

GRANBY POLICE DEPARTMENT	ISSUE DATE	EFFECTIVE DATE	
GENERAL ORDER	06/09/15	06/09/15	52-02

SUBJECT	CITIZEN COMPLAINTS AGAINST POLICE EMPLOYEES	AMENDS/SUPPLEMENTS
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REFERENCE: PA 14-166 POSTC Model Policy	RESCINDS: Dated:
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PURPOSE:

To establish a system for receiving, processing and investigating citizen complaints or allegations of abuse of authority, corruption, or non-criminal misconduct against employees of the Granby Police Department.

POLICY:

It is the policy of the Granby Police Department to record and investigate all citizen complaints or allegations of misconduct by employees of the Granby Police Department. Citizen complaints will be conducted promptly and thoroughly. The goal is to ensure that the integrity of the Granby Police Department is maintained through fair and impartial investigation and review of citizen complaints.

- There shall be no retaliation in any form by any member of this agency directed at an individual who makes a complaint.
- During the complaint intake process, no questions shall be asked of a complainant regarding their immigration status.
- Officers who withhold 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.

DEFINITIONS

- Complaint: An allegation of employee misconduct or

malfeasance

- **Complainant:** Any person who files a complaint regarding misconduct or malfeasance on the part of an agency employee.
- **IA number:** A report number used to identify and track investigations.
- **Discipline:** Adverse action taken by the agency against any employee as a result of a sustained internal affairs investigation including, but not limited to, a written reprimand, suspension, demotion or dismissal.
- **Employee:** Any person employed by this agency, whether sworn or non-sworn.
- **Malfeasance:** Illegal or dishonest activity, especially by a public official.
- **Misconduct:** Any act or omission by an employee that is illegal or which violates established policy.
- **Supervisor:** Includes those holding the rank of sergeant or higher.
- **Officer in charge (OIC):** The most senior officer on duty when no supervisor is on duty.

PROCEDURES:

Acceptance of Complaint:

Complaints may be made by any person at any time in writing, by telephone, in person, or by other means of communication. Anonymous and third party complaints will be accepted. Any employee receiving the complaint or allegation shall be courteous, responsive and helpful. Complaint procedures will be explained and the officer will provide the complaint form or instructions as to where the forms may be obtained.

Officers or supervisors will ensure 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 shall be recorded on the complaint form or in the body of the report.

If the complaint or allegation is received by a dispatcher, it shall be immediately referred to:

- The subject employee's shift supervisor/officer-in-charge. If the supervisor/OIC is not immediately available, the dispatcher shall obtain contact information. The supervisor or OIC will contact the complainant as soon as they are available, but not later than the end of their work day.
- The Chief of Police or his designee.

Any member of the Department approached in the field by a complainant expressing allegations of misconduct by a department employee, shall immediately notify the shift supervisor or OIC, who shall arrange for the receipt of the complaint. If a supervisor or OIC is not available, the officer shall obtain basic information about the complaint and complainant contact information. The officer will forward this information to the supervisor or OIC. The supervisor or OIC will contact the complainant as soon as they are available, but not later than the end of their work day.

Validity and Timeliness of Complaints:

- 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. When the supervisor determines the circumstances require immediate action, preliminary details of the complaint shall be taken by a supervisor, when available, regardless of the person's sobriety. In that event, the investigating officer should re-interview the person after the complainant has regained sobriety.
- 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 used in determining whether misconduct or malfeasance can reliably be 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 will 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.

Complainant Who Fears Retaliation For 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. If possible, complainants should be asked to provide the basis for their concerns and the information should be noted in the complaint. This will allow the investigating supervisor to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

Citizen Complaint Forms

If a citizen wishes to make a complaint, they will be asked to complete a citizen complaint form. The complainant will be asked to swear to the statement of complaint; however, the complaint will be taken regardless of whether the complainant signs or swears to the complaint.

Uniform Civilian Complaint Forms will be available in dispatch and the Town Managers office to any citizen wishing to make a complaint. In addition to the complaint form, the complainant will be given a Citizen Complaint Information/Receipt. This form will be signed by the person taking the complaint and given to the complainant. A copy will be attached to the complaint.

