State Capitol Police Department POLICY AND PROCEDURE	Number: 2-14
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Subject: Citizen Complaints	Rescinds: 11/15/2011
By Authority Of: Walter Lee Jr., Chief of Police	Date of Issue: 06/11/2015

CALEA 52.1.1, 52.1.2, 52.1.3, 52.1.4, 52.1.5, 52.2.1, 52.2.2, 52.2.3, 52.2.4, 52.2.5, 52.2.6, 52.2.8 STD.
STATE STD.

I. PURPOSE

The purpose of this policy is to establish a process to receive, manage, and investigate citizen complaints against employees of the State Capitol Police Department (SCPD).

II. POLICY

The SCPD strives to maintain the respect and confidence of the Legislative Community as well as all citizens. To that end, all complaints against SCPD personnel shall be received and investigated in a manner that is courteous, transparent, and fair to all concerned.

Consistent with the philosophy of maintaining a professional law enforcement organization it is the duty of any SCPD employee who becomes aware of misconduct on the part of another employee to immediately report the conduct to their supervisor.

Reconciliation of complaints of a minor nature is recognized as an alternative to the filing of a formal complaint.

III. DEFINITIONS

Citizen Complaint: A citizen complaint is defined as an allegation made by a person, other than SCPD personnel, alleging inaction, improper, or inappropriate conduct by an employee of the department.

Level I Complaint: Level I complaints are those complaints alleging conduct that may result in arrest, dismissal, or suspension. Level I complaints may be investigated by a lieutenant designated by the Chief of Police. Such complaints may include allegations of:

a. Commission of crime,
b. Corruption,
c. Excessive force,
d. Violation of civil rights,
e. Conduct unbecoming a police officer/employee.

Level II Complaint: Level II complaints are those complaints alleging conduct that may result in a suspension, reprimand, or documented counseling/training. Investigations into Level II complaints may be conducted by lieutenant or sergeant designated by the Chief of Police. Such complaints may include, but are not limited to, allegations of:

a. Rules violations,
b. Improper procedure,
c. Rudeness,
d. Poor service or performance of duties.

Supervisory Investigative Report (SIR): An special investigative report (SIR) is an investigative report pertaining to an incident that is completed by a supervisor and filed in memorandum form. The SIR explains and documents who, what, where, when, why, and how to include an investigative finding. An SIR shall be addressed to the Chief of Police from the investigating supervisor and routed directly to the Chief of Police.

Citizen complaint dispositions are defined as follows:

Exonerated: The acts which occurred were justified, lawful, and proper.

Unfounded: The investigation indicates the act or acts complained of did not occur or failed to involve SCPD personnel.

Not Sustained: The investigation produces insufficient information and fails to clearly prove or disprove the allegations.

Partially Sustained: The investigation disclosed sufficient evidence to clearly prove one or more of allegations, but not all of the allegations. Multiple allegations shall be listed individually with a finding for each.

Sustained: The investigation discloses sufficient evidence to clearly prove the allegation(s) made in the complaint; the employee committed the acts complained of and such acts were improper.

Withdrawn: At some point prior to the completion of the investigation, the complainant notifies the SCPD/investigator that he/she wishes the investigation discontinued and concurrence for this action is obtained by the investigator and Chief of Police.

Misconduct Not Based On Original Complaint – Indicates sustained acts of misconduct that were not alleged in the original complaint such as, but not limited to, a violation of rules or procedures discovered as a result of the investigation. This finding may include incidents where it is found that an employee engaged in inappropriate conduct during the citizen complaint investigation.

IV. PROCEDURE

A Citizen Complaint Form (SCPD Form 10) shall be available in English and Spanish.

A Receipt of a Complaint

1. The SCPD 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. There shall be no retaliation in any form by any member of the SCPD 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.

2. All sworn and civilian employees of the SCPD shall be required to accept a complaint alleging misconduct or malfeasance by department 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 advising the individual how to proceed with the complaint 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.

3. Complaints may be accepted in writing, verbally, in person, by mail, telephone (TDD), facsimile, electronically, or by any other means. Anonymous complaints or a complaint made by a complainant on behalf of another person shall be accepted.

