



EARNING TRUST

Addressing police misconduct complaints in Connecticut



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A report of the American Civil Liberties Union of Connecticut

Credits

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EXECUTIVE SUMMARY

All communities deserve police who protect and respect all people. Police deserve to work with and for colleagues who are competent, worthy enforcers of the law and stewards of public resources. Both of these complimentary goals demand strong protocols for meaningfully accepting and addressing complaints alleging police misconduct.



Good police complaint protocols ensure public accessibility, prevent intimidation of potential complainants, and facilitate meaningful investigations of misconduct allegations. According to the expertise of civil rights activists, academics, policy experts, community members, and law enforcement agencies,¹ best practices for police complaint policies include:

- accepting all complaints, including those submitted anonymously, online, by mail, or by telephone;
- making complaint forms and policies easily accessible to the public; and
- removing barriers to complaint submissions, such as threats of retaliation against complainants or notarization requirements for complainants' statements.

Connecticut state law requires all police agencies in the state, including municipal departments, state police troops, and special agencies such as university departments, to adopt or exceed a model complaint policy created by the Police Officer Standards and Training Council (POSTC). In addition, state law requires all police agencies to make their complaint policies publicly available on their websites and at municipal buildings separate from the departments themselves. Meanwhile, POSTC's model policy requires all police employees to accept all complaints, including those submitted anonymously, online, by mail, or by telephone; and prohibits retaliation against complainants and questions about complainants' immigration statuses during intake. POSTC's policy also created a statewide model complaint form, which POSTC required departments to adopt or exceed and to make available online and at municipal buildings separate from departments themselves.

These requirements are not simply suggestions for police agencies to take or leave. They are critically important for building community trust in police, and they carry the weight of the law. During community forums hosted by the ACLU-CT throughout the state, however, we heard from members of the public who described a chilling disregard for these rules among some police agencies. These Connecticut residents expressed concerns regarding notarization requirements, in-person and in-station filing requirements, and lack of access to complaint forms outside of police stations.

Seeking to determine whether these frustrations were isolated incidents or indicators of more widespread noncompliance with state law and policy, the American Civil Liberties Union of Connecticut conducted a survey of police agencies throughout the state. Our findings are a troubling confirmation of community members' concerns.

1. See: *The President's Task Force on 21st Century Policing, "Policy and Oversight, Submitted Oral & Written Testimony Received by January 31, 2015,"* https://cops.usdoj.gov/pdf/taskforce/01-30-2015/Invited_Testimony_January_30.pdf.

See Also: *The International Association of Chiefs of Police, "Testimony of the International Association of Chiefs of Police, Task Force on 21st Century Policing Listening Session on Police Oversight,"* January 30, 2015, <http://www.theiacp.org/Portals/0/documents/pdfs/IACPTestimonyListeningSessionPolicyandOversight.pdf>.

Despite reforms, many Connecticut police agencies still make it difficult for members of the public to easily obtain basic, legally required information regarding complaint forms and processes. In some cases, this lack of transparency violates state law, and it could prevent law enforcement agencies from becoming the fair and just entities that communities and police deserve.

The problems that we discovered were widespread, and they were not unique to one type of department. The police agencies that exhibited troubling complaint practices serve large and small towns throughout the state. They include state police troops, municipal departments, and special agencies, and they include departments with large and small workforces.

Among our findings:

- Forty of Connecticut’s law enforcement agencies have not clearly posted either or both their department complaint form or complaint policy online, in direct contravention of state requirements.
- Unless pressed further, 43 percent of all agencies surveyed by phone claim that complaint forms are only available at police stations—a violation of state policy.
- Many Connecticut police agencies continue to impose barriers to accepting police complaints, such as refusing to accept or actively discouraging anonymous complaints, requiring complainants to submit forms only at police stations, and mandating notarization of complaint forms.
- Forty two percent of all agencies surveyed by phone suggested that they are not complying with state law requiring public access to complaint policies.
- Many Connecticut police agency representatives surveyed by phone could not answer questions, could not be reached to answer questions, refused to answer questions, provided inaccurate information, or contradicted information posted on departments’ websites.
- Sections of POSTC’s model policy and complaint form may exacerbate confusion and undermine the complaint acceptance process in Connecticut.

These findings reveal a clear need for additional legislative action, both to make permanent the improvements that Connecticut has made and address areas that continue to hinder police transparency and accountability.

The Connecticut General Assembly should adopt legislation that:

- Establishes meaningful penalties for law enforcement agencies that do not comply with state complaint acceptance and investigation laws;
- Improves POSTC’s existing model complaint policy and adopts that revised version as state law;
- Creates a standardized complaint form that is compliant with best practices and translated into all commonly-spoken languages in Connecticut, to be used by all law enforcement agencies in the state;
- Mandates complaint protocol training for all law enforcement agency personnel who interact with the public.
- Requires law enforcement agencies to track complaint data and to annually report specific complaint information to the Connecticut Office of Policy and Management;

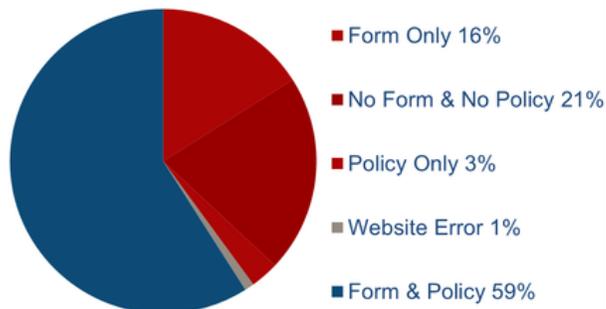
Establishing a transparent, accessible police complaint process is just the first step toward creating a truly fair, just, and wise police force in Connecticut—one that lives up to the standards that the public demands and that police departments should expect of themselves. With the right policies and laws in place, Connecticut can create this system.

EXECUTIVE FINDINGS

Connecticut law requires all police agencies to post their complaint policies online. Statewide police policy requires all agencies to post complaint forms online and to accept anonymous complaints.

But, as of October 2016, this is what 102 police agencies had clearly posted on their websites:

Information on Police Agency Websites



40

departments had not clearly posted either or both their complaint form or policy online--a direct violation of state law and policy

1 million

people living in towns where police departments are not complying with state complaint law or policy

The ACLU-CT called 60 police agencies to learn more. Of those 60 agencies:

Violations of state law and policy:

43%

claimed that complaint forms were only available at police stations

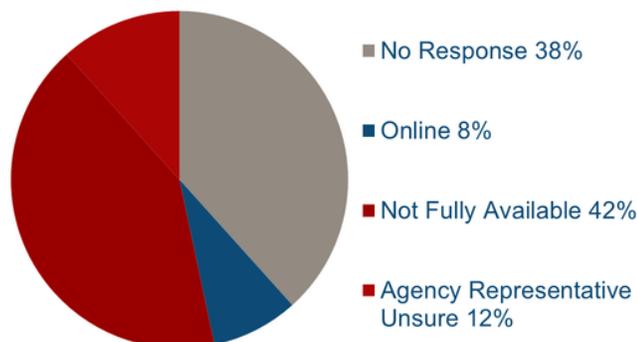
42%

suggested that they do not make complaint policies fully available to the public

32%

stated or implied that they will not accept anonymous complaints

"Where could a complainant find [your complaint] policy?"



Police departments are violating state law and policy. In the process, they are undermining public trust in police. The Connecticut General Assembly should solve these problems by:

1 Establishing penalties for police agencies that do not comply with state complaint law

2

Creating a standardized complaint form to be used by all law enforcement agencies in the state

3

Requiring all law enforcement agencies to track & annually report complaint data

BACKGROUND

In 2012, the American Civil Liberties Union of Connecticut (ACLU-CT) conducted a statewide survey of police agency procedures for accepting community complaints of police misconduct. That survey discovered widespread resistance and inconsistencies in police agencies' approaches to accepting complaints, as well as a chasm between Connecticut law enforcement agencies' protocols and national best practices. Prompted in part by that report, in 2014, the Connecticut General Assembly passed a new law, Public Act No. 14-166, "An Act Concerning Complaints that Allege Misconduct by Law Enforcement Agency Personnel" (Connecticut General Statutes § 7-294bb), to improve the police complaint process.

That law, which passed both legislative chambers with broad bipartisan support and without a single opposing vote in the Senate, tasked Connecticut's Police Officer Standards and Training Council (POSTC) with creating a model complaint policy. It also instructed POSTC to consider creating a model complaint form. Although the law established specific issues for the statewide policy to address, the legislature deferred to POSTC's judgment regarding how to approach these considerations. The law did, however, require all law enforcement agencies in the state to either adopt or exceed POSTC's ultimate policy, and to make their policies publicly available online and at a municipal building other than the police department itself.

In 2015, POSTC released its guidance. Among other requirements, POSTC's policy mandated departments to: adopt or exceed POSTC's model complaint form; post complaint forms and complaint policies online "where the agency, or the municipality served by the agency, has a website;" and to accept all complaints, including those submitted anonymously or by a third party. POSTC's policy also required all employees to assist people wishing to file complaints, and required all agencies to assign each complaint a tracking number. Echoing state law, POSTC also required departments to adopt or exceed its policy. In a memo dated May 15, 2015, Police Academy Administrator Thomas E. Flaherty notified all of Connecticut's chief law enforcement officers, training officers, protective services, and resident troopers of POSTC's new policy and the underlying state law.

Copies of the state police complaint law and POSTC's model policy are available in Appendices C and D of this report, respectively.

