only goal was to prevent anyone from getting into any trouble.

While a preliminary investigation was conducted, it was then closed due to the complainant withdrawing the complaint. As stated above, investigations should not be closed simply because a complainant is unavailable or withdrew the complaint. The preliminary investigation, however, revealed other potential violations of Department policy not included in the complaint, which were not investigated. During an investigation, any additional violations of Department policy that are revealed must be fully investigated and made part of the investigative findings. As the complaint from the citizen was closed, these matters were not fully investigated.

This investigation, and lack of finding, is alarming in that it involved an officer who failed to notify dispatch that he was investigating a suspicious activity or domestic assist incident involving his girlfriend's family member. Furthermore, the officer did not complete any report following the incident and there was no log of the incident. This is particularly troublesome as domestic incidents include mandatory reporting and arrests.

14. IAD #19-012

The complainant initiated a citizen's complaint in person at the Department and alleged that an officer made inappropriate comments to her and felt that the officer "profiled" her family member. This investigation was closed after the complainant informed the investigator that she wanted to withdraw her complaint. As stated above, internal affairs investigations should not be closed simply because the complainant withdrew the complaint. (Investigating withdrawn complaints is discussed more fully below in the Recommendations section)

15. IAD #21-002

A Black complainant alleged that a sergeant made a racially motivated and/or biased comment to her by stating: "You look articulate and should know better." She took this as a comment about her race (her husband is white.)

The investigator's report into the incident, however, appears to include a substantial amount of opinion, including statements made to the complainant as to his opinion of the officer and the matter. In his report, the investigator stated during the initial call with complainant to obtain facts: "I disagreed with [complainant] and reiterated that I did not believe [the involved Sergeant] would have said this with the intention she described." The investigator also stated in his report, that when speaking with the complainant: "I furthered that I had worked with the [involved officer] for about 14 years and did not believe he

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would ever consciously say something that was racially biased or motivated.” He also disagreed with the complainant over the phone as to her interpretation of the involved officer’s “tone.”

A review of the investigator’s report suggests that much of the conversation he had with the complainant did not involve fact gathering. Rather, it appeared the investigator countered or argued against the complainant’s claims and inserted his opinions and interpretation of the event during that conversation. It appears that inconsistencies regarding the matter automatically favored the Sergeant against whom the complaint was made, although the investigator had not yet interviewed the Sergeant.

In addition, there appears to be a secondary violation of Department policy for body worn cameras, but the investigator only noted in passing, that the involved sergeant failed to activate his camera. This violation of Department policy was not made a part of the investigation.

The investigator also appears to be dissuading the complainant from pursuing the complaint in that he stated: “I told [complainant] that I wanted to know where “we” should go with this incident since there did not appear to be any intent from the officer to say anything racially based, his tone was friendly, he was calm, he was complimenting her on being the one making the good choices while her husband was not.”

All these actions are contrary to industry standards for investigating a citizen complaint, particularly one involving an allegation of racial bias.

C. ADMINISTRATIVE INVESTIGATIONS

The Department also conducted Administrative Investigations (AI) regarding allegations of violations of Department policy. It is unclear how the Department categorizes complaints and determines whether the investigation will be done as an internal affairs investigation or an administrative investigation. It appeared that several of the investigations included as an AI, were more suited to an internal affairs investigation. We received seven (7) Administrative Investigation files for 2020 and 2021. The following allegations were included in those investigations:

- Four (4) citizen complaints, including allegations of inappropriate officer conduct or inappropriate behavior during interactions with the public; an allegation that the citizen was ticketed overnight and allegations of ongoing harassment; an allegation that the officer took a DNA sample from a 16 year old when the mother was not present. One of the complaints included a possible claim that the actions were biased, or race based.

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- Two (2) investigations into possible violations of the Department's Pursuit policy.
- One (1) violation of the Department's sick leave policy.

We recommend the Department prepare clear guidelines as to when allegations of misconduct will be addressed in an Administrative Investigation.

IV. DLG RECOMMENDATIONS – INTERNAL AFFAIRS INVESTIGATIVE PROCESS

Based on our review of all provided materials and interviews of various Department members, DLG provides the following recommendations for improvement of the Wethersfield Police Department's internal affairs and disciplinary system.

A. Recommendation #1: Ensure Fair and Equitable Internal Affairs System

While on their face, most of the investigations do not outwardly appear to be inequitable, with the exception of several glaring examples that were addressed above. Without the benefit of personal accounts, historical information regarding relationships within the Department, and inside information not available to us, it was difficult to pinpoint exactly which investigations were initiated because an officer was not a member of the preferred "clique" or in the "liked by the Chief" category, or whether the finding/result was due to the same categorization. It was challenging to determine whether the finding/conclusion (sustained, exonerated, or otherwise) was the result of a personality conflict or overall bias against the officer, without knowing the nuances of all relationships within the Department. While an inequitable application of the internal affairs process may not appear black and white on paper, the Climate Study and DLG interviews revealed that this was indeed the case.

