

# Groton Long Point POLICE DEPARTMENT

## Civilian Complaint Instructions

### Civilian Complaints

ISSR 1.2.34

#### 1. Policy

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

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

#### 2. Purpose

The purpose of this policy is to comply with Public Act No. 14-166 and to provide a uniform policy to accept, process, investigate, take appropriate action upon and resolve complaints from a member of the public relating to alleged misconduct or malfeasance committed by law enforcement agency personnel in the State of Connecticut.

Complaints may allege abuse of authority, corruption, criminality, poor or slow service, or other misconduct or malfeasance on the part of agency personnel.

#### 3. Definitions

- a. Complaint: An allegation of employee misconduct or malfeasance.
- b. Complainant: Any person who files a complaint regarding misconduct or malfeasance on the part of an agency employee.
- c. Administrative Review Number: An alphanumerical numeric code used to identify and track citizen complaint investigations.
- d. Discipline: Adverse action taken by the agency against any employee as the result of a sustained internal affairs investigation including, but not limited to, oral counseling reduced to writing, suspension, demotion or dismissal.
- e. Employee: Any person employed by the agency, whether sworn or non-sworn.
- f. Internal Affairs Supervisor: The designated person with primary responsibility to conduct investigations of administrative or Citizen Complaints of misconduct or malfeasance.
- g. Malfeasance: Illegal or dishonest activity especially by a public official.
- h. Misconduct: Any act or omission by an employee which violates a criminal law or regulation of the United States, or violates any state law or municipal law, regulation, or

ordinance or violates any department rule, regulation, policy, procedure or operations directive.

#### **4. Procedure**

##### **A. Internal Affairs Responsibility**

The Chief has primary oversight and authority over the investigation of complaints made against employees. Upon receipt of a complaint, the Chief and/or Chief's designee/ agent will assure that the complaint is assigned to the Chief's designee/ agent or other designated supervisor for investigation.

The investigator shall be responsible for:

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

##### **B. Acceptance, Filing and Intake of Complaints:**

###### **1. General:**

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

###### **2. Acceptance of Complaint:**

- a. The use of a standardized form to record complaints shall be implemented using the standardized form adopted by the Police Officer Standards and Training Council. Each complaint shall be assigned an Administrative Review Number (AR) by the Chief to track complaints and a copy of this form shall be filed in a separate Complaint File.
- b. Complaints may be accepted in writing, verbally, in person, by mail, telephone (TDD), facsimile, electronically, or by any other means. Anonymous and third party complaints will be accepted.
- c. All employees will assist those who express a desire to lodge complaints against any member of the agency. This includes:

- Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.
  - Explaining the Department's complaint procedures.
  - Providing complaint form(s) and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained.
  - Ensuring that complainants who are unable to read, write or understand the English language with sufficient proficiency to fill out the complaint form, or to be interviewed regarding their knowledge of the incident complained of, receive adequate language assistance to permit them to file their complaint and assist, as needed, in the investigation thereof. The name and identifying information of any person providing such language assistance to a complainant shall be recorded on the complaint form or in the body of the report.
- d. All personnel who are approached by a person seeking to make a complaint will, when possible, call a supervisor, obtain a brief description of the allegation, record contact information from the complainant if provided and advise the complainant that an AR number will be provided to them.
  - e. If a supervisor is not readily available, the officer will inform the complainant that they will be contacted by a supervisor or the person assigned to conduct the internal affairs investigations by the next business day.
  - f. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.
  - g. All complaints shall be documented to include the date, time, location, and nature of the complaint, complainant's information (name, address, date of birth, telephone number, or other contact information, if provided, date and time the complaint was received, and the name, rank and/or title of the person receiving the complaint.
  - h. The withdrawal of a complaint does not prohibit the agency from completing an investigation.
  - i. If complaints are received by mail, all correspondence received containing allegations shall be forwarded to the Chief of Police or the Chief's designee/ agent where they will be officially received. These complaints shall be assigned an AR number. A letter of acknowledgment must be prepared advising the complainant that the matter is being investigated and that they will be contacted by the investigator assigned.
  - j. Walk-in complaints shall be referred to a Supervisor who shall then forward the complaint to the Chief and/or Chief's designee/ agent. After the complaint is received and properly documented, the complainant may be placed under oath and requested to sign the complaint after reading or having it read to them the warning for perjury or false statement. If the complainant refuses to sign the complaint or acknowledge the oath, the complaint will still be accepted and investigated, however the refusal to sign or acknowledge shall be noted. In any event, the complaint will be assigned an AR number and forwarded as above.
  - k. Telephone complaints shall be referred to a Supervisor, Chief or Chief's designee/ agent. The party who receives the complaint shall obtain the details of the complaint as soon as practicable, dispatch a supervisor to the complainant's location or arrange another meeting location, and proceed as described in the foregoing paragraph.

- I. Complaints from the field in which any member of the agency is approached by a complainant expressing allegations of misconduct or malfeasance shall immediately be reported to a supervisor. The complainant shall be requested to await the arrival of the supervisor. If a supervisor is unavailable, or the complainant is unable to await the arrival of a supervisor, the complainant should be informed that he/she may respond to HQ to make his/her complaint.