Complaint Form

- *Provides space for complainant to describe misconduct allegations*
- *Used by public to spur investigations*
- *Used by police to investigate complaints and address personnel issues*
- *State law required POSTC to consider creating a model form*
- *POSTC created model form*
- *POSTC policy requires police agencies to adopt or exceed model form*
- *POSTC policy states police agencies should make forms available online & at municipal building separate from police department*

Complaint Policy

- *Outlines police agency protocols for accepting, processing, and investigating complaints*
- *Used by police to train personnel*
- *Used by public to understand how to file complaints & what to expect during complaint investigations*
- *State law required POSTC to create model policy*
- *State law required police agencies to adopt or exceed POSTC model policy*
- *State law required all departments to make policies available online & at municipal building separate from police department*

What is POSTC?

Connecticut's Police Officer Standards and Training Council (POSTC) is a seventeen member advisory panel of the Department of Emergency Services and Public Protection. Its mission includes training Connecticut's police officers, adopting and enforcing professional standards for police officers, and developing and assessing standards for local law enforcement agencies. By design, the majority of POSTC representatives are either current or former members of law enforcement, or individuals like prosecutors or FBI officials, who depend on local law enforcement in order to carry out their work. Members are not elected to their positions but are appointed by the Governor.

These reforms were meant to better serve community members and police alike. As the International Association of Chiefs of Police has stated, "a police department must monitor its officer[s'] mistakes and misconduct to protect its interests and reputation."¹ Indeed, the state and individual complaint policies were largely created by police; POSTC's members are mostly law enforcement officials, and Public Act No. 14-166 required each law enforcement agency to adopt or exceed POSTC's policy after consultation with police union officials.

These laws and policies can only affect change, however, when they are implemented and enforced.

Understanding this, the ACLU-CT sought to examine how law enforcement agencies have approached new police complaint requirements. To do so, in October 2016, the ACLU-CT conducted a survey of Connecticut police departments. We focused our survey, as we did in 2012, on the crucial first steps in the police complaint process: accepting complaints from civilians. Only after making complaint information easily available and instituting clear policies for accepting complaints can police departments evaluate and address any deficiencies in how they address those complaints.

1. The International Association of Chiefs of Police, "Building Trust Between the Police and the Citizens They Serve," <http://www.theiacp.org/portals/0/pdfs/buildingtrust.pdf>

METHODOLOGY

As a first step, the ACLU-CT visited the Connecticut state police website, as well as the websites of all Connecticut law enforcement agencies required to report traffic stop data under the Alvin W. Penn Racial Profiling Prohibition Act. Surveyors then assessed which sites included clearly posted, easily available complaint policies and/or complaint forms, as required by state law and POSTC policy, respectively. These criteria excluded some agencies in small towns that are supervised by resident state troopers and local officers, as well as some specialized agencies.

That screening process showed that 40 percent of these agencies were not complying with state law or POSTC's posting requirements: 16 departments had clearly posted a complaint form, but not a complaint policy; three had clearly posted a policy but no form; and 21 had clearly posted neither the form nor the policy. One agency website yielded an ongoing error message, and its municipal website included neither a clearly posted form nor policy.

The majority of agencies that failed to clearly post either or both the complaint form and policy were in southwestern Connecticut—11 were in New Haven County, and 12 were in Fairfield County. In addition, most municipal departments that failed to clearly post either or both the form or policy serve towns with mid-to-large populations. Based upon the Connecticut Department of Public Health's 2015 population estimates, 26 departments that failed to clearly post either or both the form or policy serve towns that are among the 75 largest cities in Connecticut. [Combined, the municipal departments that failed to clearly post either or both their complaint policies or forms serve a population of nearly one million people \(953,837\), and the non-compliant universities together serve more than 10,000 students \(10,982\).](#) The Metropolitan Transportation Authority, meanwhile, states on its website that it serves a population of more than 14 million people.

Following this initial screening process, we selected agencies for in depth telephone interviews. The goal of this survey was to examine police agencies' compliance with state law and policy regarding police complaints. We therefore turned our attention to the 40 police agencies that were missing one or both the complaint form and policy, as well as the agency that had neither a functional website nor a municipal page containing that information. Due to the size and scope of the jurisdictions they serve, we also included the state's twelve police troops and the municipal departments of the state's ten most populous cities, provided they were not already slated for follow-up. While these criteria limited the scope of our survey, we believed that this mixture of compliant and non-compliant departments would provide a representative sample of law enforcement agencies for the purposes of our research. Ultimately, these criteria narrowed the pool of agencies for telephone surveys to 60: 45 municipal police departments, two universities, the Metropolitan Transportation Authority, and 12 state police trooper barracks.

To complete these telephone surveys, two trained ACLU-CT volunteers, who varied in age and ethnic background, called all 60 agencies' non-emergency numbers. Volunteers called on two consecutive days in October 2016, during the normal business hours of 9 a.m. through 5 p.m. Callers began by informing the agency representatives that their calls were for a research project, and that they were not seeking to file a complaint. They proceeded by asking eight questions from a script (the survey instrument is available in Appendix A). In order to double-check the initial screening process, that script included an opportunity for agencies to help callers find complaint forms and policies online. Following each call, volunteers noted the call length, number of holds and transfers, whether the call required navigation through automated messages or voicemails, and the general demeanor of agency representatives.

The ACLU-CT's survey and this subsequent report were not meant to entrap law enforcement agencies, nor was our survey meant to be scientific or comprehensive in its examination of the police complaint process. Rather, our goal was to better understand the current status of the initial steps in the police complaint process in Connecticut, in light of changes to state law. A detailed summary of findings for each survey question follows. A chart outlining survey responses is available in Appendix B.

COMPLAINT FORM AVAILABILITY



Unless pressed further, 43 percent of all agencies surveyed claimed that complaint forms were only available at police stations.

POSTC's complaint policy requires all police agencies to either adopt or improve upon its model form and to make their complaint forms available in a municipal building separate from the police department. The policy also states that agencies "should" place these forms on their websites.

Survey question: Is there a form to fill out?

Volunteers therefore began their scripts by asking if agencies had complaint forms. Nearly two-thirds of agencies surveyed (65 percent, or 39 agencies total) stated that they did. Two agency representatives stated "I believe so," one said "probably," one said "come in [to the station]," and one did not know. Southington responded that there was not a form and that someone would need to come in to the station; Weston stated that there was not a form and that someone would need to either come in or call the station; Thomaston answered that there was not a form and that someone would need to submit a complaint by writing.

Survey question: Where can someone filing a complaint find the form? Would they have to come into the police station, or is there somewhere else they can pick it up?

The survey next asked where someone could find the agency's police complaint form. In direct violation of POSTC requirements, 43 percent of agencies surveyed (26 total) responded only that it was available at the station/barracks. Two agencies with clearly posted online forms responded only that the complaint form was available online. Two other agencies said that a form was available at the station or over the phone; three replied that it was available at the station or by mail; one answered that it was available at the station and "maybe the town hall."

Survey question: Is the form available online?

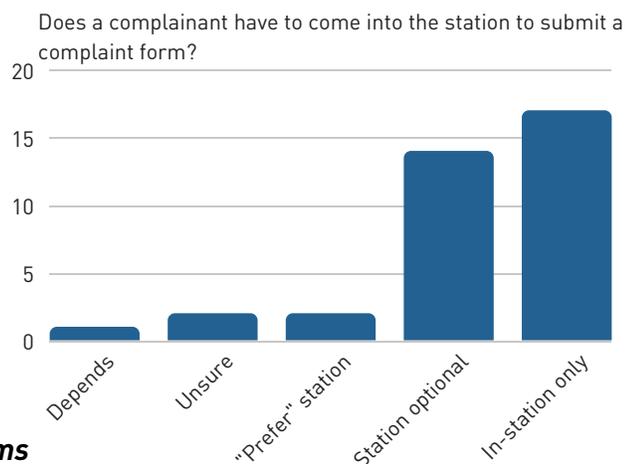
Volunteers then asked agencies if the forms were available online. This direct question offered agencies a second opportunity to clarify whether they were compliant with POSTC policy. It is unclear, however, whether a typical caller would ask about complaint form availability with this level of specificity, or if callers would instead have more general inquiries about where to find complaint forms.

In response to this direct question, less than one third of agencies (17 total) stated that the form was available online. Meanwhile, in violation of POSTC's policy, thirty percent of agencies surveyed indicated that their forms were either not yet or not at all available online (Ansonia, Bridgeport, Clinton, Metropolitan Transportation Authority, New Britain, Norwalk, Norwich, Plymouth, Seymour, Southington, Suffield, Thomaston, Weston, Windsor, and Wolcott). Of these, Thomaston and Weston had indicated earlier that they did not have a form at all.

Troublingly, seven departments that stated that they did not have forms available online (Bridgeport, Clinton, New Britain, Norwalk, Norwich, Plymouth, and Putnam) did in fact have forms available on their websites. Similarly, volunteers were unable to locate Orange's complaint form online, despite the agency's assertion that the form was available there. These discrepancies suggest that representatives were either uncertain of complaint protocols or attempting to mislead callers. Regardless of the root causes, each disparity between a department's website and its representative's response raises serious concerns about whether potential complainants would also receive misinformation, which could lead to complainants becoming confused or discouraged.

Ten department representatives did not know the answer to this question. Included in these ten is Middletown, where a representative initially responded, "I don't think so. I don't look at our website," but later went online with the caller to find the form on the agency's page. A representative for Western Connecticut State University, which did have a form available online, responded: "I don't know. I should know this."

