	<u>BLOOMFIELD POLICE DEPARTMENT</u> GENERAL ORDER No. 2-06	EFFECTIVE DATE: 06/01/2013 Rev.: 09/01/2015	EXPIRATION DATE: NONE
	<i>Citizen Complaints</i>		
RISK: HIGH	DISTRIBUTION: All Personnel	RESCINDS: G.O. 2/600	
CALEA Std.: 52.1.1, 52.1.2, 52.1.4, 52.2.2, 52.2.4		BY ORDER OF: Paul B. Hammick, Chief of Police	
This directive is for BPD use only. It is not meant to enlarge the Department's or an employee's criminal or civil liability in any way and should not be construed as creating a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis for departmental administrative sanctions.			

I. PURPOSE

In compliance with Public Act No. 14-166 and POST General Notice 15-03, this order establishes policies and procedures governing:

- A. the receipt, processing, and investigation of complaints from a member of the public relating to alleged misconduct or malfeasance committed by Bloomfield Police Department personnel,
- B. the subsequent resolution of those complaints, and
- C. the identification and implementation of any Departmental action that might be required to mitigate future problems.


II. POLICY

The Bloomfield Police Department (BPD) will 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, or by electronic means and whether signed or submitted anonymously. The Department will respond to allegations of misconduct or malfeasance against its employees consistent with this policy and will fairly and impartially investigate all complaints or allegations of such conduct to determine their validity. When warranted, the Department will impose any disciplinary or non-disciplinary corrective actions in a timely manner.

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

III. DEFINITIONS


- A. **Complaint** – An allegation of employee misconduct or malfeasance.

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- B. **Complainant** – Any person who files a complaint regarding misconduct or malfeasance on the part of a BPD employee.
- C. **Complaint Control Number** – A unique numerical or alphanumeric code used to identify and track citizen complaint investigations. (The BPD will use an unique case number as the CCN for each incident.
- D. **Discipline** – Adverse action taken by the Department against any employee as the result of a sustained internal affairs investigation including, but not limited to, a written reprimand, suspension, demotion or dismissal.
- E. **Employee** – Any person employed by the BPD, whether sworn or non-sworn.
- F. **Internal Affairs Unit** – The designated unit or person within the BPD 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 that is illegal or which violates established policy.
- I. **Supervisor** – Sworn officers holding the rank of Sergeant or higher.

IV. PROCEDURE


- A. Organization and Basic Responsibilities.
 - 1. The Office of the Chief of Police shall have primary oversight and authority over investigation of complaints made against employees. Upon receipt of a citizen complaint, the Chief of Police or designee shall review the complaint and assign it for investigation as provided in BPD General Order 2-07. The Chief or designee shall ensure that the complainant is kept informed regarding the following:
 - a. Acknowledge receipt of the complaint,
 - b. Periodic notification of the status of the investigation into the complaint, and
 - c. The findings and results/conclusion of the investigation.
 - 2. The designated division, unit, person or supervisor (normally the Internal Affairs Unit) shall be responsible for:
 - a. Conducting a thorough, fair and impartial investigation of every complaint assigned regardless of the manner it was initially received,
 - b. Determining the nature, facts and circumstances of every complaint.
 - c. Reporting as directed, the determinations made during the investigation, any recommendations arising from the findings, and the resolution of that investigation.

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- d. 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.
 - e. Preparing suggested revisions of Departmental Policies and Procedures or training where existing deficiencies may have been a contributing factor in the matter.
3. Employee Responsibilities:
- a. All employees shall assist any citizen requesting to make a complaint against the Department or any of its personnel by providing contact information for an on-duty supervisor at the Department as well as instructions as to where to find the BPD Citizen Complaint Report (Form BPD-Z03). Employees shall be courteous and responsive when doing so. 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 except in the specific case noted in paragraph IV.B.3.a below.
 - b. When a non-supervisory employee is notified of a citizen's request to make a complaint, that employee shall notify his/her supervisor as soon as practicable.
 - c. Complying with the provisions of BPD General Order 1-05, the officer on scene when any person claims to have been stopped for bias-based reasons shall immediately notify that person of his or her right to make a complaint and how to go about making said complaint.
4. Supervisor Responsibilities:
- a. All supervisory personnel shall assist any citizen requesting to make a complaint against the Department or any of its employees. Once notified of a citizen complaint, supervisors shall attempt to make contact with the complainant as soon as practicable. If a complainant alleges misconduct on the part of an agency employee, the supervisor should attempt to obtain a written account of the incident from the complainant via BPD-Z03. If the complainant does not wish to provide the complaint in writing the supervisor will gather all pertinent facts and prepare a report based on the verbal account of the complainant. The supervisor shall pull an administrative case number for all citizen complaints and prepare a report as necessary. The completed citizen complaint form and/or supervisor's initial report will be immediately forwarded to the office of the Chief of Police. The supervisor taking the initial report will also notify his/her chain of command.
- B. Receiving Complaints:
- 1. Complaints may be accepted in writing, verbally, in person, by mail, telephone (TDD), facsimile, and electronically, or by any other means. Anonymous and third party complaints shall also be accepted.