4. SCPD employees approached by a citizen expressing allegations of misconduct against a member of the department shall assist the individual in contacting/accessing a supervisor.

    a. Walk-in, telephone, or those complaints received in the field regardless of the time of day shall be immediately referred to the on-duty shift supervisor, in his/her absence a lieutenant, or the Chief of Police,
    b. All complaints received through regular mail, email, facsimile, or other electronic means shall be forwarded to the Chief of Police who shall ensure that the complaint is officially received and assigned for investigation.

5. The on-duty shift supervisor, lieutenant, or Chief of Police shall focus his/her immediate attention, withstanding emergency matters, to the receiving and processing of the complaint.

6. SCPD supervisors shall not receive or investigate any citizen complaint in which they are involved. In the event a complaint may concern the on-duty shift supervisor, a lieutenant or the Chief of Police shall be contacted to receive the complaint.

7. The SCPD supervisor receiving a complaint shall treat the complainant(s) in a professional manner and refrain from saying or doing anything that:

   a. Dissuades any person from filing or making a complaint,
   b. Comment on or give an opinion concerning the complaint or complainant, the facts or circumstances surrounding the incident, the propriety or impropriety of an SCPD action, or the likely result of any investigation,
   c. Directly or indirectly interfere with or obstruct the filing, investigation, processing, or resolution of a complaint.

8. The SCPD supervisor receiving the complaint shall advise the complainant that they will be contacted by the Chief of Police in writing and notified of the receipt and the results of the investigation when it is completed.

9. In the event that the complaint is received by phone, or received anonymously, the complaint shall be received in conformance with this policy, processed, and investigated to the fullest extent possible.

10. Regardless of how the complaint was received, whether in person, in writing, by mail, by telephone (or TDD), by facsimile, verbally, electronically, or anonymously, all complaints shall be documented on a Citizen Complaint Form (SCPD Form 10) 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.

11. The SCPD supervisor receiving the citizen complaint shall:

    a. If possible, speak directly with the complainant(s),
    b. Obtain all required and pertinent information,
    c. Obtain a complete, detailed, and thorough account of the action concerned, to include dates and times,
    d. Provide the complainant with a Citizen Complaint form (SCPD Form 10) and instruct him/her to include all pertinent information on the form,
    e. 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. <u>In the event that the complainant refuses to sign or wishes to remain anonymous, the complaint shall still be processed and investigated in compliance with this policy.</u>

12. The supervisor shall immediately forward the Citizen Complaint form to the Chief of Police in a sealed envelope. Initial paperwork will not follow the traditional chain of command. <u>Serious allegations, such as but not limited to, Level I complaints shall also require an immediate notification to the Chief of Police.</u>

13. The Chief of Police may investigate or direct that an investigation be conducted.

14. The Chief of Police shall notify the complainant in writing within five (5) business days that the complaint has been received, that a complaint number has been assigned (including the actual assigned number), that they will be informed in writing of the

outcome of the complaint promptly following conclusion of the investigation, and that they may contact the designated investigator (identified by name, telephone and email) at any time for further information while the investigation is pending. The Chief of Police shall provide the complainant with status reports on the investigation when appropriate.

15. 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 shift 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 designated investigator should re-interview the person after he or she has regained sobriety.

16. 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 department 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, an employee may still be held accountable administratively.

17. 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 designated investigator to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

18. The withdrawal of a complaint does not prohibit the department from completing an investigation.

B. Investigation of the Citizen Complaint

1. The Chief of Police shall maintain a secure log for citizen complaints and internal investigations.

2. The Chief of Police shall assign a citizen complaint (CC) number to the investigation, and record the specific information in the log.

3. The Chief of Police may assign a lieutenant to investigate Level I and II complaints. Level II complaints may be assigned to the respective sergeant of the employee concerned for investigation. The lieutenant or sergeant assigned to investigate the complaint has the authority to report directly to the Chief of Police.

4. Citizen complaints against an employee may be received by a corporal. Formal complaints shall not be assigned to corporals for investigation.

5. Citizen complaint investigations will normally be conducted by a supervisor, starting at the rank of sergeant, at least one rank higher than the employee under investigation.