COMPLAINT FORM PROTOCOLS



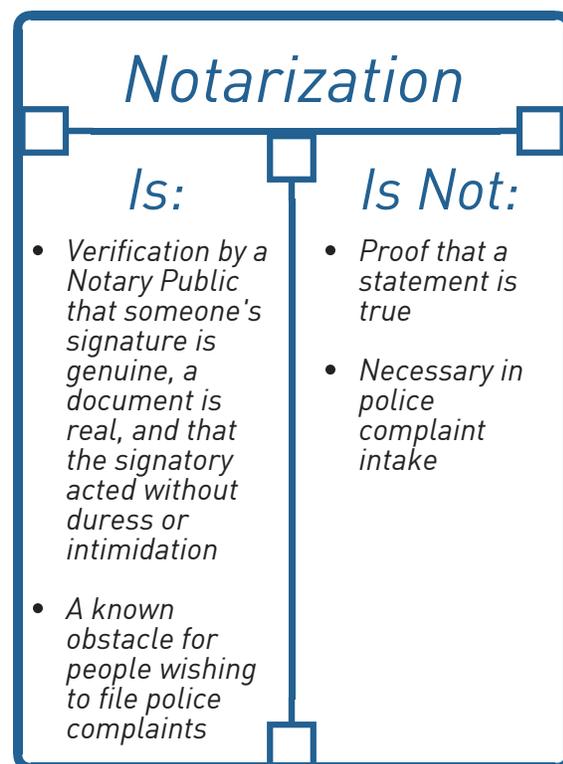
More than one in ten agencies surveyed require complaint forms to be notarized. Nearly one in four requires complainants to submit complaints at police stations.

On the issue of notarization, the POSTC policy sends mixed signals. While the policy does not use the word "notarization," it does say that departments "may" place complainants "under oath," and that complainants may be "requested to sign the complaint after reading or having it read to them [sic] the warning for perjury or false statement." If a complainant does not sign under oath, POSTC says, departments may "note" the refusal on the complaint. In keeping with this policy, POSTC's standardized complaint form includes space for a notarized signature, next to language warning complainants that they may be arrested if their statements prove false. As the U.S. Department of Justice has explained, however, notarization requirements, particularly when paired with threats of prosecution, can have a chilling effect on the public's willingness and ability to file police complaints.

Survey question: Does a citizen complaint need to be notarized to be accepted?

We therefore asked agencies if a complaint form needed to be notarized in order for the agency to accept it. Troublingly, eight departments (Ansonia, Eastern Connecticut State University, Plainville, Plymouth, Seymour, Thomaston, Trumbull, and Windsor) stated outright that they require notarization.

One third of agencies surveyed (20 total) said no, but their clarifications at times suggested otherwise. Middletown, for instance, encouragingly said that it did not require notarization, but disappointingly said that complainants would need to "swear to it [a complaint]" and "then we sign." Similarly, Redding and Clinton indicated that they did not require notarization, but that complainants would need to deliver a sworn statement to be "signed in front of an officer" (Redding) or that they took the signatures of the complainant and department employee receiving the complaint (Clinton). Groton stated that notarization was required "sometimes at some departments." The agency's representative went on to say that he did not believe the department required notarization, but that a complainant "must sign that it's the truth." Guilford said that it did not require notarization, but that a complaint would be "more credible" if notarized. It therefore appears as if some departments that technically do not mandate notarization may still impose onerous signature requirements on complainants.



Other agencies did not provide a clear "yes" or "no" response when asked about notarization, but strongly suggested that they required it. Bridgeport, for instance, responded that a "sergeant signs off" on complaints. Norwich asserted: "get [the form], fill it out, and we will sign." Three [New Canaan, Stamford, and] asserted that it "depends." Stamford noted that "depending on severity, you have to sign a written statement."

Survey question: Does a complainant have to come into the station to submit the form?

Volunteers next asked if complaints must be filed at the department's station. Encouragingly, fourteen agencies stated that someone did not need to submit a complaint at the station, although one (Weston) later indicated that the agency "like[s] to handle [complaints] in person." In violation of the statewide model policy, however, more departments (28 percent, or 17 total) stated either that complainants must submit forms at the station (Ansonia, Bridgeport, Clinton, New Britain, New Canaan, Norwalk, Norwich, Seymour, Southington, Stamford, Suffield, Thomaston, Trumbull, Willimantic, and Windsor) or that they "would prefer" in-station complaints (Eastern Connecticut State University and Plainville).

Eastern Connecticut State University's representative elaborated that the agency "would like them to, because we don't want a false complaint. [Complainants] must swear it's the truth." Norwich stated: "You have to come in and get it. You have to turn it in to a supervisor anyway." Norwalk reiterated that it did not use complaint forms by stating that someone would need to come in to the station, as "we don't give out forms." Similarly, Southington required complainants to come in to the station, as it did not have forms.

Two agencies (Bristol and Guilford) were unsure whether they required in-station complaints. Bristol's uncertainty, however, seemed to indicate uncooperativeness, as the agency representative stated: "I don't try to tell people to go online and file complaints against me." The Connecticut State Police centralized public information officer responded that the state police do "not always" require complainants to submit complaints in-barracks.

Survey question: (If no in-station filing requirement) Is there another way? Could they mail or email it?

Of the departments that did not require in-station submissions, only one (Western Connecticut State University) indicated that someone could file a complaint via any avenue (as it stated, a complainant could use "anything you want" to file, including mail and email). Seven departments (Groton Long Point, Guilford, Orange, Plainville, Putnam, Thomaston, and Wolcott) said that someone could submit a complaint by mail, and two (the Metropolitan Transportation Authority and Stamford) said that someone could submit by phone. Redding stated that someone could submit by mail or phone; three departments (Hartford, Middletown, and Plymouth) stated that someone could submit via mail or email; and three (Danielson-based Troop D, North Haven, and Weston), stated that someone could submit online, although Weston, as discussed earlier, stated that it would prefer to handle complaints in-person.

*"We don't give out [complaint] forms."
- Norwalk Police Department*

*"The use of a standardized form to record complaints shall be implemented..."
- Police Officer Standards and Training Council, Mandatory Uniform Policy*

*"I don't try to tell people to go online and file complaints against me."
- Bristol Police Department*

*"All employees will assist those who express a desire to lodge complaints against any member of the agency. This includes ... providing complaint form(s) and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained."
- Police Officer Standards and Training Council, Mandatory Uniform Policy*

"You have to come in and get it." - Norwich Police Department

*"The complaint policy and forms should be made available online."
- Police Officer Standards and Training Council, Mandatory Uniform Policy*

ANONYMOUS COMPLAINTS

In violation of state policy, at least 14 agencies will not accept anonymous complaints. Additional agencies surveyed may accept, but not honor, anonymous complaints.

*"What's the point, you know?"
- Bridgeport Police Department*

*"Then it's not a complaint."
- Norwich Police Department*

*"At some point, it's not taken with much heart."
- Bristol Police Department*

In keeping with national law enforcement best practices, Connecticut's state model policy requires departments to accept anonymous complaints of police misconduct.

Survey question: Could someone fill out the form anonymously?

Seventeen agencies surveyed said that someone could anonymously file a complaint and did not suggest otherwise. Nearly one quarter of all agencies surveyed (14 total), however, either directly or indirectly contravened state policy requiring acceptance of anonymous complaints. Nine stated outright that they would not accept anonymous complaints (Bethel, Bridgeport, Clinton, New Britain, New Haven, Norwalk, Norwich, Thomaston, and Willimantic). For example, Norwich replied, "No, then it's not a complaint." Bridgeport responded, "No, what's the point, you know?"

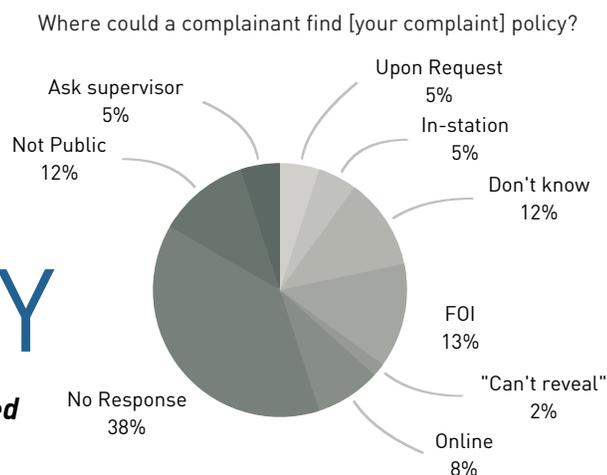
Five agencies surveyed suggested that anonymous complaints would not be taken seriously or as seriously as other complaints (Bristol, Groton Long Point, Orange, Plymouth, and Western Connecticut State University). Bristol, for instance, stated that someone could submit anonymously, "but at some point it's not taken with much heart." Groton Long Point stated that it would accept anonymous complaints, but that an anonymous complaint "lacks substance." Plymouth's representative answered that there was "nothing to follow up on" with an anonymous complaint, then stated: "I've never filled one out or looked at one, so I don't know." Orange said that it would accept anonymous complaints, but that they would have a "different weight." Stamford responded that "it depends." The same department requested our volunteer's full name and responded "that's it?" when she provided her first, casting doubt as to whether complainants' anonymity would be respected.

On the issue of accepting anonymous complaints, Connecticut's state policy is unequivocal: police departments must accept all complaints, anonymous or otherwise. Departmental uncertainty or blatant disregard for this requirement is therefore cause for alarm. It is also particularly concerning that even large departments with clearly posted forms and policies online, such as Norwalk and New Haven, suggested that they will not accept anonymous complaints.