During the DLG interviews, the following information was provided:

- The internal affairs process was "selective" and that *"depending on who the officer was, he or she may get away with being spoken to and get a slap on the wrist while someone else for the same infraction or something even more minor, would result in a full-blown IA."*
- Department members were *"targeted"* . . . and *"if you weren't liked, then a little thing turned into an internal . . . to the point it was obvious"* and it was like, *"when is someone going to step up and do something about this?"*
- *The Chief was "friends" with the then union president and "took care of that [individual] on many occasions."*
- *"People who would do the same thing, like say you have two officers who do the exact same misconduct. One officer might get a written reference, the other one would get suspended. And it was based on relationships versus the misconduct."*

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- There were also several statements made during the DLG interviews that the women in the Department were treated more leniently, with less accountability, including the following: *“Claims that female employees are treated worse than male? They’ve gotten treated better. . . . not under this administration, but the previous administration, they were inside. They were taken care of. They were given special assignments.”*

The Department can take multiple steps to prevent an inequitable application of the internal affairs system in numerous ways. One such tactic is through the establishment of a consistent internal affairs process and the development of a Code of Conduct and Disciplinary Matrix, addressed in the applicable Recommendation below, as well as the application of all additional recommendations included in this Report.

B. Recommendation #2: Create Structure/Template for Internal Affairs Investigations and Reports

A review of the provided internal affairs investigations reports indicated that there was no set structure for the investigation or the investigative report. The Department should establish a set structure for conducting internal affairs investigations that ensures all investigations are conducted in a consistent manner, follow all internal affairs investigative requirements, and includes all required information. An outline or template should be utilized for drafting investigative reports to ensure all reports are consistent and include all relevant and necessary information regarding the investigation. The establishment of both will help to ensure investigations and reports are conducted and drafted similarly, regardless of the investigator or the subject of investigation.

Statements during the DLG interviews confirmed that investigators were not provided with a structure or template and had to rely on themselves and through the advice of others on how to prepare the investigative reports. We note that the 2022 internal affairs investigations appear to be utilizing a template for structure for the investigative report and DLG interviews revealed that Chief Medina has been working to provide structure to the investigations.

C. Recommendation #3: Consistently Conduct Interviews During Investigations

During internal affairs investigations, the investigators should ensure that interviews of involved officers, witnesses, and complainants are consistently conducted. Our review of the provided WPD internal affairs investigations found that investigators often did not conduct officer or witness interviews during their investigation. While investigators often requested a written statement or memorandum from the officers, it was often that interviews were not conducted. While a written statement provides useful information during an internal affairs process, it should not take the place of interviews, which often yield more in-depth information and provides further

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clarification on matters not necessarily provided in the written statements or memorandums. Memorandums may be used as a foundation for a follow-up interview or clarification but should not be used as a stand-alone document to determine the facts of the case. Furthermore, in multiple internal affairs investigations, officers were not even asked to provide a written statement to the investigator and were not interviewed.

Furthermore, in certain investigations, “interviews” or discussions regarding the incident were held with the involved officer(s) in an informal setting. Some verbal “interviews” or discussions with involved officers appeared to occur in the hallway or in passing, rather than in an office or a formal setting. Statements made during the DLG interviews indicated that if a citizen’s complaint came in, often investigators would ask questions of the involved officer “in passing” without any formal questioning process. In addition, phone interviews of complainants and witnesses were not always properly reduced to writing in the investigations. Investigators/ Supervisors should ensure that all interviews are conducted in a formal setting and should follow proper protocol for interviewing officers, witnesses, and complainants.

D. Recommendation #4: Identify and Contact All Witnesses

Investigators should ensure that all potential witnesses to an event are identified, and efforts must be made to locate and contact them. Once witnesses are identified, the investigator should ensure that a statement is obtained, and the witness is interviewed. If the witness refuses to provide a statement or interview, it should be noted in the report.

E. Recommendation #5: All Interviews will be Recorded

Industry standards and proper policy and procedures require that all interviews be recorded during an internal affairs investigation; including officers, complainants, and witnesses. Interviews taken over the phone should also be recorded. Recording interviews ensures that statements are not misconstrued or improperly summarized and protects against complaints from interviewees that the investigator’s summary of his/her statement was incorrect. During the DLG interviews, it was believed that language in an existing General Order was misconstrued regarding the recording of Department individuals and was incorrectly applied, rather than for its likely intended purpose of prohibiting surreptitious recording of employees.

F. Recommendation #6: Develop a Disciplinary Matrix / Code of Conduct

As numerous Department members stated, and as identified in the Climate Study, the Department should draft a Code of Conduct and Disciplinary Matrix to ensure that officers fully understand their limits of authority and what is expected of them as members of the Department, and the consequences of misconduct. It became clear during our review process that past attempts to put a Code of Conduct or Disciplinary

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Matrix in place were opposed. Statements were made during DLG interviews that Chief Cetran was particularly opposed to a disciplinary matrix. The development of a Code of Conduct and Disciplinary Matrix, however, ensures that any discipline issued is consistent throughout the Department and helps to avoid the application of a subjective process, while providing checks and balances for the internal affairs process.

