



Milford Police Department

General Orders



Complaints of Alleged Misconduct

1. Purpose

The purpose of this General Order is to comply with Public Act No. 14-166 and to provide a uniform policy to accept, process, investigate, take appropriate action upon and resolve complaints from a member of the public relating to alleged misconduct or malfeasance committed by personnel of the Milford Police Department. The goal of this General Order is to inform both the employee and the public alike of the process and the standards that will be utilized concerning such complaints.

2. Policy

- A. It is the policy of the Milford Police Department to investigate all complaints made of alleged misconduct or malfeasance against the Milford Police Department or its members. Complaints may be in any manner including verbally, in writing, by telephone fax or email, through a third party, or anonymously. It is also the policy of this department to appropriately address citizen's inquiries concerning departmental regulations, procedures and policies, action taken by agency employees in the performance of their duties, and similar issues which involve the Department and its members.
 1. There shall be no retaliation in any form by any member of this agency directed at an individual who makes a complaint.
 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, who fail to report alleged misconduct or malfeasance of employees to a supervisor, shall be subject to disciplinary action.
- B. The Internal Affairs Unit, (or other unit/Investigator assigned by the Chief of Police to serve in an Internal Affairs role), is responsible for developing sufficient information and gathering evidence to support an appropriate disposition of each matter being investigated. The investigators shall diligently

pursue every legitimate course of action in their efforts to obtain facts.

- C. It is not the responsibility of the Internal Affairs Unit to adjudicate matters that it has investigated. It is a fact-finding body that will present completed investigations to the Chief of Police for final disposition.
- D. The department has developed and made available to the public a brochure that assists citizens in making a complaint against, or commending, a department employee. Further, information on how to file a complaint against an employee can be obtained through the police department website or in person at the front desk at Police Headquarters.
- E. Violations of the Milford Police Department Rules and Regulations, General Orders, Department Directives and orders, policies currently in effect, Personnel Rules, the Code of Ethics, the Charter of the City of Milford, the Ordinances of the City of Milford, and/or the laws of the State of Connecticut or the United States shall subject the offender to disciplinary action, which if sustained may take the form of a verbal or written reprimand, retraining, reduction in rank and /or suspension, or discharge from employment.

3. Definitions

- A. Complaint: An allegation of employee misconduct or malfeasance.
- B. Complainant: Any person who files a complaint regarding misconduct or malfeasance on the part of an agency employee.
- C. 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.
- D. Employee: Any person employed by the agency, whether sworn or non-sworn.
- E. 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.
- F. Malfeasance: Illegal or dishonest activity especially by a public official.
- G. Misconduct: Any act or omission by an employee that is illegal or which violates established policy.
- H. Supervisor: Includes those holding the rank of Sergeant or higher.

4. Procedures:

A. Citizen Inquiries:

1. Frequently, citizens contact the agency with questions regarding a policy, procedure, or tactic used by the department. This is a simple inquiry and may be handled by any member of the department.
2. When a citizen questions the actions of a member of the agency, the matter shall be referred to someone of the rank of Sergeant or above, when practical, who will determine if the matter is merely an inquiry that may be handled by providing routine information or if it is a matter that may require an investigation pursuant to this directive.

B. Internal Affairs Responsibility

The Office of the Chief of Police has primary oversight and authority over investigation of complaints made against employees. Upon receipt of a complaint, the Chief of Police will assure that the complaint is 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:

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.

C. Acceptance, Filing and Intake of Complaints:

1. General:

All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance of employees of this agency. 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 documenting the information and allegations they provide, advising the individual how to proceed, 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.

2. 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.

3 Acceptance of Complaint:

- a. The use of a standardized form, approved by the Chief of Police, shall be used to record complaints. Each complaint and related investigations shall be documented and a copy of this form shall be filed in a separate Complaint File.
- b. Complaints may be accepted in writing, verbally, in person, by mail, telephone (TDD), facsimile, and electronically, or by any other means. anonymous and third party complaints will be accepted.
- c. All employees will 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.
- d. When a complaint is made regarding alleged employee misconduct, an on duty supervisor of the rank of Sergeant or above, when practical, shall be summoned to receive the complaint. If a complaint involves a supervisor, an officer of the next higher rank shall receive the complaint. In no event is a complaint to be told to return at another time, or that no one is available to handle his or her complaint.
- e. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.