*"Anonymous and third party complaints will be accepted."
-Police Officer Standards and Training Council, Mandatory Uniform Policy*

COMPLAINT POLICY TRANSPARENCY

Forty two percent of surveyed agencies' responses contravened state law requiring public, online access to complaint policies.



State law stipulates, and POSTC's policy reiterates, that police agencies must post complaint policies on their websites, or on the corresponding municipal website if a department does not have its own. In addition, state law and POSTC's policy require departments to make their complaint policies available at municipal buildings other than those housing police stations. These complaint policies, which are supposed to outline agencies' protocols for accepting and investigating complaints, are separate from the forms used to file complaints. Volunteers therefore asked each department if it had a written policy regarding complaints, and where to find those policies.

Survey question: Do you have a written policy about citizen complaints and the complaint investigation process?

In response to the survey question regarding whether the department had a written complaint policy, 45 percent of agencies surveyed (27 total) asserted that they had written policies. In addition, Suffield and Thomaston were unsure but stated that they believed there was a policy, and New Haven's representative was unaware of a policy but stated that the department had procedures. Six departments did not know if they had policies.

Survey question: Where could a complainant find that policy?

Agencies' responses were more troubling, however, when asked about public access to complaint policies. State law is unequivocal: each agency must post its complaint policy on its website or on a municipal website, in addition in addition to making the policy available at a municipal building other than the police department.

Out of all agencies surveyed, only six mentioned online access: Middletown, New Canaan (which was "pretty sure" it was online), North Haven, Woodbridge, the centralized state police public information officer, and Groton Long Point (whose representative was unsure if the policy was online yet, but said that a member of the public "could be provided with a copy no problem"). Groton Long Point's representative was correct—its policy was not available online. Neither, however, were North Haven or Woodbridge's policies, despite their assertions to the contrary.

Forty two percent of all agencies surveyed (25 departments total) responded in ways that contravene state law. Three departments (Seymour, West Haven, and Winchester-Winsted) indicated only that their policies were available upon request. Five (Plymouth, Putnam, Clinton, Hartford, and Trumbull) stated that a member of the public would need to go into the station or ask a manager for a copy. Later, Hartford's

representative stated that “a lot of policies are not” online, then directed the caller to a brochure on the department’s website. While directing the caller, the Hartford representative noted that the department was required to file a yearly report regarding complaints, due to a settlement in a civil rights lawsuit. Danielson-based Troop D stated that the policy was at the barracks, but the agency representative was unsure whether it was public information. Bethany-based Troop I stated that it could “not reveal that information,” but that the caller could call central barracks. New Haven’s representative, who earlier stated that he did not believe the department had a complaint policy, asserted that he did not believe the policy was online. The department policy, however, was online.

Of the 25 agencies that responded in ways that contravened state law, fourteen (23 percent of all agencies surveyed) indicated that their policies were either completely unavailable to the public or available through a freedom of information (FOI) request. Six agency representatives asserted that their department complaint policies were completely inaccessible for members of the public: Ansonia, Bridgeport, Bristol, the Metropolitan Transportation Authority, Orange, and Stamford. Stamford’s website, however, does include its policy.

There was also a disturbing trend of departments citing FOI laws when asked about access to complaint policies. Eight departments (Eastern Connecticut State University, Guilford, Norwich, Plainville, Suffield, Western Connecticut State University, Windsor, and Wolcott) mentioned FOI requests when asked about access to complaint policies. As Wolcott stated, “it’s internal,” and therefore “available [via] freedom of information.” Or, as Guilford stated, in a response that demonstrates a complete misunderstanding of the complaint process and a disturbing attitude toward members of the public, the department’s policy is available via FOI request because, “It’s not all public. We don’t want the bad guys to know how we operate.”

Few everyday members of the public are aware of FOI laws, let alone able or willing to navigate the FOI request process. An available-by-FOI-only policy violates state law and creates unnecessary impediments to transparency.

*“It’s not all public. We don’t want the bad guys to know how we operate.”
- Guilford Police Department*

*“Each law enforcement agency shall make its policy available to the public and shall ensure that: A) Copies of the policy are available at the town hall or another municipal building...other than a municipal building in which the law enforcement agency is located, and B) the policy is available on the law enforcement agency’s Internet web site or the Internet web site of the municipality served by the law enforcement agency.”
- Connecticut General Statutes § 7-294bb*

REACHING DEPARTMENTS

HOLD TIMES, TRANSFERS, AND AUTOMATED SYSTEMS

Only two agencies include “filing a complaint” as an option in their automated answering systems.

In an effort to gain a clear understanding of the initial police complaint process, during telephone surveys, volunteers recorded the time that it took to reach an agency representative, as well as the length of each phone call. Lengthy wait times or complicated telephone systems—or, on the other end of the spectrum, abrupt hang-ups or dropped calls—can create barriers to filing complaints.

In the cases of 36 agencies, volunteers were able to reach a person immediately (in five seconds or less) or in one minute one second or less. Volunteers were able to reach 14 agencies’ representatives within two minutes. Outliers included: Hartford, where it took the caller eight minutes and 50 seconds to reach a person; Middlebury, where a volunteer was unable to reach a person for three minutes; Stamford, where it took four minutes to reach a person; and Danbury, where it took five minutes and 43 seconds for the caller to reach a person.

Slightly more than half (32) of the law enforcement agencies surveyed used automated systems, which volunteers navigated in order to complete their calls. Only two agencies’ automated systems (Middlebury and Willimantic) included filing a complaint as an option for callers.

Twenty-seven agencies placed volunteers on hold at least once, with most hold times lasting less than two minutes. Outliers in this area included: Plainville and Stamford, which kept volunteers on hold for three minutes each; Suffield, which placed the caller on hold for three minutes and 30 seconds; and Guilford, which placed the caller on hold once for one minute and a second time for three minutes. Hartford placed the caller on hold twice, once for three minutes and 33 seconds, and once for four minutes and 31 seconds. Similarly, Danbury placed volunteers on hold four times: twice during the initial call, and twice during the follow-up call, with waits ranging from nine seconds to one minute and 25 seconds. Trumbull utilized its hold system more than any other department, as it placed volunteers on hold six times, with waits ranging from 41 seconds to one minute and 37 seconds.

Thirteen agencies transferred calls straight to voicemail boxes, which required follow-up calls. Nine of these (Monroe, Naugatuck, New Milford, Newtown, North Branford, Ridgefield, Rocky Hill, Waterbury, Waterford) also forwarded the follow-up caller to voicemail.

AGENCIES FROM WHICH CALLERS COULD NOT OR DID NOT GATHER INFORMATION

Callers were unable to reach 12 agencies.

As in our 2012 report, some law enforcement agencies were unable to provide volunteers with answers, directed the volunteers to voicemail boxes, ended the call abruptly or rushed the volunteer off of the phone, or hung up. At times, this resulted in callers being able to gather partial, but not complete, survey responses from certain departments.

In other instances, callers were unable to reach a person at all. In each of these situations, volunteers attempted to reach the agency a second time.

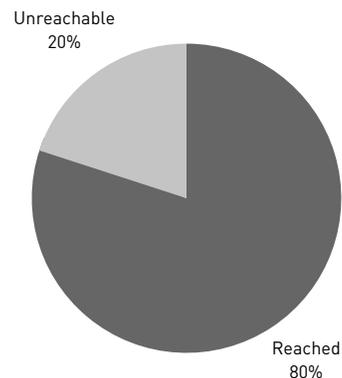
Ultimately, there were 12 agencies from which we could not collect telephone survey data, because our callers were unable to obtain answers during either of their attempts to gather information: Brookfield, Danbury, Middlebury, Monroe, Naugatuck, New Milford, Newtown, Ridgefield, Rocky Hill, Waterbury, Waterford, and West Haven. This is the second time that Monroe proved inaccessible, as ACLU-CT surveyors were also unable to gather information from the department in 2012.

The absence of information from these agencies is itself cause for alarm, as it suggests that concerned residents would be similarly frustrated in attempts to learn how to file complaints. Indeed, there is anecdotal evidence from Waterbury to support this assessment. During public forums, the ACLU-CT heard from Waterbury residents who had encountered difficulty navigating the department's complaint process.

During our first call to Waterbury, our volunteer was transferred to the front desk, which transferred her elsewhere, upon which she was disconnected. She called the community relations department, which told her to call internal affairs to speak with a sergeant. She called the sergeant and encountered his voicemail. In our second attempt to contact Waterbury, our volunteer called the front desk, which transferred her to the voicemail of a lieutenant in the internal affairs department. She attempted to call him a second time and again only reached his voicemail.

As discussed in the methodology section of this report, our telephone survey was limited to 60 law enforcement agencies, which we selected in order to create a representative sample of police practices throughout the state. We selected some of these agencies, such as state police departments and large municipal departments, solely based on the sizes of their populations served, as their websites showed that they had clearly posted both their complaint forms and policies online, in accordance with state law and policy. Even some of these agencies, however, contravened state law in their telephone survey responses. This raises serious questions about practices at other agencies that are complying with website posting requirements but were not selected for telephone survey calls. Future studies would likely benefit from including these agencies, in order to gain a broader understanding of police complaint practices throughout the state.

Agencies reached by phone after first or second attempt:



CONNECTICUT STATE POLICE

State police showed signs of improvement, but lack consistency in responses to questions about the complaint process.

We have included state police responses throughout the detailed findings of this report. Due to the scope of the state police system in Connecticut, however, it is worth describing some key findings regarding state police as a group.

When surveyed by the ACLU-CT in 2012, state police were particularly hostile and uncooperative. In this area, state police showed signs of improvement.

