

	<b>SUFFIELD POLICE DEPARTMENT</b>  POLICY AND PROCEDURE GENERAL ORDER	Distribution	General Order Number
		ALL PERSONNEL	<b>4.01</b>
		Original Issue Date	Reissue/Effective Date
		05/07/2023	03/30/2026
Order Title:  <b>CITIZEN COMPLAINTS</b>		Accreditation Standard:	Section
		POSTC: 1.5.9, 2.8.3	4
		Section Title <b>DISCIPLINARY PROCESS</b>	
Rescinds: Version Dated 05/07/2023		 <b>James Canon, Jr., Chief of Police</b>	

*This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting*

## I. PURPOSE

The purpose of this policy is to provide all Suffield Police Department employees, and the public, the procedures for accepting, processing, and investigating allegations of officer misconduct or citizen complaints. This policy defines provisions applicable only to the receipt and processing of complaints.

## II. POLICY

The Suffield Police Department's public image is determined by a professional response to allegations of misconduct against its employees. The establishment of procedures for the acceptance of complaints is crucial to demonstrate transparency and a commitment to the adherence to the laws, policies and procedures of a professional law enforcement organization.

The agency 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 or conducts or cooperates with an investigation into employee misconduct.

2. During the complaint intake process, no questions shall be asked of a complainant regarding their immigration status.
3. Officers who withhold information, fail to cooperate with department investigations or who fail to report alleged misconduct, malfeasance, misfeasance or nonfeasance of employees to a supervisor shall be subject to disciplinary action.

### **III. DEFINITIONS**

Citizen Concerns: Complaints of low-level concerns or misunderstandings that generally involve dissatisfaction with the service provided or other alleged allegations unrelated to conduct. For example, delay in or slow response, miscommunication or lack of follow-up, perceived rudeness that does not rise to the level of misconduct or unmet service expectations. This level of complaint may be conducted with supervisory review and determination if the situation should rise to an internal affairs or administrative inquiry level. A Citizen Concern will be documented and assigned a tracking number.

Complaint: An allegation by a member of the public regarding Suffield Police Department services, policy or procedure, officer misconduct, claims for damages which allege officer misconduct, and any allegation of possible misconduct of a Suffield Police Department officer.

Complainant: Any person who files a complaint regarding the conduct of any Department employee, or the Suffield Police Department's policies, procedures, or actions.

Complaint Control Number (CCN): A sequential number used to identify and track citizen complaint investigations, which is assigned by the Internal Affairs Officer.

Critical Firearm Discharge: A discharge of a firearm by a Suffield Police Department officer, but does not include range and training discharges and discharges at animals.

Discipline: Adverse action taken by the agency against any employee as the result of a sustained internal affairs investigation including, but not limited to, a written reprimand, suspension, demotion or dismissal.

Employee: Any person employed by the Suffield Police Department, whether sworn or non-sworn.

External Complaint: A complaint that originates from outside the department.

Internal Complaint: A complaint that originates from within the Suffield Police Department. Such complaints may be initiated by other Suffield Police Department employees or from Supervisors who observed, or were informed by other employees, of possible policy violations.

Internal Affairs / Professional Standards Division: The designated Division with primary responsibility for conducting investigations of administrative or citizen complaints of misconduct.

Malfesance: Illegal or dishonest activity especially by a public official.

Misfeasance: Improper, careless, or negligent performance of a lawful act.

Misconduct: Any conduct by a Suffield Police Department employee that violates Suffield Police Department policy or the law.

Nonfeasance: Failure to act when there is a duty or an obligation to do so.

Officers: Any law enforcement officer employed by, or assigned to, the Suffield Police Department, whether on or off-duty, including supervisors and members authorized to carry department issued weapons.

Summary Action: Disciplinary action in the form of an oral reprimand, or counseling documented in writing, taken by an officer's supervisor or commander for minor violations of department rules, policies, or procedures as defined by the Department. Summary actions are the lowest level of disciplinary action.