During the DLG interviews, the following statements were provided:

- *“Even the discipline was different depending on where you were. . . . The job of the investigator is to fact find, whether or not these allegations are true or policy violations did occur or not. And then that would be sent up through the chain and get vetted. In other words, there's a review process or a command review that there was no such thing and everything was, from what I saw and I read, was opinion based. And then the person doing the IAD would also recommend somewhere out of their mind, “you get one day for that.” While I do the same thing or something less, or whatever. “You get five.” And it's like, well, where'd you get these numbers from?”*
- *“The chief, if you look at the Charter and the employee rules, he has discretion. He can basically, he's not held within margins for things. He can do what he wants. And that's a problem, because then that's when the discipline becomes inconsistent, right?”*
- *“Everything's conduct unbecoming. You violate the department order; it can be considered conduct unbecoming. There's no, it's whatever the Chief [Cetran] wants. If he likes you, it's nothing. If he doesn't like you, oh boy, you're in trouble. So that was the big issue. There's no code of conduct.”*
- *A Disciplinary Matrix is needed “just to make things more even or more fair, so someone can't just get whacked because you're not in the group harder than this person, who just gets off. I mean there has to be a happy balance somewhere.”*

On October 31, 2022, CALEA provided the Department with its Law Enforcement Accreditation Assessment Report. During the assessment process, assessors interviewed agency personnel responsible for each mentioned function or affected by the operations of each function. With regarding to Disciplinary Procedures and Internal Affairs, interviews revealed that Department members felt the Disciplinary Procedures policy was “vague, confusing and lacks guidance necessary for personnel to have an understanding of expectations and procedures.” Department members also viewed the policy as “being written so its application could be utilized in an inconsistent manner.” The Report also highlighted the 175% increase in the number of internal complaints during the reporting period. Interviewed personnel attributed the increase to “the weaponization of the Internal Affairs process’ with everything becoming an IA whether it was warranted or retaliatory.”

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G. Recommendation #7: Create a Standardized Informal Process for Handling Minor Internal Issues / Improve Interpersonal Relationship within Department

The Climate Study and the DLG interviews of members confirmed that the Department's internal affairs system was being weaponized to address interpersonal grievances or disagreements among staff. The Department should create an alternative resolution system to allow these matters to be addressed at an early stage prior to the need for a formal internal affairs investigation.

During the DLG interviews, WPD personnel consistently acknowledged a strong division in the Department between two "core cliques," and suggest that the internal affairs system has been weaponized by Department members and used to address minor interpersonal complaints. The Department should take steps to remove the "weaponization" status of the internal affairs system, and work to create a more cohesive environment within the agency.

Statements during the DLG interviews revealed the following:

- *So there were cliques, there were the "haves" and the "have nots" and the haves are the people that, you know, declared loyalty to the Chief, blind loyalty to then Chief Cetran. And if everyone knew that, if you didn't do what he wanted you to do, whatever it was, right? Once you made his list, you were dead to him. You were useless to him. And that was common knowledge.*

There were numerous references to a group of employees calling themselves the "OGs" – referring to them being the original Wethersfield Department members, and the suggestion was made that several of the "original" members were the cause of much strife within the Department. Multiple members stated during DLG interviews that there appeared to be issues between the original "Wethersfield guys" and the "Hartford guys." Although it was also stated that this atmosphere has somewhat improved:

- *"We have a really good mix now of laterals and some entries. And so the numbers of, I guess as they called themselves, "the originals," is starting to go down through, you know, retirement and what not. So it was, it's not as much, it's not anymore - I shouldn't say as much. It's just not, that doesn't exist as it used to. There are a couple people still left from the old guard, if you will, but you won't find the atmosphere here. And the culture here is like day and night."*
- *Some of the things that hit home with me, there is underlying hostility within the PD from, just in long-term internal conflicts between people. And I think with time when people leave, it will probably flesh out and it will end. But things have been, were festering here for a long time that were never resolved and they won't get resolved until people leave.*

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- *There's underlying animosity toward each other, historically. . . . There are factions and some people left, but there's deep rooted hate here amongst people. And that hate has influenced decisions on discipline. There's no question about it. And that's just the way it is. And some people have left, but some people are still here. And the animosity is never going to go away until people retire.*

H. Recommendation #8: Ensure Investigator Acts as Fact Finder

Our review of internal affairs investigation reports revealed that investigators would often include personal opinion in the Narrative and Conclusion sections of the investigative report, specifically including the investigator's opinion as to the reputation of the involved officer or the investigator's own past interactions or observations of the officer. The investigator's goal for an internal affairs investigation is to obtain all the facts and evidence related to an incident in an unbiased, effective and complete manner that does not include the investigator's personal opinions/beliefs about the incident or the involved officer.