As in 2012, however, callers encountered inconsistencies and contradictions between state police troops' survey answers. Encouragingly, the vast majority of state police troops directed callers to dial the centralized state police public information officer at some point during the telephone survey. Two, however (Bethany-based Troop I and Danielson-based Troop D), did not. In addition, the points at which state police troops redirected callers varied.

Furthermore, some state police representatives responded to survey questions with answers reflecting state law and POSTC's model policy, but there was not uniformity between barracks on this point. For example, Montville-based Troop E told the surveyor that a complainant would need to travel to the police barracks in order to file a complaint, while all other troops either instructed the caller to dial the centralized public information officer or stated that there was a complaint form available.

POSTC COMPLAINT FORM



*"Some disincentives to reporting complaints are inherent within complaint forms themselves."
-International Chiefs of Police Association*

The POSTC "uniform civilian complaint report" form is not compliant with best practices and may undermine the complaint process in Connecticut.

As the purpose of this report was to gain insight regarding the initial steps of the police complaint process in Connecticut, the ACLU-CT also analyzed POSTC's uniform "civilian complaint report," the form that the council created to complement its complaint policy. In addition to simply accessing information regarding how to file a complaint, these forms are often one of the first entry points to the complaint process. What we discovered was disturbing. POSTC's model complaint form may sow confusion among police and members of the public alike, and it includes sections that may impede acceptance or reception of complaints. Our assessment reveals three key ways in which POSTC's model form does not adopt best practices:¹

- The form includes sections for complainants to provide their names, contact information, and dates of birth. In a requirement with dubious utility for investigating complaints but a clear risk of intimidating complainants, the form also includes space for complainants to provide their employers' names, addresses, and contact information. **It does not indicate that complainants are allowed to anonymously file complaints, and it does not clearly state that contact information is optional.** POSTC's own model policy, appropriately and in keeping with national best practice, requires all law enforcement agencies to accept all complaints, including those made anonymously. A form that omits this critical fact therefore seems to contradict POSTC's own policy.
- **The form includes space for a complainants' signature, paired with a threat of prosecution.** This section asks for complainants' signatures, in order to attest that: "I understand that making a false statement intended to mislead a law enforcement officer in his official function is a violation of Connecticut General Statute 53a-157b and could result in my arrest and being fined and/or imprisoned." There are two problems with this language. First, a signature is, by definition, a record of a person's name, yet POSTC's own policy allows complainants to file anonymously. The complaint form's signature section does not note that the signature is optional, and therefore seems to contradict POSTC's own anonymity rules. Second, mentions of prison and fines can intimidate complainants and discourage complaints, and they are not in keeping with law enforcement experts' best practices. As the U.S. Department of Justice has stated, threats of prosecution are "a well-known deterrent to filing a complaint."²

1. For best practice recommendations, see: *The International Association of Chiefs of Police, "Testimony of the International Association of Chiefs of Police, Task Force on 21st Century Policing Listening Session on Police Oversight," January 30, 2015, <http://www.theiacp.org/Portals/0/documents/pdfs/IACPTestimonyListeningSessionPolicyandOversight.pdf>.*

2. U.S. Department of Justice Civil Rights Division, "Investigation of the East Haven Police Department," December 19, 2011, https://www.justice.gov/sites/default/files/crt/legacy/2011/12/19/easthaven_findletter_12-19-11.pdf.

- Third, [the form includes a section for a notary's signature](#). Similarly to threats of prosecution, this notary signature requirement is a recognized impediment to police complaint filings. As the International Chiefs of Police Association has noted, notarization requirements, particularly when combined with threats of prosecution, frequently appear in “inadequate” police complaint processes: “Some disincentives to reporting complaints are inherent within complaint forms themselves. For instance, language on complaint forms sometimes stipulates that a civilian complaint will not be accepted unless notarized. When followed by language stating that knowingly making false, untrue, or malicious complaints will be subject to criminal prosecution, some would-be complainants may be intimidated.” POSTC’s form should not replicate these inadequacies.

3. See *supra* note 1, *The International Association of Chiefs of Police*, “*Testimony of the International Association of Chiefs of Police, Task Force on 21st Century Policing Listening Session on Police Oversight.*”

POSTC COMPLAINT POLICY

The POSTC model complaint policy includes language that may subvert the complaint process in Connecticut.



POSTC's model complaint policy incorporates many national recommendations for receiving and accepting complaints. Its language regarding accepting all complaints in all formats, barring retaliation against undocumented immigrant complainants, and requiring police departments to make complaint forms and policies accessible to the public, for instance, are all acceptable.

Our assessment, however, reveals two key areas in which POSTC's model complaint policy falls short:

- POSTC's policy **only requires "supervisory personnel" to attend "periodic refresher training, as determined by the department"** regarding complaint protocols. This top-down approach ignores the fact that all employees who interact with the public should be prepared to accept complaints. It also is not working. As demonstrated by survey responses, some agency employees are clearly confused or uncertain about complaint protocols. A training policy that leads one agency representative to say, "I don't know. I should know this," is clearly a policy that shortchanges both department personnel and members of the public alike. Every law enforcement agency in the state should therefore ensure that every employee who interacts with the public receives annual training regarding accepting and handling police complaints.
- As outlined earlier in this report, POSTC's policy **includes language that allows departments to require complainants to sign written statements under oath and after threats of arrest or imprisonment.** As discussed in the complaint form section of this report, threats of prosecution and notarization and signature requirements are known deterrents to complaint filings. Connecticut's complaint policy should therefore explicitly ban, not allow, these practices.

RECOMMENDATIONS

The Connecticut General Assembly took the right step by passing legislation to establish the minimum requirements for accepting and receiving police complaints in Connecticut. Our survey, however, reveals that some police departments have not taken that mandate seriously, and that the state still has significant work to do. To address these concerns, the Connecticut General Assembly should do five things:

1. Establish meaningful penalties for police agencies that do not comply with state complaint laws.

Police agencies' widespread lack of compliance with existing complaint law and policy only underscores that police cannot consistently police themselves in this area. In order to spur and maintain compliance, the state legislature should ensure enforcement. If a department fails to substantially comply with complaint laws, the state should levy a penalty, in the form of the withholding of state funds from the police department or the Department of Emergency Services and Public Protection. This practice has precedent in state law; the Alvin W. Penn Racial Profiling Prohibition Act adopted the same enforcement mechanism for police agencies' reporting of traffic stop data, and it has proven effective.

2. Establish an improved statewide, uniform complaint policy as state law.

Police agencies have policy guidance to create meaningful mechanisms for accepting and receiving complaints. Yet as this survey shows, many have failed to do so. To illuminate legislative intent, create uniformity among agencies, and ensure that there is no wrong door for anyone wishing to file a complaint, the Connecticut General Assembly should adopt a statewide complaint policy, based on POSTC's current model but revised to eliminate problematic language, into legislation.

3. Require law enforcement agencies to track and publicly report complaint data.

It should not take an ACLU survey to uncover police complaint information. Transparency regarding complaints can help departments and the public to identify and address issues, and it can build community trust in police. At minimum, police agencies in the state should therefore report the following information to the Office of Policy and Management each year: tracking numbers for every complaint received, the nature of the alleged misconduct that prompted each complaint, the outcomes of each complaint investigation, the dates when each complaint was filed, and the dates when each complaint investigation was resolved. As the International Association of Chiefs of Police has noted, "many agencies have become more open and transparent in their efforts to share data with the public," including data regarding "their receiving, processing, and disposing of citizen-generated complaints."¹ There is precedent for this type of data sharing in Connecticut; both the Alvin W. Penn Racial Profiling Prohibition Act and a 2014 state law governing police use of Tasers require law enforcement agencies to submit reports to the state Office of Policy and Management. This reporting, as the International Association of Chiefs of Police has explained, can improve "community trust and can help initiate and inform joint problem-solving strategies."²

1. International Association of Chiefs of Police, "Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement," September 2006, http://www.iacp.org/portals/0/pdfs/PCR_LdrshpGde_Part1.pdf

2. *Supra* note 1, International Association of Chiefs of Police, "Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement."

4. Replace the existing complaint form, created by POSTC, with a standardized form that is compliant with best practices.

In 2014, the legislature tasked POSTC, an unelected and majority law enforcement council, with creating the statewide model complaint policy and form. This extreme deference should not happen again. POSTC's policy and form include problematic language that could subvert the complaint process. In addition, police agencies are not uniformly complying even with POSTC's requirements. Establishing a meaningful police complaint process therefore requires the strength of legislative action. Just like any other publicly funded agency, police departments should expect oversight from the government, and the legislature should be up to the task.

To address disparities in how police departments accept and receive complaints and to facilitate reporting by departments, the legislature should create a uniform complaint form for all departments to adopt. This will create a level playing field among all police departments in the state, as well as ensure that there is no wrong door for any person seeking to file a complaint.

To fix existing language that could intimidate and deter potential complainants, this new form should: make clear that anonymous complaints are accepted and that all complainant contact information and names are voluntary; eliminate requests for complainants' employers' contact information; remove all references to notarization; eradicate signature requirements; and do away with references to prosecution. The legislature should further require these forms to be available at a centralized online location, as well as on all police agency websites and at municipal buildings separate from police departments themselves. While POSTC's model form is available in English and Spanish, the ultimate statewide complaint form should be posted in these and the other most commonly-spoken languages in Connecticut, in accordance with U.S. Census data.