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- a. Walk-in complaints shall be referred to a Supervisor, if one is immediately available, otherwise handled by the employee as discussed below. 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 to acknowledge the oath, the complaint will still be accepted and investigated: however, the refusal to sign or acknowledge shall be noted. In any event, the complaint will be assigned a Complaint Control Number (BPD case number) and forwarded to the Office of the Chief or designee.
 - b. Complaints or correspondence containing allegations received by mail or by email shall be forwarded to the Chief of Police or the Chief's designee where they will be officially received. These complaints shall be assigned a Complaint Control Number (BPD case number). The office of the Chief of Police shall prepare a letter of acknowledgment advising the complainant that the matter is being investigated and that the complainant will be contacted by the investigator assigned.
 - c. Telephone complaints shall be referred to a Supervisor or the internal affairs designee. The party who receives the complaint shall obtain the details of the complaint as soon as practicable, dispatch a supervisor to the complainant's location, and proceed as described in the foregoing paragraph.
 - d. Complaints in which any member of the agency is approached in the field by a complainant expressing allegations of misconduct or malfeasance shall immediately be reported to a supervisor. The employee receiving the complaint shall request the complainant to await the arrival of the supervisor. If a supervisor is unavailable, or the complainant is unable to await the arrival of a supervisor, the complainant should be informed that he/she may respond to the agency headquarters to make his/her complaint.
2. All employees shall assist those who express a desire to lodge complaints against any member of the agency. This assistance should include as needed:
 - a. Explaining the Department's complaint procedures.
 - b. Advising the complainant where to obtain the Uniform Complaint form (BPD-Z03) and how to complete and submit it.
 - c. Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.
 - d. If a supervisor is not readily available, informing the complainant that they will be contacted by a supervisor, or the person or unit assigned to conduct internal affairs investigations, by the next business day.
 - e. 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

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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.

- f. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor
 - g. Employees receiving a complaint shall ensure the complaint is 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. (The Department form, BPD-Z03, provides space for that information.)
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 to do so until the earliest opportunity after he or she has regained sobriety. When the Supervisor determines the circumstances require immediate action, preliminary details of a complaint should be taken (together with a note of the circumstances) by a Supervisor, when available, regardless of the person's sobriety. In that event, the internal affairs designee should re-interview the person after he or she has regained sobriety.
 - b. Delayed or Untimely Complaints:
 - 1) 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 investigative report.
 - 2) 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.

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


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

5. Mediation:


At times when taking a citizen complaint, a supervisor may determine that the nature of the complaint does not involve misconduct or violation of a policy or legal practice on the part of the involved employee(s). Rather, the complaint may be a simple misunderstanding that the supervisor can explain and remedy to the satisfaction of the complainant. In these cases, the supervisor can forgo preparing an administrative case as long as the complainant was advised of his/her right and option to file a formal complaint but the complainant is satisfied with the resolution at hand and the complainant's agreement is documented in a memorandum to the Chief of Police.

C. Investigation of Complaints.


1. The Chief of Police or the Chief's designee shall ensure that all complaints received are processed and investigated appropriately as set forth in this policy and in General Order 2-07. Internal Affairs investigations shall be completed in a timely manner within the time limits determined by the Chief of Police, 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:
 - a. their complaint has been received by the agency and is currently pending;
 - b. that a complaint number has been assigned (including the assigned number);
 - c. that they will be informed in writing of the outcome of the complaint promptly following conclusion of the investigation, and
 - d. that they may contact the designated investigator (identify by name, telephone and/or email) at any time for further information and input while the investigation is pending.
3. Except as noted immediately below, the subject of the investigation shall be promptly notified of the complaint in accordance with the provisions of applicable labor agreements and G.O. 2-07. In the absence of an applicable labor agreement, an employee who is the subject of a complaint shall be notified in writing within five (5) business days of the receipt of such complaint. The notification shall include:
 - a. the fact that a complaint has been made,
 - b. the identity of the complainant, if known,