I. Recommendation #9: Internal Affairs Investigation Report Should Not Include Recommended Discipline by Investigator

The majority of the internal affairs investigation reports, particularly from 2017-2019, included the investigator's recommendation for discipline. The investigator's internal affairs investigation report should not recommend discipline as part of his/her investigation and conclusion as that authority rests with the Chief of Police.

During the DLG reviews, it was revealed that internal affairs investigators who had recommended specific discipline would become upset that their recommended discipline was later modified or reduced by the Chief, feeling that it undermined them. We note that AID investigative reports from 2022 do not include recommended discipline from the investigator.

J. Recommendation #10: Withdrawn Complaints Should Be Completed

Our review of the provided WPD internal affairs investigations found that in all but one investigation in which the complaint was withdrawn, the investigator did not complete the investigation. Industry standards provides that supervisors will not close an internal affairs investigation simply because the complaint is withdrawn, the alleged victim is unwilling or unable to provide medical records or proof of injury, or the complainant will not provide additional written statements or medical records. Once a complaint is received by the Department, the investigation should be fully investigated to the extent possible, and a conclusion and finding should be issued. Furthermore, for withdrawn complaints, the investigator should take steps during the investigation to determine the reason the complaint was withdrawn to ensure it was

not the result of threats, intimidation, or harassment, which is prohibited by policy and industry practice.

K. Recommendation #11: Conduct Credibility Assessments to Resolve Conflicts

Investigators appeared to favor officer statements or the officer's versions of the event during the internal affairs investigation without any indication as to why it was given more credibility. Should conflicts arise, the internal affairs investigator should conduct a credibility assessment and provide an indication as to why he/she is giving weight to one statement or version over another.

L. Recommendation #12: Garrity Warnings

In more than half of the reviewed internal affairs investigations *Garrity* Warnings were not given. In law enforcement organizations, *Garrity* warnings are an important tool, in that they provide law enforcement officers necessary protections while enabling departments to conduct thorough and complete internal investigations. The basic principle of *Garrity* is that when the statement from the subject officer is compelled, the statement and the evidence derived from the statement cannot be used against the subject officer in a criminal action against him. The application of *Garrity* warnings provides that an employee can be ordered to cooperate in an internal or administrative investigation and be compelled to truthfully answer questions that are specifically, directly, and narrowly related to the employee's official conduct. Any statements made pursuant to an order to cooperate in such an investigation, and any evidence derived from that statement, may not be used against the employee in a criminal proceeding.

For *Garrity* to apply, the statement must be compelled and not voluntary. Industry Internal Affairs training recommends that all employees who are a subject and/or witness to an allegation of misconduct investigation be provided their *Garrity* warning to clarify that the investigation is administrative and not criminal, ensure that the questions will be narrowly tailored to the scope of the misconduct allegation or employee fitness for duty, and that the employee is being ordered to truthfully answer questions regarding the alleged misconduct.

M. Recommendation #13: Investigate Anonymous Complaints

Industry standards and model policies provide that all complaints, including anonymous complaints, are to be recorded and investigated. The current WPD G.O. 6-262 provides, "It will be the policy of the Division of Police, Wethersfield, CT to record and investigate all complaints against this Division or its employees," but does not specifically include the term "anonymous." The Department should ensure that all complaints are investigated, regardless of the source.

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During DLG interviews, it was suggested that in years past, not all anonymous complaints were investigated. Given the nature of these types of complaints, our limited review would not be able to determine whether this is accurate. However, during the DLG interviews, it was revealed that if anonymous complaints were sent over from the Town attorney, which often appeared to be generated internally, Chief Cetran, would become angry, often referring to the complainant as “that rat” and indicating he would “get the complainant” and “we’re going to fire someone,” but the complaints were often not investigated.

N. Recommendation #14: Provide Written Communication to Complainant re: Receipt of Investigation and Investigative Findings

There were multiple internal affairs investigations in which the complainant was never provided written confirmation that the complaint had been received and that an investigation was being commenced. Wethersfield Police Department General Order 6-262 provides: *The officer assigned to investigate an internal affairs matter shall notify the complainant in writing within five (5) business days of receipt that; Their complaint has been received by the agency and is currently pending; That a complaint number has been assigned (including the assigned number); That they will be informed in writing of the outcome of the complaint properly, following conclusion of the investigation; And that they may contact the investigating officer (identify by name, telephone, and email) at any time for further information while the investigation is pending. This procedure shall apply to complaints received not in person*. While investigators would often telephone the complainant to provide notice that the complaint was under investigation, generally accepted industry practices and Wethersfield Police Department policy provides that such communication should be in writing.

Our review of the provided internal affairs investigations also found that at the conclusion of the majority of the internal affairs investigations, a written communication was provided to the complainant regarding the findings of the investigations or outcome of the investigation. There were, however, multiple investigations in which no communication was provided to the complainant, as required by Wethersfield Police Department policy.

O. Recommendation #15: Provide Guidance on Investigation Categories

The Department needs clear guidelines as to when an internal affairs investigation will be conducted for alleged misconduct or violation of Department policy, and when an Administrative Investigation will be conducted. The guidelines should include the standard for assigning an Administrative Investigation, procedures to be followed, and reporting requirements.

