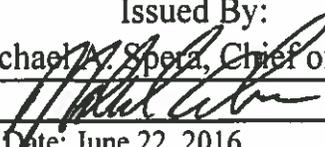


# Old Saybrook Department of Police Services



## General Order - 4.6



Civilian Complaints	Issued By: Michael A. Spera, Chief of Police
Classification: Unclassified	Signed: 
POSTC: 1.3.62	Effective Date: June 22, 2016
CALEA:	

### Policy

It is the policy of the Old Saybrook Department of Police Services to provide a system to receive, process, investigate and respond to allegations of misconduct or malfeasance against any of its employees consistent with this policy. The investigation all complaints or allegations of such conduct to determine their validity shall be fair and impartial. The Department shall impose any warranted disciplinary or non-disciplinary corrective actions in a timely manner.

### Definitions

**Complaint:** An allegation of employee misconduct or malfeasance.

**Class A Complaint:** Complaints alleging abuse of authority including excessive use of force, willful and malicious illegal arrest, unreasonable deprivation of individual rights, language, conduct or behavior derogatory of a person's race, religion, creed or national origin, corruption, criminal activity, verbal abuse, and serious violations of the Old Saybrook Department of Police Services System of Directives and Professional Standards.

**Class B Complaint:** Complaints of a less serious nature, such as poor or slow service, are Class B complaints.

**Complainant:** Any person who files a complaint regarding misconduct or malfeasance on the part of an agency employee.

**Complaint Control Number:** A unique numerical or alphanumeric code used to identify and track citizen complaint investigations.

**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 agency, whether sworn or non-sworn.

Internal Affairs Division or Unit: The designated division, unit or person with primary responsibility to conduct investigations of administrative or Citizen Complaints of misconduct or malfeasance.

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.

## **Procedures**

### **A. Receipt, Acceptance, Filing and Intake of Complaints**

1. All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance of employees of the Old Saybrook Department of Police Services. All sworn and civilian employees shall be required to accept a complaint alleging misconduct or malfeasance by agency 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:
  - a. Documenting the information and allegations they provide.
  - b. Advising the individual how to proceed.
  - c. 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, delay, or obstruct a person from making a citizen complaint.
2. 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.
  - a. Complaints may be accepted in writing, in person, verbally, by mail, telephone (TTD), facsimile, and electronically, or by any other means. Anonymous and third party complaints will be accepted.
  - b. All employees shall assist those who express a desire to lodge complaints against any member of the agency. This includes:

1. Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.
  2. Explaining the Department's complaint procedures.
  3. Providing complaint form(s) and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained.
  4. 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.
- c. All personnel who are approached by a person seeking to make a complaint will, when possible, call a supervisor, obtain a brief description of the allegation, record contact information from the complainant if provided and obtain a Complaint Control Number (CCN) which should be provided to the complainant.
  - d. If a supervisor is not readily available, the officer will inform the complainant that they will be contacted by a supervisor or the person/unit assigned to conduct internal affairs investigations by the next business day.
  - e. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.
3. All complaints shall be documented to include the date, time, location, and nature of the complaint, as well as the complainant's information (name, address, date of birth, telephone number, date and time the complaint was received, and the name, rank and/or title of the person receiving the complaint) or any other contact information.
    - a. The withdrawal of a complaint does not prohibit the agency from compelling an investigation.
    - b. If complaints are received by mail, all correspondence received containing allegations 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. A letter of acknowledgment must be prepared advising the complainant that the matter is being investigated and that they will be contacted by the investigator assigned.
    - c. Walk-in complaints, shall be referred to a Supervisor who shall then forward the complaint to the Internal Affairs designee. 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

acknowledge the oath, the complaint will still be accepted and investigated. However, the refusal to sign or acknowledge shall be noted.

- d. 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.
- e. 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 he/she may respond to the agency headquarters to make his/her complaint.

## **B. 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. **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. If possible, complainants should be asked to provide the basis for their concerns, 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.

### **C. Investigation of Complaints**

1. The Chief of Police or the Chief's designee shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Internal Affairs investigations shall be compelled 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. Class B complaints shall be referred to the involved employee's supervisor through the Chief of Police for investigation.
3. Complainants shall be notified in writing within five (5) business days of receipt that; (1) their complaint has been received by the agency and is currently pending; (2) that a complaint number has been assigned; (3) that they will be informed in writing of the outcome of the complaint promptly following conclusion of the investigation, and (4) that they may contact the designated investigator at any time for further information while the investigation is pending.
4. The subject of the investigation shall be promptly notified of the complaint in accordance with the provisions of applicable labor agreements. 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 of; (1) the fact that a complaint has been made, (2) the identity of the complainant, if known, (3) the substance of the complaint, (4) the law or policy that is alleged to have been violated, and (5) the date upon which the investigation is expected to be completed.
5. Where prior notification of the subject of a complaint is reasonably likely to obstruct 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 therefor and the anticipated extent of the delay.
6. Nothing in this policy precludes the Chief of Police from referring an internal affairs investigation to an outside agency if such action would be in the best interest of the municipality and of justice.

