

	NEW BRITAIN POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution ALL PERSONNEL	General Order Number 4.01
		Original Issue Date MM/DD/YY	Reissue/Effective Date 12/16/2019
Order Title: CITIZEN COMPLAINTS		Accreditation Standard: POSTC: 1.5.9; 2.8.3	Section 4
		Section Title DISCIPLINARY PROCESS	
Rescinds:		Christopher Chute, Chief of Police	

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 New Britain Police Department (“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 New Britain 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 and protect the Department’s integrity. This Department shall accept, and fairly and impartially investigate, all complaints or allegations of misconduct to determine their validity. The Department shall timely impose any disciplinary or non-disciplinary corrective actions that may be warranted. All complaints against the New Britain and/or employee conduct shall be accepted and documented regardless of whether the filed complaint is in writing, verbally in person, by mail, by telephone (or TDD), by facsimile or electronically, or anonymously. The Chief of Police or his designee will maintain a record of all complaints made against the agency or employees and maintain the files in a secure area. The Chief of Police is responsible for administrating the complaint process in conformance with this directive and relevant state law.

III. DEFINITIONS

Coaching: Information relayed to an employee by a ranking officer or training officer, in which the information relayed points out strengths, weaknesses, or training needs, or offers the employee the opportunity to improve performance. Coaching is not disciplinary by itself, but

may progressively lead to discipline. Coaching is intended to correct behavior and puts officer on notice

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

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

Complaint Control Number: A sequential number used to identify and track citizen complaint investigations, which is assigned by the Professional Standards Commander.

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

Discipline: A written reprimand, suspension, demotion, or dismissal.

Employee: Any person employed by the New Britain 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 NBPD. Such complaints may be initiated by other NBPD employees or from supervisors who observed, or were informed by other employees, of possible policy violations.

Misconduct: Any conduct by a NBPD employee that violates NBPD policy, NBPD Rules of Conduct or the law.

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

Professional Standards: The designated Division with primary responsibility for conducting investigations of Administrative or Citizen Complaints of Misconduct

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.

IV. PROCEDURE

A. Professional Standards

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 Professional Standards Commander to investigate the complaint, or refer it to the appropriate unit or designated Supervisor for investigation through the appropriate chain of command. The Professional Standards Commander is responsible for the following:

1. Investigating and recommending the prosecution of criminal misconduct on the part of NBPD member;
2. Preparing suggested revisions of NBPD Policy and Procedures where existing deficiencies have been a contributing factor to misconduct;
3. Gathering evidence and recommending the prosecution of cases in which criminals have attempted to bribe NBPD members and/or other public officials;
4. Recommending prosecution of those who falsely report that a NBPD member has committed a crime.

B. Public Information and Access

1. The Chief of Police will:
 - a. Ensure informational materials are made available to the public through police personnel, police department, internet, libraries, community groups/community centers, and at designated public facilities.
 - b. Ensure information describing the complaint process, including relevant phone numbers and the address where complaints can be made, are permanently posted on the New Britain Police Department website and ensure all forms and instructions to be permanently available at the police department Main Desk.
2. Supervisors will carry the Department-issued complaint form 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
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.

C. Acceptance/ Filing of Complaints

1. General

- a. The New Britain Police Department encourages citizens to bring forward legitimate complaints regarding possible misconduct by members. Department officers 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 NBPD 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 officer 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.

D. Complaint Intake Procedure

1. All Citizens will have the right to lodge a complaint against any employees of the New Britain 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.

- 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.
2. 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.
3. Officers 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 and record contact information (name, address, phone number) from the complainant.
4. 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 Professional Standards Division Commander the next business day.
5. 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.
6. Headquarters Requirements:
 - a. If a person comes into headquarters seeking to make a complaint, an on-duty Supervisor will immediately be notified, who will then respond to headquarters to conduct a preliminary inquiry of the complaint.
 - b. If a supervisor cannot respond to headquarters within a reasonable period, the Desk Officer will provide the Citizen Complaint Form to the person wishing to file a complaint.
 - c. 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.

- d. 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.
- e. The person taking the complaint will advise the complainant of the investigative process relative to their complaint, prior to the complainant leaving the station.

E. Complaints Through Alternative Methods

1. If a complaint is received at the office of the Chief of Police the Professional Standards Division Commander will be immediately notified. The Professional Standards Division Commander 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 Chief of Police or his designee 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 Professional Standards Division Commander will contact the Complainant to acknowledge receipt of the complaint and provide the Complainant with the CCN;
 - c. The Chief of Police or his designee 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 policies and procedures of the NBPd (Refer to Misconduct and Citizen Complaint Investigations, and Use of Force Investigation Policies.)

F. 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 internal affairs designee 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.

G. 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.