Supervisor: Includes those holding the rank of Sergeant or higher, inclusive of Officer in Charge

## **IV. PROCEDURE**

### **A. Internal Affairs Responsibility (POSTC 1.5.9 (b))**

The Office of the Chief has primary and oversight authority over investigations of allegations of misconduct made against employees. Upon receipt of a complaint, the Chief of Police will assign the Administrative Captain, who directs Internal Affairs, to investigate the complaint or refer it to the appropriate Supervisor for investigation through the chain of command. The Administrative Captain is responsible for the following:

1. Conducting a thorough, fair and impartial investigation of every complaint received regardless of the method of receipt.
2. Investigating and determining the nature, facts and circumstances of every complaint.
3. Reporting to a supervisor up to and including the Chief of Police, if warranted, 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.
6. Recommending prosecution of those who falsely report that a XYZ member has committed a crime;
7. Reporting to a supervisor up to and including the Chief of Police, if warranted, the results of the investigation, any recommendations and the resolution of that investigation.

B. Public Information and Access

1. The Suffield Police Department Chief of Police will:
  - a. Ensure informational materials concerning the process to register a complaint against the Department or an agency member or commend the agency or agency member are made available to the public through police personnel, police department, town hall, and their applicable websites, libraries, community groups/community centers, and at designated public facilities.
  - b. Ensure placards describing the complaint process, including relevant phone numbers and address where complaints can be made, are permanently posted at the Suffield Police Department.
2. Officers will carry the complaint form provided by the Suffield Police Department, which explains the complaint process in English, and Spanish in their vehicles at all times while on duty. Officers will inform citizens of their right to make a complaint against an officer if the citizen is displeased with, or objects to, an officer's conduct or performance of his/her duties.
3. The completed complaint forms may be faxed, emailed, hand-delivered, or deposited in the provided drop-box at any department facility.
4. The Department will provide a written response to all complainants (POSTC 1.5.9 (d))
  - a. Verification that the complaint has been received;
  - b. Investigative updates every 60 days if the investigation remains open; and
  - c. Notification that the investigation has concluded.

5. The Department will assure that appropriate steps are taken to provide protections that might be afforded to a complainant who fears retaliation associated with filing a complaint. (POSTC 1.5.9 (e))

C. Acceptance/ Filing of Complaints

1. General

- a. The Suffield Police Department encourages citizens to bring forward legitimate complaints regarding possible misconduct by members. Suffield Police Department Officers and/or employees will not discourage any person from making a complaint.
- b. All officers must courteously inform an individual of his or her right to make a complaint if the individual objects to a member's conduct. This includes any complaints made by an individual who is in Suffield Police Department custody and/or a holding cell.
- c. Officers have a duty to assist any person who wishes to file a citizen's complaint by providing them with a citizen complaint form, or by promptly putting the complainant in contact with a Supervisor who can assist them with filing their complaint.
- d. 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;
- e. Officers, who withhold information, fail to cooperate with departmental investigations, or who fail to report the misconduct of members to a supervisor shall be subject to disciplinary action.
- f. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.
- g. The withdrawal of a complaint does not prohibit the agency from completing an investigation.

D. Complaint Intake Procedure

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

2. All Citizens will have the right to lodge a complaint against any employees of the Suffield Police Department:
  - a. Complaints may be received in writing or verbally, in person, by mail, telephone (TDD), facsimile, electronic mail, or by any other means.
  - b. Anonymous and third party complaints will be accepted. (POSTC 1.5.9 (c))
  - c. Employees will maintain professional decorum both on and off duty, and will refrain from using abusive language to citizens wishing to file complaints or inquire about the complaint process.
3. Employees will assist those who express the desire to lodge complaints against any Employee. This includes, but is not limited to:
  - a. Calling a Supervisor to the scene to conduct a preliminary inquiry and document the complaint (for example, summoning the supervisor of the officer against whom the complaint is made);
  - b. Explaining the Department's complaint procedures;
  - c. Providing complaint form(s) and/or complaint brochures, or give instructions as to where form(s) and/or brochures could be obtained.
  - d. 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.
4. Employees who are approached by a person seeking to make a complaint will, when possible, call for a supervisor, obtain a brief description of the allegation, record contact information (name, address, phone number) from the complainant, obtain a call number, and provide the call number to the complainant. A CCN will be assigned by the Administrative Captain upon their receipt of the complaint.
5. If a supervisor is not readily available, the officer will inform the complainant and advise them that they will be contacted by a supervisor or the Administrative Captain by the next business day.