5. Mandate complaint protocol training for all police agency personnel who interact with the public.

According to POSTC's model policy, all police agency personnel, including non-uniformed civilian employees, must accept complaints. At the same time, however, POSTC's policy only requires "supervisory personnel" to attend "periodic refresher training, as determined by the department" regarding complaint protocols. This top-down approach to training ignores the fact that "all agency personnel," not just supervisors, should be able to competently accept complaints. It also is not working. As demonstrated by many agency responses, some law enforcement employees are clearly confused and uncertain about complaint protocols. To address this problem, every police agency in the state should therefore ensure that every employee receives annual training regarding accepting and handling complaints.

APPENDIX A

Police Complaint Telephone Survey

ACLU-CT Survey: Police Accountability and Internal Affairs Practices Overview

Goals: The ACLU-CT is conducting a series of tests to determine how well police departments comply with Public Act No. 14-166. Our goals are to assess (1) how easy it is for an average citizen to get information about filing a complaint against a police officer, (2) how well employees of the police departments who interact with the public know their own procedures about filing police complaints, (3) how police complaints can be filed, and (4) what kind of restrictions exist on who can file a police complaint, and (5) the availability of police complaint forms and policies.

General Caller Instructions: Callers will be calling police departments across the state of Connecticut to ask specific questions regarding the departments' Internal Affairs policies. Callers will be calling to inquire about the procedure for filing a complaint against a police officer. It is extremely important that callers do not suggest that an actual incident occurred or provide any fictional details about an alleged incident. Providing false information to the police could result in charges for false reporting. Callers must follow the script (below) as closely as possible and record their answers in the spaces below. Calls must be made from the ACLU-CT office during office hours (9:00 am – 5:00 pm). To reiterate, it is not our intent to trick or entrap police departments or officers. We are trying to determine what information is provided to an individual inquiring about the internal affairs complaint process.

Call Instructions:

1. Please look over the script and familiarize yourself with the questions you will be asking.
2. Dial *67 in front of the police department's number in order remain anonymous.
3. Remember, you are requesting information about how to file a complaint against a police officer.
4. You have absolutely no information about the incident or even whether an incident occurred. You only want to know about the process of filing a complaint. If they won't give you any information without details of the incident, note this.
5. If asked, you do not feel comfortable giving any information including your name. If the officer pressures you, ask why they want your name and record his/her answer.
6. Please stick to the script! Only ask the exact questions in the script. Never change the wording. If the officer cannot answer a question please ask if there is someone you can speak with that can help you.
7. Please do not ask leading questions. You should only repeat the exact questions and should not initiate other questions. Feel free to repeat questions as many times as you feel you need, but you are not trying to entrap the officer. Our goal is to simply understand what information the average person would receive when asking about making a complaint.
8. Please be specific when documenting answers on the attached form. Please do not wait to fill out the form until after you have completed the call.
9. You **MUST** complete the entire form (or if questions could not be answered, please note this and why). Be sure to include the information about the department and the length of your call. Also, please keep track of the process of getting the correct person on the line to answer your questions.
10. If after three questions it becomes clear that the person who answered the phone cannot answer the questions, request to speak with a community relations officer.

APPENDIX A

Department Information

Department Name:

Telephone Number:

_*67 _____

Date/Time of phone call

****WHEN CALLING, REMEMBER TO DIAL *67 BEFORE DIALING****

Script/Questions

Before speaking with someone:

How long did it take to reach someone who could help you? _____

Did you have to navigate an automated system to reach someone? _____

Did the automated system have an option for filing a complaint? _____

Were you put on hold? _____ How many times? _____ How long? _____

How many times were you transferred? _____

Were you ever sent to voicemail? _____

Once someone is on the phone:

Hi, I am calling because I am doing a research project and am trying to get information about how to file a complaint against a police officer. I don't know anything about this sort of thing, so I was hoping you could help me.

1. Is there a form to fill out?
2. Where can someone filing a complaint find the form? Would they have to come into the police station or is there somewhere else they can pick it up?
3. Is the form available online?
 - a. (If yes) Okay, I'm on your website now, can you help me find it?

****If at this point, it becomes clear that the officer who answered the phone cannot answer these questions, ask to speak with a community relations officer or someone from Internal Affairs.**

4. Does a citizen complaint need to be notarized to be accepted?

APPENDIX A

5. Does a complainant have to come into the station to submit the form?
 - a. (If no) Is there another way? Could they mail or email it?
6. Could someone fill out the form anonymously?
7. Do you have a written policy about citizen complaints and the complaint investigation process?
8. Where could a complainant find that policy?
 - a. Is it online? Can you help me find it?

After the call, evaluate the officer's demeanor:

- Friendly & helpful
- Reserved yet helpful
- Defensive & mildly hostile
- Hostile & uncooperative
- N/A or couldn't evaluate

APPENDIX B

Town-dept	Initial Screening: Policy on website?	Initial Screening: Form on Website?	Is there a form to fill out?	Where can someone filing a complaint find the form?	Is the form available online?	Does a complaint need to be notarized to be accepted?	Does a complainant have to come into the station to submit the form?	Could someone fill out the form anonymously?	Do you have a written policy about citizen complaints and the complaint investigation process?	Where could a complainant find that policy?	Is the policy available online?	2012 How does someone filing complaint get the form?	2012 Make Complaint Anonymously?
Ansonia	No	No	Y	POLICE STATION	N	Y	Y	DON'T KNOW	Y	NOT AVAILABLE TO PUBLIC	N	POLICE STATION	UNSURE
Bethel	No	No	Y	POLICE STATION	DON'T KNOW	N/A	N/A	N	N/A	N/A	N/A	POLICE STATION	NO
Bridgeport	No	Yes	Y	POLICE STATION	N	SERGEANT SIGNS OFF	Y	N "What's the point, you know?"	Y "Have to come in to talk to someone"	NOT AVAILABLE TO PUBLIC. AT THE OFFICE. "I DON'T THINK YOU HAVE ACCESS TO IT."	DON'T KNOW "Anything is possible. I don't have the answers."	POLICE STATION; MUST SWEAR TO TRUTH OF STATEMENTS	NO
Bristol	No	Yes	Y	ONLINE OR COME IN TO SPEAK TO SGT. LT. WHO IS INTERNAL INVESTIGATOR	Y	N	DON'T KNOW. "I don't try to tell people to go online and file complaints against me."	Y "Could, but at some point [it's] not taken with much heart. Need [a] complainant for thorough investigation."	Y	NOT AVAILABLE TO PUBLIC	N "Don't believe so. [It's] internal policy guidelines for us to follow."	NO FORM; COMPLAINT TAKEN ORALLY AND IN PERSON	NO
Brookfield	No	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	POLICE STATION	NO
Clinton	No	Yes	Y	POLICE STATION	N	N but requires "Signature of person receiving [Officer] and complainant"	Y	N	Y	ASK SUPERVISOR FOR COPY	N	POLICE STATION	NO
Danbury	Yes	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	POLICE STATION	NO
Eastern Connecticut State University	No	No	Y "Who is this? What is your name? Are you a student here? I would like to know your name." Caller gave first name only, rep. pressed for last	POLICE STATION, CALL	UNDER CONSTRUCTION	Y	WOULD PREFER. "Would like them to, because [we] don't want a false complaint." Complainant "Must swear it's the truth."	Y	Y	FREEDOM OF INFORMATION REQUEST	N	NOT INCLUDED IN 2012 SURVEY	NOT INCLUDED IN 2012 SURVEY
Groton	No	No	BELIEVE SO	POLICE STATION "Come into see chief and he could help you. Understand you don't want to come here."	DON'T KNOW	"Sometimes at some departments, but don't believe ours does." Complainants "must sign that it's the truth"	N	Y "Chief will still look at it, but lacks substance."	Y	DON'T KNOW "If online yet, but could be provided with a copy no problem"	DON'T KNOW	POLICE STATION (GROTON CITY)	GROTON CITY NO
Guilford	No	Yes	Y	POLICE STATION AND ONLINE	Y	N "But more credible" if notarized	DON'T KNOW "I haven't looked at it. Does it look like you can submit it online?"	Y "Have taken complaints over the phone and arranged for them to come in or see what they want to do."	Y	FREEDOM OF INFORMATION REQUEST	N "It's in our duty manual," "It's not all public. We don't want the bad guys to know how we operate."	NO FORM	YES