P. Recommendation #16: Internal Affairs Cases Tracking System

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During DLG Command interviews, we identified that investigators had to either look back at a hand-written log or review the officer's personnel file to determine occurrences of past discipline. However, the information from the logs was not always included in the personnel files – or it appeared information seemed to “walk away” and then there was no record of it. During DLG interviews, one individual stated that he knew that an officer had received discipline in the past but there was no record of it anywhere. If discipline was not recorded in either one of these places there would be no easily obtained record of it. The Department should establish a procedure to track disciplinary history, whether electronic or otherwise, for use during internal affairs investigations and when determining discipline. The hand-written logbook that includes case information dates back to 1997 and includes information through 2022.

When asked whether the Department was utilizing an early intervention program and keeping track of chronic discipline for an employee or use of force for a risk management application, we were informed that a Department member utilizes a hand-written system for keeping track of such things, which has been activated mostly for things such as sick time abuse. It is important to maintain a current and comprehensive accounting of an officer's disciplinary history for purposes of early intervention, to identify trends, and to issue progressive discipline. It is our understanding that the Department is looking into obtaining software to electronically track the internal affairs process.

Q. Recommendation #17: Delays in Issuing Discipline

During the DLG interviews, statements were made indicating that investigations often “get stuck down at Town Hall,” with one potentially criminal case still outstanding after over a year. Specifically, with regard to the outstanding criminal matter, the following statement was made: *“We’re supposed to do the right thing. I’m doing the right thing and it’s just dying. Everyone knows about it. Town Manager knows about it. Gary Evans knew about it back then. The Mayor knew about it. Members of the Council knew about it. Everyone down there knows about it. . . . It’s like if you let it linger long enough that they hope everyone forgets about it.”* Those interviewed believed that the bottle neck in certain internal affairs investigations and disciplinary procedures could be the Town Attorney's office: *“When it goes down there, I don’t know what happens after that. You try to get answer, but they beat around the bush.”*

Those interviewed stated that employees are negatively impacted when there is a delay in an investigation and disciplinary decision. Outside attorneys becoming involved also sometimes resulted in the Department being reluctant to reach a disposition in the matter, which affected the timeliness of issued discipline and the officer's ability to get closure in an internal affairs investigation.

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Allowing possible or actual litigation of an incident to cause delay or affect the Department's internal affairs investigation and disciplinary process compounds the above-referenced issues regarding the Department's disciplinary system and potentially increases the Department's liability for alleged failures to discipline. It is imperative that the Department ensure that all investigations are completed in a timely manner and discipline is issued accordingly. To allow investigations to become clogged at the Town Hall level, or litigation to inappropriately interfere with the conclusion of the matter, is not acceptable.

R. Recommendation #18: Grievance Process

DLG interviews revealed that personnel were fearful of utilizing the established grievance process following an internal affairs investigation for fear of retaliation, particularly from Chief Cetran. During the interviews, examples of retaliation provided included: having "perks" removed, being taken off a particular assignment, and not receiving promotions, etc. Command staff stated that legitimate grievances would not be brought as there was a culture of fear within the Department, and anyone who spoke up experienced retaliation. The Department should ensure officers are able to fully utilize the grievance process without fear of retaliation.

During the DLG interviews there were multiple statements regarding Department members fearing retaliation for "questioning anything." Retaliation and fear were common themes throughout the DLG interviews, specific statements included:

- *"You couldn't question anything . . . if you did, you're dead to [Chief Cetran]. Then people were afraid to say anything or get the union involved because you'd be bashed or not going to get this job or that job."*
- *"Wethersfield was based on a culture of fear. So the union president was denied positions because he stood up to the Chief. I mean, that's a fact. So, people here would never be willing to stand up to the Chief [Cetran] because they knew that"*
- *"People were never willing to stand up to the Chief. . . . They didn't want to file a grievance . . . a legitimate grievance because they didn't want to get the chief mad because he might take the hats away. I mean, but things like that have happened here where you make a complaint and some perks that you had were removed or you're taken out of assignments and stuff like that. That's a fact."*
- *"But there is a culture of fear. It's gone now. But when the Chief was here, it was real. And there was retaliation against people who spoke up against him. That's a fact."*

It does appear that fear of retaliation has improved under the new leadership as one individual interviewed stated: *"If someone grieves something to [Chief Medina], he*

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could care less. He's just: "it's business. We'll deal with it" . . . But Cetran would be, if someone disagreed, . . . it's an attack on him."