3. Complaint Procedure

- a. When a complaint is made regarding alleged employee misconduct, an on duty supervisor of the rank of Sergeant or above, when practical, shall be summoned to receive the complaint. If a complaint involves a supervisor, an officer of the next higher rank shall receive the complaint. In no event is a complaint to be told to return at another time, or that no one is available to handle his or her complaint.
- b. The following steps shall apply to all complaints:
 1. The supervisor receiving the complaint shall gather all pertinent details regarding the complaint including but not limited to:
 - a. 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.
 - b. Taking a statement from the complainant and/or witnesses, if necessary or instructed to do so.
 1. Supervisors receiving complaints from citizens should encourage those citizens to provide their name and contact information as well as documenting their complaint in writing. Failure to do so can, at times, restrict the information available to the investigating supervisor or Internal Affairs investigator. However, the complainants name and contact information is not required.
 - c. Names and addresses of any witnesses to the incident
 - d. Receiving any available physical evidence
 - e. Taking necessary photographs or video
 - f. Make a determination whether notifications to the Division Commander should be made immediately. Based on the severity of the allegation the Division Commander shall determine whether the Internal Affairs Commander should be notified through the notification process.
 - c. The supervisor receiving the complaint shall fill out the Civilian Complaint Form and give a completed copy to the complainant. The

- supervisor shall also inform the complainant of the complaint and investigation process.
- d. The supervisor receiving the complaint shall forward the completed Civilian Complaint Form along with any other documentation or pertinent information to the Division Commander.
 - e. The Division Commander shall review the complaint and based upon the type of complaint and available information, shall forward the complaint to the Deputy Chief of Police with a recommendation for an Internal Investigation to be initiated or with a recommendation that the complaint be handled at the division level. A copy of this complaint will also be forwarded to the Internal Affairs Unit. The Deputy Chief will review the recommendation and forward the information to the Chief of Police.
 - f. The Chief of Police shall base his decision on the following criteria whether the nature and seriousness of the allegations warrant an Internal Investigation. In general, Internal Investigations will be recommended for, but not limited to:
 1. Use of excessive force complaints
 2. Allegations of civil rights violations
 3. Claims of unethical conduct or misconduct, which may or may not be criminal
 - g. If an Internal Investigation is warranted, the Chief of Police shall notify the commanding officer of the Internal Affairs Unit to initiate an Internal Investigation. In addition, the Chief shall notify the complainant in writing that an Internal Investigation has been initiated.
 - h. In addition to the above procedure, the Chief of Police may at any time initiate an Internal Investigation based on:
 1. A matter he has personal knowledge of
 2. Information brought to his attention by a member of the Department
 3. Information brought to his attention by any other source
 - i. All complaints made by motor vehicle operators who feel they were stopped in violation of C.G.S. 54-1m shall be forwarded to the Internal Affairs Unit. Internal Affairs Unit shall forward a copy of such complaint along with the findings of the investigation to the Office of the Chief State's Attorney as required by law.
 - j. The department shall investigate all allegations of misconduct by department employees, regardless if the complaint is in writing or verbal. Further, the department will investigate all allegations even if the complaint is received anonymously or through a third party.
 - k. The withdrawal of a complaint does not prohibit the agency from

completing an investigation.

1. 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. 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.
- m. 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 asked to sign the complaint. The complainant is not required to sign the complaint form or any statement.
- n. 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.
- o. 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 officer should:
 1. Make an effort to obtain contact information from the complainant and forward it to the supervisor as soon as possible. If the complainant does not wish to provide said information, then the officer should:
 2. Inform the complainant that he/she can obtain information and the appropriate forms for making a complaint by:
 - a. Responding to Police Headquarters, or
 - b. Using the Police Department website, or
 - c. Obtain a copy of the Department Policy "Complaints of Alleged Misconduct" at the City Clerk's Office.

4. 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.

5. Investigation of Complaints:

- A. 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 completed 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.
- B. 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 (identify by name, telephone and/or email) at any time for further information while the investigation is pending.

C. 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.

1. Where prior 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.

D. 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.

6. Review of the Investigation:

- A. The designated internal affairs investigator's supervisor shall review the investigation to determine the thoroughness, completeness, accuracy and objectivity of the investigation.
- B. 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.
- C. 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.
- D. 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.

7. Case Dispositions — Standards:

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 the 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 a preponderance of the evidence whether or not the misconduct or malfeasance complained of 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 to the Chief of Police or his or her designee. Reconciliation does not preclude further corrective action on the part of the agency.