### **D. Internal Affairs Responsibility**

1. The Office of the Chief of Police has primary oversight and authority of complaints made against employees. Upon receipt of a complaint, the Chief of Police will assure that the complaint is classified as a Class A or Class B complaint, assigned to the appropriate division, unit, person, or designated supervisor for investigation through the appropriate chain of command. The designated division, unit, person, or supervisor shall be responsible for:
  - a. Conducting a thorough, fair and impartial investigation of every complaint received, regardless of the method of receipt.

- b. Investigating and determining the nature, facts, and circumstances of every complaint.
  - c. Reporting to a supervisor up to and including the Chief of Police, if warranted, the result of the investigation, any recommendations and the resolution of that investigation.
  - 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.
2. Preparing suggested revisions of Agency Policies and Procedures where existing deficiencies have been a contributing factor to misconduct.

#### **E. Review of the Investigation**

1. The designated internal affairs investigator's supervisor shall review the investigation to determine the thoroughness, completeness, accuracy and objectivity of the investigation.
2. The completed report of investigation, disciplinary recommendation if any and the recommended disposition shall be reviewed by the Chief of Police or the designee of the Chief of Police.
3. The complainant shall be promptly notified in writing of the status and/or disposition of his or her complaint at the conclusion of the investigation by the Chief of Police or his designee.
4. Findings of completed investigations and disciplinary recommendations if any, shall be promptly conveyed, in writing, to the employee through his or her chain of command.

#### **F. Case Dispositions – Standards**

1. For each charge or allegation of misconduct or malfeasance which forms the basis for an internal affairs investigation, such charge or allegation shall be classified upon closing of the investigation in one of the following manners:
  - a. **Exonerated:** The investigation determined by a preponderance of evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.
  - 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 preponderance of the evidence whether or not the misconduct or malfeasance complained 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 to be discontinued and concurrence for this action was obtained from the Chief of Police.
- g. **Summary Action:** Disciplinary action in the form of an oral reprimand, or counseling documented in writing, was taken by an employee's supervisor or commander for minor violations of department rules, policies or procedures as defined by this agency. Summary actions are the lowest level of disciplinary action or remediation.
- h. **Reconciled:** At the discretion of the Chief of Police, the process of reconciliation may be encouraged in lieu of any of the above dispositions. 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 may be used where the complaint is 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:
  - 1. Discredit upon the agency.
  - 2. Discredit upon the involved employee.
  - 3. Commission of a criminal offense; or
  - 4. Allegations of racism, bigotry or prejudice against any race, religion, creed, national origin, sexual orientation, or circumstances beyond the individual's control.

Reconciliation must be documented through the chain of command of the Chief of Police or his or her designee. Reconciliation does not preclude further corrective action on the part of the agency.

## **G. Training**

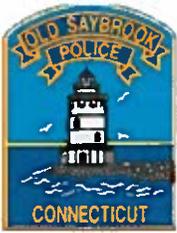
- 1. All supervisory personnel will be required to attend training on the department's Complaint Policy and the responsibilities of supervisors conducting internal investigations upon the implementation of this policy.
- 2. All supervisory personnel will be required to attend periodic refresher training,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

## **H. Public Information and Access**

1. The Chief of Police will:
  - a. Ensure informational materials are made available to the public through police personnel, the police department facility, the police agency web site, the general government web site of the agency, the internet, libraries, community groups, community centers and at other designated public facilities.
  - b. Ensure that copies of this policy and complaint forms are available at the town hall or another municipal building located within the municipality served by the law enforcement agency, other than a municipal building in which the law enforcement agency is located. 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.
  - c. 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.

Issued: June 22, 2016

Replaces Old Saybrook Departemnt of Police Services Policy 25 Citizens Complaint Procedure



# TOWN OF OLD SAYBROOK DEPARTMENT OF POLICE SERVICES

36 Lynde Street • Old Saybrook, Connecticut 06475

Michael A. Spera  
Chief of Police

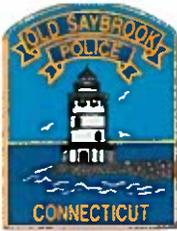
## CIVILIAN COMPLAINT REPORT

Please give this completed document to a Police Supervisor or send it to the Internal Affairs Unit of this agency at the following address or email: Chief Michael A. Spera, Old Saybrook Department of Police Services, 36 Lynde Street, Old Saybrook, Connecticut 06475. Email: [mspera@oldsaybrookpolice.com](mailto:mspera@oldsaybrookpolice.com)

Date of Incident	Time of Incident	Date Reported	Time Reported		
Location of Incident					
Complainant's Name		Complainant's Address (Street, City, State, ZIP)			
Complainant's DOB	Complainant's Home Phone#	Complainant's Work Phone#			
Complainant's Cell Phone#		Complainant's E-mail			
Employer		Occupation			
Employer's Address			Employer's Telephone		
Name of Person Assisting Complainant	Address		Telephone		
Employee Complained about (if known): (Name or physical description, Badge #, Car #, etc.)					
Witness Information (Name, D.O.B., Address, Telephone #, etc.)					
Please provide answers to the following questions:			YES	NO	UNSURE
1. To your knowledge, was all or any part of the incident complained of video or audio taped by anyone?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Are you afraid for your safety, or that of any other person, for any reason as a result of making this complaint?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Has anyone threatened you or otherwise tried to intimidate you in an effort to prevent you from making this complaint?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are you able to read, write and speak the English Language?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. If your answer to Question #4 is "No" or "Unsure", have you been provided with adequate language assistance to help you understand and fill out this form?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>(If you answered "Yes" to any of the above questions, please provide details below.)</i>					