S. Recommendation #19: Supervisory Training

It was apparent during our review of the internal affairs system that some instances of misconduct, or the occurrence of the underlying actions leading to an internal affairs investigation, could have been avoided if officers received effective supervision. First line supervisors are the Department's greatest asset for ensuring that officers are following proper police procedures and provide the Department the greatest protection against liability. During our review, we discovered multiple instances in which officers complained of poor supervision or lack of guidance, and instances in which officers believed the supervisors were rude or behaved inappropriately towards them. There also appeared to be a very evident culture of animosity and distrust between officers and supervisors. During the Climate Study, officers revealed that they did not feel comfortable approaching supervisors with issues. The Department should ensure that all supervisors receive initial and regular follow-up supervisor training. Although it is our understanding that the overall atmosphere in the Department has begun to improve following the departure of certain personnel, the Department should find avenues to build more collaborative and positive relationships between all personnel, especially between supervisors and officers.

Our DLG interviews also revealed that under the leadership of Chief Cetran, supervisors did not have the ability to make independent decisions, as the majority of decisions had to go through the Chief of Police, regardless of subject matter, and that some of the supervisors lacked knowledge as to appropriate supervision techniques. As such, supervisors often did not allow officers to make judgment decisions during the performance of their duties or did not provide adequate guidance to officers. This often led to instances of alleged misconduct as discussed more fully in this Report. The lack of leadership created frustration among Department members and caused a breakdown in the independent decision-making process typically seen within law enforcement agencies.

The following statements were made during the DLG interviews:

- *And as far as the supervision, the way I saw it, and this is my opinion, you know, Chief Cetran controlled the Police Department. The supervisors really didn't have the ability, in my opinion, to make decisions that you would expect of supervisors to be making right. Either at the first level of supervision and at the lieutenant level, his command staff, everything had to go through him no matter what.*
- *Most of the supervisors here, they've been here long enough, they've been exposed to Cetran's way and not the proper way to do internal affairs*

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investigations and know how to act as a supervisor either. And it goes back to even how the supervisors treat the officers on just regular routine calls. There was so much micromanagement and over supervision was unreal. You go to a domestic and the sergeant would show up and you're basically being told what you have to do. Why don't you do the call then? . . . Some guys are like, well how do I know when to discipline someone? I said, you're a sergeant, you're a supervisor. You should know when you have to write someone up, when you don't have to write someone up. Right? Right. And they don't have that experience. They don't have that knowledge. . . . I think through training and some experience they'll get better.

- *“Here, where the volume is low, the sergeants would come on every call. . . . I still think it’s like that a little bit, but we’re trying to stop it. . . . You have to let people make decisions. But throughout their careers they were never allowed to make decisions, and they got to the point where they're afraid to make a decision because they don't want to make a wrong one. And to me it just, it bogs everything down. I mean, you're a sworn officer, you have powers of an arrest. You should be able to make that decision. If an arrest is warranted, you shouldn't have to have a sergeant tell you that you can arrest somebody. Go ahead. You tell [the sergeant], “Hey, I already made an arrest and signed my report.” Right. But it's not like that. Or it wasn't like that.”*

In 2012, the Department of Justice entered into a Settlement Agreement with the East Haven CT Police Department based on allegations of Bias-Based Policing¹. Within that Agreement, the requirement was to provide mandatory supervisory, leadership and command accountability training tailored to each level of supervision and command. The Agreement identified 24 – 40 hours annually on the following topics:

- techniques for effectively guiding and directing officers and promoting effective and ethical police practices;
- de-escalating conflict;
- evaluation of written reports;
- reviewing and investigating officer uses of force;
- responding to and investigating allegations of officer misconduct;
- risk assessment and risk management;
- evaluating officer performance;
- appropriate disciplinary sanctions and non-disciplinary corrective action; and
- using the Risk Management System to facilitate close and effective supervision.

¹ [2012-11-20 East Haven, CT settlement agreement - DocumentCloud](#)

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Proper supervision provides officers with the direction and guidance necessary to improve and develop as police officers; ensures that officers follow department procedure; and identifies, corrects, and prevents officer misconduct. Departments must make certain that supervisors have the necessary knowledge, skill, and ability to provide close and effective supervision to each officer under the supervisors' direct command. Our review of the Internal Affairs investigations found a lack of adequate supervision. Supervisors should review more stringently officers' stop, search, ticketing, and arrest practices to ensure that officers are complying with the Constitution and department policy, and to evaluate the impact of officer activity on police legitimacy and community trust.

T. Recommendation #20: Internal Affairs Investigations Training

All Department members who will be involved in the internal affairs investigative process should review initial and updated training on conducting investigations, to include the investigative process as well as requirements for completing the investigative report and any required notifications. Training will ensure that all proper internal affairs procedures are followed and facilitate a systematic and consistent system to alleviate concerns of disproportionate treatment or outcomes.

V. RECOMMENDATIONS – INTERNAL AFFAIRS POLICY

The Wethersfield Police Department should update its Internal Affairs policy to ensure it meets CALEA and law enforcement industry standards. We recommend including the following language to the policy or used to supplement existing language currently found in policy to ensure a comprehensive and constitutional internal affairs policy.

In Section V.A., the policy states: “all complaints or information alleging misconduct by employees of this Division shall be investigated, including anonymous complaints.” However, Section G, CEO Notification, which provides the procedures for the method by which the complaint is received, does not include the procedures for an anonymous complaint. Furthermore, the policy should indicate that third party complaints will also be accepted and investigated.