APPENDIX B

Town-dept	Initial Screening: Policy on website?	Initial Screening: Form on Website?	Is there a form to fill out?	Where can someone filing a complaint find the form?	Is the form available online?	Does a complaint need to be notarized to be accepted?	Does a complainant have to come into the station to submit the form?	Could someone fill out the form anonymously?	Do you have a written policy about citizen complaints and the complaint investigation process?	Where could a complainant find that policy?	Is the policy available online?	2012 How does someone filing complaint get the form?	2012 Make Complaint Anonymously?
Hartford	Yes	Yes	Y	POLICE STATION	Y (Helped caller to find it, also noted that complainants could email without filling out form)	N	N	Y	Y	ASK SUPERVISOR FOR COPY	DON'T KNOW "Maybe. A lot of policies are not." Rep. directed caller to brochure and guide on website, noted that department files yearly report bc of consent decree	POLICE STATION OR ONLINE	NO
Metropolitan Transportation Authority	No	No	Y	POLICE STATION	N	N	N	Y	Y	NOT AVAILABLE TO PUBLIC	N/A	NOT INCLUDED IN 2012 SURVEY	NOT INCLUDED IN 2012 SURVEY
Middlebury	No	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	NO FORM	NO
Middletown	Yes	Yes	Y	POLICE STATION,MAIL	DON'T THINK SO. "I don't look at our website." Rep. went online w/caller and found it in English & Spanish	N but "Swear to it and we sign"	N	Y	Y	Y	Y	POLICE STATION; MUST BE NOTARIZED	NO
Monroe	No	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	UNABLE TO REACH SUPERVISOR TO ANSWER QUESTIONS	UNABLE TO REACH SUPERVISOR TO ANSWER QUESTIONS
Naugatuck	No	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	POLICE STATION OR ONLINE	YES
New Britain	Yes	Yes	Y	POLICE STATION	N	N	Y	N	Y	DON'T KNOW	N/A	POLICE STATION	NO
New Canaan	Yes	No	Y	POLICE STATION, "Come to station, nowhere else."	DON'T KNOW	DEPENDS. "[If] written statement, then yes"	Y	Y	Y	"Pretty sure" ONLINE	"Pretty sure" ONLINE	POLICE STATION	NO
New Haven	Yes	Yes	Y	N/A	Y	N	N/A	N "Because [it's] an investigation"	N "Not that I know of, but we have procedures"	"Not [online] that I know"	N	POLICE STATION, BY MAIL, OR ONLINE	NO
New Milford	Yes	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	POLICE STATION	NO
Newtown	No	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	POLICE STATION OR ONLINE	NO
North Branford	Yes	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	POLICE STATION	NO
North Haven	No	Yes	Y	POLICE STATION, ONLINE	Y	N	N	Y "Will look into" anonymous. "Will speak to officer complained against."	Y	ONLINE. "All policies are available to the public"	Y	POLICE STATION OR MAIL	NO
Norwalk	Yes	Yes	Y	POLICE STATION	N	UNCLEAR "Have to come in and fill it out"	Y. "[We] Don't give out forms."	N	DON'T KNOW. "What do you mean? I don't know."	N/A	N/A	POLICE STATION	NO
Norwich	No	Yes	Y	POLICE STATION	N	UNCLEAR "Get it, fill it out, we will sign"	Y "You have to come and get it. You have to turn it in to supervisor anyway. We want to figure it out."	N "Then it's not a complaint."	Y	FREEDOM OF INFORMATION REQUEST "Come in and request to speak to someone. [It] can be FOI'd"	N	POLICE STATION	YES

APPENDIX B

Town-dept	Initial Screening: Policy on website?	Initial Screening: Form on Website?	Is there a form to fill out?	Where can someone filing a complaint find the form?	Is the form available online?	Does a complaint need to be notarized to be accepted?	Does a complainant have to come into the station to submit the form?	Could someone fill out the form anonymously?	Do you have a written policy about citizen complaints and the complaint investigation process?	Where could a complainant find that policy?	Is the policy available online?	2012 How does someone filing complaint get the form?	2012 Make Complaint Anonymously?
Orange	No	No	Y	POLICE STATION	Y	N "Officers are notaries and will sign off on written complaints, but we do take verbal."	N	Y "All complaints are investigated" but "different weight" if anonymous. There's a "formal investigation if sworn written statement"	Y	NOT AVAILABLE TO PUBLIC "Just employees"	N/A	POLICE STATION	NO
Plainville	No	No	Y	POLICE STATION	NOT YET	Y	WOULD PREFER	Y	Y	FREEDOM OF INFORMATION REQUEST or request AT POLICE STATION	N	POLICE STATION, MUST SPEAK TO SERGEANT	NO
Plymouth	No	Yes	Y	POLICE STATION	N	Y	N	DON'T KNOW "What do you mean?" There's "nothing to follow up on" if anonymous. "I've never filled one out or looked at one so I don't know."	Y	AT POLICE STATION	DON'T KNOW "Ask the sergeant"	POLICE STATION OR MAIL	NO
Putnam	No	Yes	Y	POLICE STATION	NOT YET	N	N	Y	Y	AT POLICE STATION	N	NO FORM; MUST SPEAK TO CHIEF OF POLICE	YES
Redding	No	Yes	Y	POLICE STATION "There may be some left in the lobby. Many stations are going paperless. Or we could print one out."	Y	N but sworn statement is "signed in front of officer"	N	Y	DON'T KNOW	DON'T KNOW	N/A	NO FORM	NO
Ridgefield	No	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	POLICE STATION	NO
Rocky Hill	No	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	POLICE STATION	YES
Seymour	No	No	Y	POLICE STATION, MAYBE TOWN HALL	N	Y	Y	Y	Y	CAN REQUEST A COPY	N/A	POLICE STATION	NO
Southington	No	No	N, COME IN	N/A	N	N	Y to submit complaint (no form)	Y	DON'T KNOW	DON'T KNOW	N/A	POLICE STATION	NO
Stamford	Yes	Yes	Y	POLICE STATION, ONLINE, OR CALL	Y	DEPENDS if received signed, goes to internal affairs. "Depending on severity, you have to sign a written statement"	Y	DEPENDS "if rude, talk to supervisor, but can fill out the form if you want"	Y	NOT AVAILABLE TO PUBLIC "Policy is internal"	At this point, asked caller: "What is your name?" caller provided first, rep. said "that's it? Is this a school project?"	NO FORM, MUST SPEAK TO SUPERVISOR	NO
Suffield	No	No	BELIEVE SO	POLICE STATION, MAIL	N	DEPENDS on "if it's on the form"	Y	Y	BELIEVE SO	FREEDOM OF INFORMATION REQUEST	N	NO FORM, MUST SPEAK TO SUPERVISOR OR DETECTIVE	NO
Thomaston	No	No	N	N/A (no form)	N (no form)	Y "Must sign your name and hand it to the supervisor" for written complaint	Y	N	DON'T KNOW "I imagine there's a policy and procedures."	DON'T KNOW	N/A	NO FORM BUT MUST SIGN A SWORN STATEMENT	NO

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Town-dept	Initial Screening: Policy on website?	Initial Screening: Form on Website?	Is there a form to fill out?	Where can someone filing a complaint find the form?	Is the form available online?	Does a complainant need to be notarized to be accepted?	Does a complainant have to come into the station to submit the form?	Could someone fill out the form anonymously?	Do you have a written policy about citizen complaints and the complaint investigation process?	Where could a complainant find that policy?	Is the policy available online?	2012 How does someone filing complaint get the form?	2012 Make Complaint Anonymously?
Troop A - Southbury	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	Y	POLICE STATION	Y	At this point, transferred to centralized internal affairs	Central IA response: Not always	Centralized IA response: Available online	Centralized IA response: Y	Centralized IA response: Y	Centralized IA response: Y "Google search CT state police, department of emergency services, below state police, there's an online services citizens' guide. If further questions, call back."	POLICE FILL FORM OUT, ALSO AVAILABLE ONLINE	NO
Troop B - Canaan	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	Y	POLICE STATION OR ONLINE	Y	At this point, instructed to call centralized PIO	N/A	N/A	N/A	N/A	N/A	ONLINE	YES
Troop C - Tolland	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	Y	POLICE STATION	Y	At this point, instructed to call centralized PIO	N/A	N/A	N/A	N/A	N/A	AT THE TROOP BARRACKS OR ONLINE	YES
Troop D - Danielson	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	Y	ONLINE	Y	N	N	Y	Y	AT POLICE STATION. "Don't know if it's public information"	N/A	AT THE TROOP BARRACKS OR ONLINE	REFUSED TO ANSWER ANY MORE QUESTIONS
Troop E - Montville	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	COME IN TO BARRACKS	POLICE STATION	DON'T KNOW	At this point, instructed to call centralized PIO	N/A	N/A	N/A	N/A	N/A	ONLINE FORM GOES TO HQ, BARRACKS HAS NO COMPLAINT FORM	NO
Troop F - Westbrook	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	Y	POLICE STATION OR ONLINE	Y	At this point, instructed to call centralized PIO	N/A	N/A	N/A	N/A	N/A	NO FORM	YES
Troop G - Bridgeport	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	Y	CALL OR ONLINE	Y	At this point, instructed to call centralized PIO	N/A	N/A	N/A	N/A	N/A	REFUSED TO ANSWER	REFUSED TO ANSWER
Troop H - Hartford	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	Y	POLICE STATION, ONLINE, OR CALL	Y	At this point, instructed to call centralized PIO	N/A	N/A	N/A	N/A	N/A	ONLINE	UNSURE
Troop H at Bradley Airport (formerly Troop W)	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	Y	POLICE STATION "Recommend coming in"	DON'T KNOW	At this point, offered to transfer to centralized public information officer	N/A	N/A	N/A	N/A	N/A	Troop W: could not reach supervisor to answer questions	Troop W: could not reach supervisor to answer questions
Troop I - Bethany	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	Y At this point, asked if spoke with internal affairs yet	ONLINE	Y	N	N	Y	Y	"I can't reveal that information, but check with PIO or go online."	"Check online."	AT THE TROOP BARRACKS OR ONLINE	DEPENDS
Troop K - Colchester	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	At this point, instructed to call centralized PIO	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	AT THE TROOP BARRACKS OR ONLINE	YES
Troop L - Litchfield	Yes (State Police on DESPP site)	Yes (State Police on DESPP site)	Y	POLICE STATION	Y	At this point, instructed to call either master sgt. "who is not here," or centralized PIO	N/A	N/A	N/A	N/A	N/A	AT THE TROOP BARRACKS OR ONLINE	YES