# TOWN OF OLD SAYBROOK DEPARTMENT OF POLICE SERVICES

36 Lynde Street • Old Saybrook, Connecticut 06475

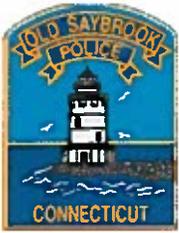
Michael A. Spera  
Chief of Police

## Ciudadano Formulario de Queja

Por favor complete este formulario y llévalo a un supervisor en el departamento de policías o lo puede mandar por el correo o correo electrónico a la Oficina de Asuntos Internos (Internal Affairs Unit) de esta agencia. La dirección es: Chief Michael A. Spera, Old Saybrook Department of Police Services, 36 Lynde Street, Old Saybrook, Connecticut 06475. Email: [mspera@oldsaybrookpolice.com](mailto:mspera@oldsaybrookpolice.com)

Date of Incident (Fecha del Incidente)	Time of Incident (Hora del Incidente)	Date Reported (Día denunciado)	Time Reported (Hora denunciado)		
Location of Incident (Dirección donde ocurrió el incidente)					
Complainant's Name (Su Nombre)		Complainant's Address (Su Dirección: Calle, Ciudad, Estado, código postal)			
Complainant's DOB (fecha de nacimiento)	Complainant's Home Phone # (su # de teléfono)	Complainant's Work Phone# (Su # teléfono en el empleo)			
Complainant's Cell Phone# (Su número Celular)		Complainant's E-mail (Su Correo Electrónico)			
Employer (Empleador)		Occupation (Ocupación)			
Employer's Address (Dirección de su empleador)		Employer's Telephone (Teléfono de su empleador)			
Name of Person Assisting Complainant (Nombre de la persona ayudándole)	Address (Dirección de la persona ayudándole)	Telephone (Teléfono)			
Employee Complained about (if known): (Name or physical description, Badge #, Car #, etc.) (El nombre de la persona (s) en quien tienes la queja o si no una descripción, número de placa, numero del carro).					
Witness Information (Name,D.O.B.,Address,Telephone #, etc.) Información de los testigos: Nombre, fecha de nacimiento, teléfono).					
Por Favor conteste las siguientes preguntas:			YES/SI	NO/NO	UNSURE/ No estoy seguro
1. ¿En tu conocimiento, este incidente o parte del mismo, fue grabado en video o de audio?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. ¿Tú tienes miedo por tu seguridad o la seguridad de otra persona, por cualquier razón o de resultado de hacer esta queja?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. ¿Alguna persona te ha amenazado o tratado de intimidarte en un esfuerzo de evitarle que hagas esta queja?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. ¿Puedes, leer, escribir, y hablar el lenguaje de inglés?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Si contestaste la pregunta # 4 "No" o si no estás seguro, ¿has recibido suficiente ayuda para llenar este formulario?			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Si contestaste afirmativo "Si" a una de estas preguntas, por favor, escribe los detalles utilizando el reverso de este papel.					





# TOWN OF OLD SAYBROOK DEPARTMENT OF POLICE SERVICES

36 Lynde Street • Old Saybrook, Connecticut 06475

Michael A. Spera  
Chief of Police


(Attach additional pages, if necessary) (Añade mas paginas si es necesario)

Yo leí, o me leyeron, la denuncia que he puesto de lo que ocurrió y provoco mi queja que tiene \_\_\_ páginas. Todo lo que he escrito es la verdad y exacto lo mejor de mi profundo conocimiento. Yo comprendo que es una violación presentar una denuncia falsa. Si yo he hecho una denuncia intentando de engañar un policía en su función oficial es una violación de las leyes del estado de Connecticut Estatuto General 53a-157b ay puede resultar en mi arresto o una multa o también ir a la cárcel.

Complainant's Signature (Denunciador Firme Aquí)	Date and Time Signed (Fecha y Hora que Firmo)
La área debajo es para el notario publico (Area below is for the Notary)	
On this the ____ day of _____, _____, the complainant whose name is subscribed above, personally appeared before me, the undersigned Officer, and acknowledged that he/she truthfully executed this instrument for the purposes herein contained.	Notary (For Authority See C.G.S. §§1-24, 3-94a et seq.)
	Print Rank/Name/ID Number:

### Person Receiving the Complaint (Persona que recibe el formulario de queja)

Rank/Name/ ID Number	Date Received	Time Received

Como prefiere que lo contactemos?

teléfono     En persona     Por Correo     Correo Electrónico     Otro

Signature of person receiving complaint (Firma de la persona que recibe su queja)	Complaint Control Number (Número Asignado)