RECORDING COMPLAINTS:

The complaint will be logged into the computer system and given a unique IA number.

The complaint or allegation will be recorded on a Uniform Civilian Complaint Form. The original copies of the completed form shall be placed in an envelope addressed to the Chief of Police.

Nothing in this directive eliminates or hampers the ability or responsibility of a supervisor to investigate and settle routine complaints made against employees during the routine course of duty. Furthermore, minor complaints against employees will be processed at this level unless they are repeated or are flagrant violations of departmental policy or rules and regulations. Said incidents will, however, be reported to the Chief of Police by email and recorded in the employee evaluation database.

PRELIMINARY INVESTIGATION OF COMPLAINTS:

The shift supervisor who receives a complaint or allegation shall promptly gather all reports, records and documents; obtain statements and/or obtain a detailed report from the subject employee, if appropriate. The shift supervisor shall assess the complaint or allegation and make notification to the Chief of Police.

Speedy Case Disposition:

- During the initial complaint process, if the shift supervisor determines that the complaint is obviously unfounded, not sustained, conciliated or withdrawn, he/she shall:
 - Inform the complainant of the findings during the initial complaint process.
 - Complete all reports and attach them to the complaint and other documents and forward in a sealed envelope to the Chief of Police.

PRELIMINARY REVIEW OF COMPLAINTS:

All complaints or allegations will be reviewed by the Chief of Police. The Chief of Police will normally assign the Captain, or other supervisory personnel, to conduct a complete, thorough and comprehensive investigation of the complaint.

NOTIFICATION:

Within five days, the Chief of Police will have a letter sent to the complainant acknowledging the receipt of the complaint and notifying them of the name and grade of the individual assigned to conduct the investigation. The subject employee of a complaint will be notified, in writing, of the complaint and will be advised of the name and grade of the person(s) assigned to conduct the investigation. When the completion of the investigation is delayed, a follow-up letter will be sent to the complainant giving the current status of the investigation, as well as assurances that the investigation is continuing. All letters will be maintained in the case file.

INVESTIGATIONS:

All persons interviewed or questioned concerning the complaint or allegation will be recorded in writing. The interview may be recorded when appropriate. All reports, recordings, if used, and other materials shall be safeguarded as in criminal cases.

Employees being interviewed relative to non-criminal investigations shall:

- Cooperate completely with the person conducting the investigation.
- Supply the investigator with all requested reports.
- Assure all questions are answered truthfully and accurately.

Failure to do so will be cause for disciplinary action.

Upon completion of the investigation, the investigator shall forward all reports and documents to the Chief of Police.

INVESTIGATION REVIEW:

The Chief of Police shall review all reports, records, and documents concerning the investigation, including the findings of the investigator and make recommendations as necessary.

Nothing in this order will preclude the Chief of Police from calling in an outside investigative agency, such as the State Police, F.B.I. or other Federal or State agency, if such action would be in the best interest of the Town of Granby.

FINDINGS:

One of the following findings shall be recorded for each charge:

Exonerated

Acts reported did occur but were justified, lawful and proper.

Unfounded

The investigation indicates the act, or acts, complained of did not occur or failed to involve police personnel.

Not sustained

Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations.

Partially sustained

Investigation disclosed sufficient evidence to clearly prove at least one of the allegations made is sustained and employee's actions are found to be in violation of department rules and procedures.

Sustained

The investigation disclosed sufficient evidence to clearly prove the allegation(s) made by the complainant.

Misconduct not based on original complaint

The investigation determined 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.

Conciliation

By effective dialogue between the complainant and the subject employee, in the presence of a supervisor acting as a mediator, there is mutual concurrence that the complaint has been resolved.

Withdrawn

At some point prior to the completion of the investigation, the complainant notifies the Department he/she wishes the investigation discontinued with the concurrence of the Chief of Police.

Final Disposition

- The Chief of Police shall determine the final disposition of

all complaints or allegations.

- The Chief of Police shall notify the complainant and subject employee in writing.

LIMITATIONS:

Investigations shall normally be completed within thirty (30) days. In the event that an investigation cannot be completed within this period, the Chief of Police may authorize an extension of time. The assigned investigator shall submit case status reports every seven (7) days in the event of an extension.