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- c. the substance of the complaint,
 - d. the law or policy that is alleged to have been violated, and
 - e. the date upon which the investigation is expected to be completed.
4. 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.
 5. The Chief of Police may refer an internal affairs investigation to an outside agency if such action would be in the best interest of the municipality and of justice.
- D. Reconciliation.
1. At the discretion of the Chief of Police, the process of reconciliation may be encouraged in lieu of an investigation.
 2. When authorized by the Chief of Police, supervisors receiving complaints shall to the extent possible, bring together the complainant and the officer or employee involved in minor violations and attempt reconciliation. This action may be used where the complaint apparently stems from a misunderstanding on the part of the affected officer, employee or the complainant. Reconciliation may be employed for complaints of a minor nature that do not reflect:
 - a. Discredit upon the agency.
 - b. Discredit upon the involved employee.
 - c. Commission of a criminal offense; or
 - d. Allegations of racism, bigotry or prejudice against any race, religion, creed, national origin, sexual orientation, or circumstances beyond the individual's control.
 3. Reconciliation must be documented through the chain of command to the Chief of Police or his or her designee. Reconciliation does not preclude further corrective action on the part of the agency.
- E. Conduct, Findings and Recommendations of the Investigation:
1. When ordered by the Chief, the investigation into the complaint shall be conducted following the procedures described in General Order 2-07.
 2. At the conclusion of the investigation, the investigating officer shall make a finding for each charge or allegation of misconduct or malfeasance which was contained in the complaint according to one of the following classifications:
 - a. Exonerated: The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.

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- b. Unfounded: The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of did not occur.
 - c. 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.
 - d. 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.
 - e. Misconduct 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.
 - f. Withdrawn: At some point prior to the completion of the investigation, the complainant notified the agency that he/she wished the investigation into one or more of the allegations to be discontinued and concurrence for this action was obtained from the Chief of Police.
3. If warranted based on the evidence discovered during the investigation and his/her findings, the investigation officer shall make recommendations regarding changes to the Department's policies and procedures and/or training to lessen the likelihood of similar problems.
- F. Actions Following the Investigation.
1. The Professional Standards Commander shall review the completed investigation to determine the thoroughness, accuracy and objectivity of the investigation. If the Commander finds errors of fact or disagrees with the investigator's findings or recommendations, he/she should attempt to reconcile the differences with the investigator. If differences remain after that attempt, the Commander should forward to the Chief of Police the investigation package as written accompanied by the Commander's comments.
 2. The Chief of Police or designee shall review the completed report of the investigation, including the findings and the disciplinary and follow-up action recommended, and shall resolve any questions regarding the case that are still open.
 3. After the review, the Chief of Police shall take action as discussed in General Order 2-07 with respect to disciplinary procedures and will implement the recommendations as he/she deems appropriate.
 4. The Chief of Police or designee shall promptly inform the complainant(s) of the outcome of the investigation and the Department's follow-up actions related to the incident.

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5. The Chief of Police or designee shall promptly convey the findings of the investigation and disciplinary recommendations, if any, in writing, to the employee through his or her chain of command.

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 agency web site and at town libraries, community groups, community centers, and other designated public facilities.
2. Ensure that copies of this policy and complaint forms are available at the town hall. This information should include relevant phone numbers and any addresses where complaints can be made. This information must explain the complaint process in English and Spanish.
3. The complaint policy and forms should be made available online where the agency, or the municipality served by the law enforcement agency, has an Internet website.

H. Training.

1. All employees shall be provided a digital copy of this general order.
2. All supervisory personnel shall attend training on the Department's Complaint Policy and their responsibilities related to citizen's complaints.
3. All supervisory personnel shall attend periodic refresher training, as determined by the Department, regarding the policies and procedures contained herein and the professionally accepted practices related to conducting internal investigations.

V. REPORTS/FORMS

Citizen Complaint Report (Form BPD-Z03)

VI. REFERENCES

- A. Connecticut Public Act No. 14-166
- B. POST General Notice 15-03, Complaints that Allege Misconduct by L. E. Agency Personnel
- C. BPD General Order 1-05, Bias-Based Policing
- D. BPD General Order 2-07, Employee Misconduct-Internal Affairs