6. Citizen complaints against a sergeant shall be received and investigated by a lieutenant or the Chief of Police.

7. Citizen complaints against a lieutenant shall be received and investigated by the Chief of Police.

8. Citizen complaints against the Chief of Police shall be received and investigated by the Executive Director of the Joint Committee of Legislative Management (JCLM).

    a. Within thirty (30) days of the receipt of the complaint, the Executive Director of JCLM shall forward a completed SIR to the Personnel Policies Subcommittee when the investigation involves the Chief of Police. The report shall be completed in the format outlined in Section IV.B.9 of this policy.

9. The SCPD employee who is the subject of a CC investigation shall be promptly notified of the complaint by the Chief of Police in writing within five (5) business days of the receipt of the complaint. The notification shall include the fact that a complaint has been made, the identity of the complainant, if known, and the substance of the complaint. If 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.

10. The designated investigator of a CC has the authority to report directly to the Chief of Police and shall:

    Follow the Complaint Investigative Plan (Appendix A):

    a. Investigate the alleged action fully; completely answering the who, what, where, when, how, and why:

        1. Review any and all logs, records, activity sheets, case reports, or other records of any agency that may be required for a complete understanding of the facts and circumstances surrounding the alleged action and for the purpose of determining the proper chronological order of events,

    b. Obtain statements from all witnesses or other concerned individuals,
    c. Gather and preserve any evidence, including the taking of pictures, relevant to the investigation and the action complained of,
    d. Direct SCPD personnel involved, either as parties or witnesses, to prepare and file a written report concerning the alleged actions by the end of shift. If less than one (1) hour remains in the shift, the report, at the discretion of the supervisor, may be submitted by the end of the next shift worked.

1. SCPD personnel directed to write a report responding to a citizen complaint shall be allowed to review the written CC, if one exists, prior to writing their report.

2. Based on the type and/or seriousness of the CC a supervisor can order a hold over to allow for an employee to complete and submit a report.

3. Based on the type and/or seriousness of the CC the Chief of Police or his/her designee can order in an SCPD employee to complete and submit a report.

No person other than the Chief of Police shall order an employee to write a report regarding an incident of suspected misconduct when there is a possibility that criminal charges may be pending.

e. The investigator shall review all reports and statements to determine that they are complete and accurate. The investigator may require further information or additional reports. Failure of SCPD personnel to provide such statement/report shall be considered a violation of a direct order and subject such person to the appropriate disciplinary action.

11. An SCPD employee who is the subject of a CC investigation may be directed by the Chief of Police to participate in any of the following activities when such investigative procedures are relevant to the investigation, not based solely on an anonymous complaint, and there is a reasonable basis for further examination:

    a. Medical laboratory examinations,
    b. Photographing,
    c. Line up,
    d. Submission of financial disclosure statements,
    e. Polygraph examination.

12. Within thirty (30) days of the receipt of the complaint, the investigator shall forward a completed SIR package following the Complaint Investigative Plan directly to the Chief of Police for review. Extensions may be granted upon written request to the Chief of Police. The report shall be completed in the format outlined in the Complaint Investigative Plan (Appendix A). The report shall be completed and shall include but is not limited to:

    a. The written statement of each complainant, SCPD employee, or witness. If a statement is not included for a party involved in the incident, the investigator shall document why such statements are not available, not included, or have not been made,
    b. A summary of oral statements that were not reduced to writing,
    c. All evidence relative to the investigation of the complaint, a description of the evidence, and a statement as to its present location (filed, preserved),
    d. A summary of the specific allegations made by the complainant and a finding as to each such allegation, i.e. sustained, not sustained, etc.,
    e. References to any problems or difficulties encountered in the investigation or the receipt of the complaint,

f. A summary of the facts found to have existed as a result of the investigation (i.e., what, in the opinion of the investigator, actually transpired),
g. A conclusion as to whether there was any improper conduct on the part of the employee and specifically identify the violation and the manner by which it occurred. Multiple allegations shall be listed individually with a finding for each,
h. All SCPD personnel reviewing completed investigations and making recommendations shall utilize the dispositions defined in Section III of this order.