- A. While the Policy section provides that Wethersfield PD will record and investigate all complaints against the Department or its employees, the policy should also provide that no investigation shall be closed simply because a subject or complainant is unavailable, unwilling, or unable to cooperate, including a refusal to provide medical records or proof of injury.
- B. The policy should specify that officers will carry the complaint form in their vehicles at all times while on duty, and that officers shall inform citizens of their right to make

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- a complaint against an officer if the citizen is displeased with, or objects to, an officer's conduct or performance of his/her duties. Furthermore, the policy should explicitly provide that no officer shall refuse to assist any person who wishes to file a citizen complaint or discourage, interfere with, hinder, delay, or obstruct a person from making a citizen complaint. In addition, the policy should include language that an officer who withholds information, fails to cooperate with departmental investigations, or who fails to report the misconduct of members to a supervisor shall be subject to disciplinary action.
- C. While the policy discussed assignment of personnel to investigate a complaint based on the nature of the complaint, it should also provide that a supervisor who is the subject of a complaint, or who authorized the conduct that led to the incident or witnesses or participated in the incident, is explicitly prohibited from investigating the incident.
- D. All internal affairs investigations shall contain: (1) Documentation of the name and badge number of all officers involved in, or on the scene during, the incident, and a canvass of the scene to identify civilian witnesses; (2) Thorough and complete interviews of all witnesses, subject to the Department's *Garrity* Protocol, and an effort to resolve material inconsistencies between witness statements; (3) Photographs of the subject(s) and officer(s) injuries or alleged injuries; and (4) Documentation of any medical care provided.
- E. The Internal Affairs Division shall: (1) maintain a complaint log both documentary and electronically; (2) conduct a regular audit of complaints to ascertain the need for changes in training or policy; (3) utilize annual statistical information to identify trends involving all complaints of use of force, officer misconduct, and/or abuse of authority; (4) track complaints against individual employees to assist in employee risk analysis and the Early Intervention Program; and (5) Provide the Chief of Police, managers, and/or supervisors with quarterly summaries of complaints and final dispositions against officers.
- F. With regard to the investigative process, the Internal Affairs policy should also include the following language:
- a. The policy should require that every complaint must be investigated and evaluated based on the preponderance of the evidence standard.
 - b. Supervisors shall ensure that all officers who used force, or are involved in the use of force, shall submit a written statement regarding the incident, using the Use of Force Report form. The investigating supervisor will obtain statements from officers who witnessed a use of force.
 - c. During the investigation of a citizen complaint, all relevant evidence including circumstantial, direct, and physical will be considered, and credibility determinations made, if feasible. Officer's statements will not be given any automatic preference over a citizen's statement, nor will a witness' statement

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be disregarded on account that the witness is connected to the complainant. Every effort will be made to resolve material inconsistencies or discrepancies between witness statements and other collected evidence.

- G. All Wethersfield Police Department employees are responsible to report all instances of employee misconduct. Therefore, the policy should provide: (1) An employee must report any instances of employee misconduct as soon as practicable following receipt of information regarding the misconduct; and (2) In applicable circumstances, employees are to prevent the deterioration or destruction of any evidence that would support or refute the allegation of misconduct.
- H. With regard to matters of confidentiality regarding complaints, the policy should include admonition that “all employees who have knowledge that a complaint has been submitted, or will likely occur, are prohibited from discussing material issues related to the matter. Exemptions to this general rule include when an employee subject to the investigation consults with Union or legal representatives, in accordance with supervisory directives, testifying at an officer hearing regarding the matter, or as otherwise authorized by law, policy, or regulation.
- I. With regard to investigative interviews, the policy should provide that all interviews will be conducted while the officer is on duty, unless the seriousness of the investigation or other justifiable reason is such that an immediate interview is required. The Department, however, should refer to the applicable CBA. All interviews shall be electronically recorded, and the recording shall note the time at which breaks are taken during the interview process, who requested the break, and the time at which the interview resumed. Subject to the approval of the Chief of Police, officers will be administered the applicable *Garrity* Warnings prior to the commencement of the administrative inquiry.
- J. Officers, under internal (administrative) review, may have a union representative present with them during any administrative internal investigative interrogation so long as the representative is not involved in any manner (*e.g., a witness or subject of the complaint*) with the incident under investigation, or a conflict of interest does not exist. The representative’s role is primarily that of an observer, and shall not be permitted to interrupt the interview except for the purpose of advising and/or conferring with the officer who is concerned about a contractual right. In criminal investigations the employee has the right to talk to legal counsel or to have one present during questioning.
- K. The current policy includes a section regarding internal affairs mandatory disclosures, including medical and laboratory examinations, photographs, line-up, financial disclosures, and detection of deception devices. The policy, however, should also provide that desks, lockers, storage space, rooms, offices, equipment, information systems, work areas, and vehicles are the property of the Town of Wethersfield and are subject to inspection. They may also be searched to retrieve town-owned property,

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or to discover evidence of work related misconduct, if there is reason to suspect (*reasonable suspicion*) such evidence is contained therein. Private property can be stored in areas mentioned above; however, employees will not expect privacy in those areas. Only those employees who are acting in their official capacity may be authorized to search or inspect areas assigned to other employees.