3. Validity and Timeliness of Complaints:

- a. Complaints by persons Under the Influence of Alcohol or Drugs: When a person who is noticeably intoxicated or impaired wishes to make a complaint, he or she shall be encouraged to wait until the earliest opportunity after he or she has regained sobriety to do so. When the Supervisor determines the circumstances require immediate action, preliminary details of a complaint should be taken by a Supervisor, when available, regardless of the person's sobriety. In that event, the assigned AR investigator should re-interview the person after he or she has regained sobriety
- b. Delayed or Untimely Complaints: Complaints of misconduct or malfeasance shall be accepted regardless of when the alleged misconduct or malfeasance is alleged to have occurred. However, the timing of a complaint is one of the circumstances that the agency may consider in determining whether misconduct or malfeasance can be reliably substantiated and, if so, the nature and extent of discipline to be imposed. Where a delay in reporting alleged misconduct may call into question the veracity of the complainant, or has resulted in the loss or destruction of evidence or the inability to locate witnesses due to the passage of time, the facts and circumstances should be detailed in the report.

Although allegations of criminal behavior may be made past the expiration of the applicable statute of limitations and criminal prosecution may no longer be possible, a criminal violator may still be held accountable administratively.

- c. Complainant Who Fears Retaliation Associated With Filing A Complaint: If a complainant expresses fears of retaliation as a result of filing a complaint, they must be assured that those fears will be taken seriously. Complainants should be asked to provide the basis for their concerns, if possible, and the information provided should be noted in the complaint. This will allow the Chief, Chief's designee/ agent and/or investigator to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

**C. Investigation of Complaints:**

1. The Chief or Chief's designee/ agent shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Internal Affairs investigations shall be completed in a timely manner within the time limits determined including extensions granted by the Chief of Police or designee for good cause.
2. Complainants shall be notified in writing within five (5) business days of receipt that; (1) their complaint has been received by the agency and is currently pending; (2) that a complaint number has been assigned (including the assigned number); (3) that they will be informed in writing of the outcome of the complaint promptly following conclusion of the investigation, and (4) that they may contact the designated investigator (identify by name, telephone and/or email) at any time for further information while the investigation is pending.
3. The subject of the investigation shall be notified in writing within five (5) business

days or as soon as practical of the receipt of such complaint of; (1) the fact that a complaint has been made, (2) the identity of the complainant, if known, (3) the substance of the complaint, (4) the law or policy that is alleged to have been violated, and (5) the date upon which the investigation is expected to be completed.

- a. Where prior notification of the subject of a complaint is reasonably likely to impede the progress of an investigation, result in the loss or destruction of evidence, or jeopardize the safety of any individual, the Chief of Police may direct in writing that such notification be delayed, stating the reasons therefore and the anticipated extent of the delay. The "Agreement Between The Groton Long Point Police Union, Local No.2693 And AFSCME Council 4, shall be adhered to.
- b. Nothing in this policy precludes the Chief of Police from referring an internal affairs investigation to an outside agency if such action would be in the best interest of the municipality and of justice.

#### **D. Review of The Investigation:**

1. The Chief shall conduct the final review of the investigation to determine the thoroughness, completeness, accuracy, objectivity and disposition classification of the investigation.
2. The complainant shall be promptly notified in writing of the status and/or disposition of his or her complaint at the conclusion of the investigation by the Chief of Police or his designee.
3. Findings of completed investigations and disciplinary recommendations, if any, shall be promptly conveyed, in writing, to the employee and Police Union President.

#### **E. Case Dispositions — Standards:**

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

1. **Exonerated:** The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.
2. **Unfounded:** The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of did not occur.
3. **Not Sustained:** The investigation was unable to determine by a preponderance of the evidence whether or not the misconduct or malfeasance complained of occurred, or whether or not it was committed by the subject of the investigation.
4. **Sustained:** The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of occurred and that it was committed by the subject of the investigation.
5. **Sustained Not Based on Original Complaint:** The investigation determined by a preponderance of the evidence that other misconduct or malfeasance which was not the basis for the original investigation occurred, was discovered during the course of the original investigation, and was committed by the subject of the

investigation.

6. **Withdrawn:** At some point prior to the completion of the investigation, the complainant notified the agency that he/she wished the investigation to be discontinued and concurrence for this action was obtained from the Chief.

**F. Training:**

All personnel will be required to attend initial and periodic refresher training, as determined by the Chief, on the department's Complaint Policy and the duties and responsibilities of all personnel.

Any supervisory personnel who may be assigned to conduct internal investigations will be required to attend periodic refresher training, as determined by the Chief, regarding the policies and procedures contained herein and professionally accepted practices related to conducting internal investigations.

**G. Public Information and Access:**

The Chief of Police will:

1. Ensure informational materials are made available to the public through police personnel, the police department facility, the police/City web site, libraries, community groups, community centers and at other designated public facilities.
2. Ensure that copies of this policy and complaint forms are available at the Police Department and City Clerk's Office. This information will include relevant phone numbers and any addresses where complaints can be made. This information must explain the complaint process in English and Spanish.
3. Ensure the complaint policy and forms are made available on the Police/City web site.
4. Customer brochure
  - a. A brochure has been prepared to provide customers with the procedures involved in the complaint process. The brochure will be offered to the complainant.