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Town-dept	Initial Screening: Policy on website?	Initial Screening: Form on Website?	Is there a form to fill out?	Where can someone filing a complaint find the form?	Is the form available online?	Does a complaint need to be notarized to be accepted?	Does a complainant have to come into the station to submit the form?	Could someone fill out the form anonymously?	Do you have a written policy about citizen complaints and the complaint investigation process?	Where could a complainant find that policy?	Is the policy available online?	2012 How does someone filing complaint get the form?	2012 Make Complaint Anonymously?
Trumbull	No	Yes	Y	POLICE STATION	DON'T KNOW	Y	Y	Y	Y	ASK SUPERVISOR FOR COPY "If it's an internal policy, chief of police has to authorize."	N	POLICE STATION	YES
Waterbury	Yes	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	POLICE STATION	YES
Waterford	No	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	POLICE STATION	NO
West Haven	No	Yes	Y	N/A	N/A	N/A	N/A	N/A	N/A	CAN REQUEST A COPY	N/A	POLICE STATION OR ONLINE	NO
Western Connecticut State University	No	No	Y	POLICE STATION, CALL	DON'T KNOW "I should know this." Looked online w/caller: "I don't see it."	N	N	Y "Depending on the outcome you want, need your name." If anonymous, "won't get outcome"	Y	FREEDOM OF INFORMATION REQUEST	N/A	NOT INCLUDED IN 2012 SURVEY	NOT INCLUDED IN 2012 SURVEY
Weston	No	No	N, COME IN OR PHONE	N/A (no form)	N (no form)	N	N	Y	DON'T KNOW Requested caller speak w/supervisor at this point	DON'T KNOW	N/A	COULD NOT REACH SUPERVISOR TO ANSWER QUESTIONS	COULD NOT REACH SUPERVISOR TO ANSWER QUESTIONS
Willimantic	No	No	Y	POLICE STATION	DON'T KNOW	N "Not anymore"	Y	N	DON'T KNOW	DON'T KNOW	N/A	Windham/Willimantic: POLICE STATION	Windham/Willimantic: NO
Winchester-Winsted	No	Yes	Y	POLICE STATION	DON'T KNOW	DON'T KNOW. At this point, transferred caller to voicemail	N/A	N/A	N/A	CAN REQUEST A COPY	N	NO FORM, MUST COME TO STATION	NO
Windsor	No	No	Y	POLICE STATION	N	Y	Y	DONT KNOW	Y	FREEDOM OF INFORMATION REQUEST "Open to public, request a copy from freedom of information officer with a call or email"	N	NO FORM	YES
Wolcott	No	No	PROBABLY	POLICE STATION, MAIL	N	N	N	DONT KNOW	Y "Rules and regulations manual has a memorandum to all in department. Doesn't have a lot of details.	FREEDOM OF INFORMATION REQUEST "It's internal. Available on freedom of information."	N "It should be, but it's not."	POLICE STATION	YES
Woodbridge	No	No	DON'T KNOW "Statement is needed"	POLICE STATION FOR STATEMENT	DON'T KNOW	At this point, caller asked to be transferred to sergeant	N/A	N/A	Y	ONLINE	Y	AT STATION OR OFFICERS CAN COME TO HOUSE	YES

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State of Connecticut Police Officer Standards and Training Council Connecticut Police Academy



GENERAL NOTICE 15-03

To: Chief Law Enforcement Officers
Training Officers
Protective Services
Resident Troopers

From: Thomas E. Flaherty
Police Academy Administrator

A handwritten signature in black ink, appearing to read "Thomas E. Flaherty", written over the printed name.

Date: May 18, 2015

Subject: Council Action – Adoption of a Mandatory Uniform Policy Concerning Complaints That Allege Misconduct By Law Enforcement Agency Personnel

At the regular May, 2015 Meeting of the Police Officer Standards and Training Council on May 14, 2015, the Council adopted the attached documents entitled "Mandatory Uniform Policy – Complaints That Allege Misconduct By Law Enforcement Agency Personnel" pursuant to Public Act No. 14-166.

Also included with this notice and Policy are:

1. A standardized form to record such complaints – "Uniform Civilian Complaint Report".
2. A copy of Public Act No. 14-166.

Please note that Public Act No. 14-166 requires that "Not later than July 1, 2015, the Police Officer Standards and Training Council shall develop and implement" this policy.

Please also note that Public Act No. 14-166 Section 1. (c) requires that "Upon implementation of such policy by the Police Officer Standards and Training Council, each law enforcement agency shall, in consultation with a representative of a union that represents members of the law enforcement agency, adopt the policy implemented by said council or develop and implement an alternative policy that: (1) Addresses the issues described in subsection (b) of this section, and (2) exceeds the standards of the policy developed by said council."



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This policy and complaint form can be found as a Word Document at the POST website www.ct.gov/post.

Questions or comments may be directed to my attention in writing either by e-mail or letter.

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State of Connecticut Police Officer Standards and Training Council Connecticut Police Academy



May 14, 2015

Police Officer Standards and Training Council

Mandatory Uniform Policy

Complaints That Allege Misconduct By Law Enforcement Agency Personnel

1. Background: Public Act No.14-166 provides that "Not later than July 1, 2015, the Police Officer Standards and Training Council shall develop and implement a written policy concerning the acceptance, processing and investigation of a complaint from a member of the public relating to alleged misconduct committed by law enforcement agency personnel."

The Act also provides among other things that "Upon the implementation of such policy by the Police Officer Standards and Training Council, each law enforcement agency shall, in consultation with a representative of a union that represents members of the law enforcement agency, adopt the policy implemented by said council or develop and implement an alternative policy that: (1) Addresses the issues described in subsection (b) of this section, and (2) exceeds the standards of the policy developed by said council."

Additionally, the Act requires that "Upon the adoption of the policy developed by the Police Officer Standards and Training Council, or the implementation of an alternative policy, each law enforcement agency shall make its policy available to the public and shall ensure that:

- (A) Copies of the policy 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, and
- (B) The policy is available on the law enforcement agency's Internet web site or the Internet web site of the municipality served by the law enforcement agency."

II. Purpose: The purpose of this policy 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 law enforcement agency personnel in the State of Connecticut.



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Complaints may allege abuse of authority, corruption, criminality, poor or slow service, or other misconduct or malfeasance on the part of agency personnel.

III. Policy: 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.
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 or malfeasance of employees to a supervisor shall be subject to disciplinary action.

IV. Definitions:

1. **Complaint:** An allegation of employee misconduct or malfeasance.
2. **Complainant:** Any person who files a complaint regarding misconduct or malfeasance on the part of an agency employee.
3. **Complaint Control Number:** A unique numerical or alphanumeric code used to identify and track citizen complaint investigations.
4. **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.
5. **Employee:** Any person employed by the agency, whether sworn or non-sworn.

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6. 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.
7. Malfeasance: Illegal or dishonest activity especially by a public official.
8. Misconduct: Any act or omission by an employee that is illegal or which violates established policy.
9. Supervisor: Includes those holding the rank of Sergeant or higher.

V. Procedures:

A. 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.

B. 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

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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. Acceptance of Complaint:

a. 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.

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.

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- d. 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.
- e. If a supervisor is not readily available, the officer will inform the complainant that they will be contacted by a supervisor or the person or unit assigned to conduct internal affairs investigations by the next business day.
- f. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.
- g. 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.
- h. The withdrawal of a complaint does not prohibit the agency from completing an investigation.
- i. 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.
- j. 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. In any event, the complaint will be assigned a Complaint Control Number and forwarded as above.
- k. 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.
- l. 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

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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.

3. 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.

4. 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.

VI. 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

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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 (including the assigned number); (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 therefor 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.

VII. 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.

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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.

VIII. 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,

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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:

- a. Discredit upon the agency.
- b. Discredit upon the involved employee.
- c. Commission of a criminal offense; or
- d. 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.

IX. Training:

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.

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.

X. Public Information and Access:

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

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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.

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(Name of Law Enforcement Agency)

UNIFORM 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 of Police], [Name of Agency], [street address and/or P.O. Box], [City], Connecticut [Zip-code]. Email: xxxxxxxx@xxx.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:			
1. To your knowledge, was all or any part of the incident complained of video or audio taped by anyone?			Yes No Unsure
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>			

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Senate Bill No. 55

Public Act No. 14-166

AN ACT CONCERNING COMPLAINTS THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective July 1, 2014*) (a) Not later than July 1, 2015, the Police Officer Standards and Training Council shall develop and implement a written policy concerning the acceptance, processing and investigation of a complaint from a member of the public relating to alleged misconduct committed by law enforcement agency personnel.

(b) In developing the written policy, the council shall consider: (1) Whether all sworn officers and civilian employees of a law enforcement agency shall be required to accept a complaint alleging misconduct by the agency's law enforcement personnel, (2) the means or processes to be used for accepting such complaint from a member of the public, including the acceptance of an anonymous complaint or a complaint made by a complainant on behalf of another person, (3) the necessity of requiring a sworn statement from a complainant, (4) protections that may be afforded to a complainant who fears retaliation associated with the filing of such complaint, (5) the use of a standardized form to record such complaint, (6) permissible time frames associated with the filing of such complaint, (7) protocols for

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the investigation of such a complaint, (8) documentation requirements relating to the receipt of such complaint and its disposition, and (9) the process for informing a known complainant of the disposition of such complaint.

(c) Upon the implementation of such policy by the Police Officer Standards and Training Council, each law enforcement agency shall, in consultation with a representative of a union that represents members of the law enforcement agency, adopt the policy implemented by said council or develop and implement an alternative policy that: (1) Addresses the issues described in subsection (b) of this section, and (2) exceeds the standards of the policy developed by said council. Upon the adoption of the policy developed by the Police Officer Standards and Training Council or the implementation of an alternative policy, each law enforcement agency shall make its policy available to the public and shall ensure that: (A) Copies of the policy 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, and (B) the policy is available on the law enforcement agency's Internet web site or the Internet web site of the municipality served by the law enforcement agency.

(d) For purposes of this section, "law enforcement agency" means the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department.

Approved June 11, 2014