L. With regard to the issuance of discipline, the policy should provide that disciplinary action shall be administered in accordance with Department policy and the applicable CBA.

M. Issues Identified during CALEA Assessment:

During the CALEA Assessment process, assessors identified issues with certain policies in which language was missing or needed to be revised to meet the standard, including the following.

1. CALEA Standard 26.1.5 – Role and Authority of Supervisors

The Assessment identified that the Department's policy does not specify the role of supervisors (all) nor the authority for each level of supervision relative to the disciplinary actions. The Department indicated that it was conducting a major rewrite of its Disciplinary Procedures and would focus on this area. While it is important for the Department to have this language included in its policies, it should also ensure it is being followed in practice. During the DLG interviews, this issue was raised as continuing to cause overall issues in the Department's complaint process and disciplinary system. This issue is discussed more fully above, however; the Department should ensure that supervisors have an in-depth understanding of their role and authority in all areas associated with discipline, including regular Supervisory activities and Internal Affairs investigations, which must include procedures for guiding and directing officers in their day to day activities to avoid an occurrence requiring an internal affairs investigation.

2. CALEA Standard 26.3.4 – Informing Complainant

The Assessment identified that on occasion, the Department failed to notify the complainant of the conclusion of an investigation. The Department indicated it had revised its written directive to address the requirements of this standard. During our review, we noted this issue occurred on occasion. The Department should ensure that its investigators are following the requirements of the written directive and informing the complainant of the outcome for every internal affairs investigation.

3. CALEA Standard 26.3.8 – Conclusion of Fact

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The Assessment also identified that on occasion, the Department failed to notify all participants of an investigation as to the results. This issue was identified during our review in some of the internal affairs investigations. As stated directly above, while the Department indicated it updated its written directive to address this standard, it must ensure that it is being following in practice.

VI. TRAINING

As identified above, Wethersfield Police Department personnel conducting misconduct investigations, whether assigned to the Administrative Investigations Division, Command, or elsewhere, shall receive at least twenty-four (24) hours of initial training in conducting misconduct investigations, and shall receive at least eight (8) hours of additional training each year. The training shall include instruction on Wethersfield policies and protocols for responding to and investigating allegations of officer misconduct.

VII. CONCLUSION

During the Climate Study, officers recognized “recent attempts” to improve communication and transparency within the Department, but stated there were historical feelings of distrust towards administrators. During the DLG interviews there were multiple comments made recognizing the attempts to improve the Department’s atmosphere and internal affairs procedural methods to provide greater transparency and accountability, including the following:

“I think that the process is getting better because people are realizing that it was unfair. I think the climate study was a good opener to get that out there. To air all that dirty laundry out there. That's what needs to be changed. And there it was right in front of everyone, there were no secrets held. There was no modification. It wasn't like a watered down report. It was, “here it is.” And I think that's what needed to be done. I mean, whatever you do, it needs to be factual, obviously, but it needs to be raw. It needs to pull a curtain back, pull the Band-Aid off, show the wound.”

We commend the Department for the steps taken towards improvement thus far. As the issues occurring within the Department’s internal affairs system were severe and deeply rooted in past practices and interpersonal issues, change must be an ongoing and incremental process. The Department has taken the first steps towards resolving these issues to build a stronger Department and to create an equitable disciplinary system. The inclusion of our recommendations for improvements will assist the Department in this process. Fair, impartial, and timely internal review of allegations of law enforcement officer misconduct is paramount for maintaining agency integrity and public trust. A robust and well-functioning accountability system in which officers are held to the

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highest standards of integrity is critical to the legitimacy of the Wethersfield Police Department and should be a priority of the Department.

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APPENDIX A



Rafael Medina III
Chief of Police

*Wethersfield Police
Department*
250 Silas Deane Highway
Wethersfield, CT 06109



Tel 860 721-2900
Fax 860 721-2995

September 8, 2022

Eric Daigle, Esq.
Daigle Law Group
960 South Main Street
Plantsville, CT 06479

Dear Mr. Daigle,

This letter confirms that the Town of Wethersfield, specifically the Wethersfield Police Department, has retained the services of your group to analyze the following practices of the Wethersfield Police Department from September 2017 to the present:

1. Internal/External Complaint intake process
2. Internal Affairs/Human Resource investigations
3. Internal Affairs investigative process
4. Internal Affairs investigations
5. Internal Affairs dispositions
6. Internal Affairs policies and procedures

A member of the Command Staff will act as a liaison with your firm to assist with any requests you may have.

All information and documents shared with you and performed in connection with this agreement should be treated as strictly confidential.

Sincerely,

A handwritten signature in blue ink that reads 'Chief Rafael Medina III'.

Rafael Medina, III
Chief of Police