13. Nothing in this policy precludes the Chief of Police from referring a CC investigation to an outside agency if such action would be in the best interest of the department and of justice.

C. Reconciliation of a Complaint

Supervisors may, if possible, bring together a complainant and the employee in a minor violation and attempt reconciliation as an alternative to the filing of a formal complaint.

Reconciliation may be utilized in situations when the complaint is:

1. Resultant from a minor misunderstanding or mistake on the part of the employee or the complainant.

2. Of a minor nature that does not reflect:

   a. A criminal offense,
   b. Discredit upon the SCPD,
   c. Discredit upon the employee that the complaint was made against,
   d. A repeat of similar activity,
   e. Bias and/or prejudice against any race, religion, ethnicity, national origin, sexual orientation, gender identity, or disability.

3. If a supervisor believes he/she has resolved an incident with a complainant and no further action is necessary, he/she will make that recommendation and support it with a narrative, and list action taken in a memorandum to the Chief of Police.

4. Reconciliation does not preclude further corrective action on the part of the Chief of Police.

5. Reconciliation does not preclude documentation of an incident from being added to an employee's personnel file for future reference.

D. Resolution of Citizen Complaints

1. The completed SIR shall be forwarded directly to the Chief of Police with recommendations. If warranted, a Report of Disciplinary Infraction (SCPD Form 68) shall be completed by the investigator and included in the package.

2. The Chief of Police upon receiving and reviewing the SIR shall determine the final disposition of all complaints and take the appropriate action.

3. The Chief of Police shall notify the complainant(s) in writing of the disposition of his or her complaint at the conclusion of the investigation.

4. The Chief of Police shall advise the SCPD employee against whom allegations are made, in writing, as to the disposition and corrective action/discipline if warranted. A copy of the completed SIR shall be placed into the CC file.

5. In the event that the complainant is dissatisfied with the finding(s) or resolution of a complaint, the complainant shall be advised of other agencies that may be of assistance such as but not limited to:

    a. The Executive Director, JCLM,
    b. The State's Attorney's Office,
    c. The Federal Bureau of Investigation,
    d. The State's Attorney General,
    e. The U.S. Attorney's Office,
    f. The Connecticut Commission on Human Rights and Opportunities.

E. Training

1. On an annual basis, all SCPD personnel will receive roll call training regarding the policies and procedures contained herein.

2. All supervisory personnel (lieutenants, sergeants, and corporals) will be required to attend training on the responsibilities of receiving and conducting CC investigations.

3. All supervisory personnel may be required to attend periodic refresher training, as determined by the department, regarding professionally accepted practices related to receiving and conducting CC investigations.

F. Release of Information

1. No investigator or other member of the SCPD shall give out any information concerning a complaint or an investigation without the permission of the Chief of Police.

2. The Chief of Police shall compile an annual statistical summary of CC which will be made available to the public and department personnel on the department's internet web site and through the department's Annual Report. The summaries shall include:

   a. Number of complaints received,
   b. Number of complaints sustained (improper conduct),
   c. Number of complaints not sustained (proper conduct),
   d. Number of complaints undetermined.

3. The Chief of Police shall maintain all records of CC in a secure area. Maintenance of such records shall follow the guidelines outlined in SCPD Policy 6-4 (Retention of Capitol Police Records).

4. The SCPD shall make copies of this policy and Citizen Complaint Form (SCPD Form 10) available to the public and shall ensure that copies of the policy and CC forms (in English and Spanish) can be obtained from:

   a. SCPD internet web site,
   b. SCPD LOB offices (room 1200 and 1300),
   c. SCPD Capitol Office (room 100),
   d. Office of Legislative Management, LOB office (room 5100).

IV. SUMMARY

The above stated policy and procedure is meant to provide a general standard and procedure for the administration of citizen complaints within the SCPD. Particular facts or circumstances may necessitate an employee taking action other than the procedures listed above.

This policy and procedure is for SCPD use only and is not meant to enlarge an employee's criminal or civil liability in any way. It should not be construed as the creation of 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 of a complaint by this department, and then only in an administrative proceeding.