6. Every effort shall be made by all members to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. Any member who interferes with, discourages, hinders, or delays the making of complaints shall be subject to disciplinary action.
7. 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.

8. Headquarters Requirements:

a. Walk-in Complaints

- 1) Shall be referred to a Supervisor who shall receive and properly document the complaint. The Supervisor shall then forward the complaint to the Internal Affairs designee. The complaint will be assigned a Complaint Control Number and forwarded as above.
- 2) If a Supervisor cannot respond to headquarters within a reasonable period, Dispatch personnel will provide the Citizen Complaint Form to the person wishing to file a complaint.
- 3) The person taking the complaint may describe facts that bear upon a complainant's demeanor and physical condition, but will not include his or her opinion regarding the mental competency or veracity of the complainant.
- 4) The person taking the complaint will issue the complainant a copy of the Citizen Complaint Form, which they will be allowed to review prior to leaving the station. If the Citizen Complaint Form has not been assigned a CCN at the time the complaint is taken, another copy of the form will be mailed to the individual once a CCN has been assigned. At a minimum, the complaint form should have a call number identified on it.
- 5) The person taking the complaint will advise the complainant of the investigative process relative to their complaint, prior to the complainant leaving the station.

b. Telephone Complaints

- 1) 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 if appropriate, and proceed as described in the walk-in complaint procedure above.

c. Field Complaints

- 1) 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 they may respond to agency headquarters to make their complaint.

E. Complaints Through Alternative Methods

1. If a complaint is received at the office of the Chief of Police, the Administrative Captain will be immediately notified. Administrative Captain will attempt to contact the complainant as soon as possible, but no more than 24 hours after being notified, to complete the Citizen Complaint Form and initiate the investigation.
2. Shift Supervisors will ensure that brochures, compliment, and complaint forms are always available at their assigned command, conspicuously displayed, and accessible to the public.
3. Complaints received in writing, or by mail, telephone (TDD), facsimile, electronic mail, or by any other means will be processed as follows:
  - a. The Administrative Captain will assign a CCN, following the same procedures described in this policy for obtaining a control number;
  - b. Within three (3) business days of receipt of the complaint, the Administrative Captain will contact the Complainant to acknowledge receipt of the complaint and provide the Complainant with the CCN;
  - c. The Chief of Police will determine, based on the complaint, whether the matter will be investigated, or whether the matter will be referred to the subject officer's supervisor through the chain of command for further investigation; and
  - d. All complaints shall be investigated in accordance with the Suffield Police Department policies and procedures (Refer to Misconduct and Citizen Complaint Investigations, and Use of Force Investigation Policies.) (POSTC 1.5.9 (a))

F. Validity and Timeliness of Complaints:

1. Complaints by persons Under the Influence of Alcohol or Drugs: When a person who is noticeably intoxicated or impaired wishes to make a complaint, he or she shall be encouraged to wait until the earliest opportunity after he or she has regained sobriety to do so. When the Supervisor determines the circumstances require immediate action, preliminary details of a complaint should be taken by a Supervisor, when available, regardless of the person's sobriety. In that event, the internal affairs designee should re-interview the person after he or she has regained sobriety.
2. 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.
3. 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.

G. Complainant Who Fears Retaliation Associated with Filing A Complaint:

1. 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.

H. Training:

1. All supervisory personnel will be required to attend training on the department's Complaint Policy and the responsibilities of supervisors conducting internal investigations upon the implementation of this policy.
2. All supervisory personnel will be required to attend periodic refresher training, as determined by the department, regarding the policies and procedures contained herein and professionally accepted practices related to conducting internal investigation.