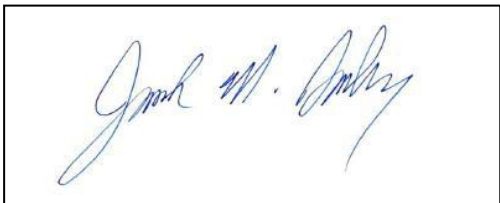
	<p style="text-align: center;">SOUTHERN CONNECTICUT STATE UNIVERSITY POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	<p style="text-align: center;">Distribution</p> <p style="text-align: center;">ALL PERSONNEL</p>	<p style="text-align: center;">General Order Number</p> <p style="text-align: center;">4.01</p>
		<p style="text-align: center;">Original Issue Date</p> <p style="text-align: center;">03/11/19</p>	<p style="text-align: center;">Reissue/Effective Date</p> <p style="text-align: center;">07/16/19</p>
<p>Order Title:</p> <p>CITIZEN COMPLAINTS</p>		<p style="text-align: center;">Accreditation Standard:</p> <p>POSTC: 1.5.9, 2.8.3</p>	<p style="text-align: center;">Section</p> <p style="text-align: center;">4</p>
		<p>Rescinds:</p> <p style="text-align: center;">15-3</p>	
<p>Section Title:</p> <p>DISCIPLINARY PROCESS</p>	 <p>Joseph Dooley, Chief of Police</p>		

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

The purpose of this policy is to provide all Southern Connecticut State University Police Department (“SCSUPD” or “Department”) employees, and the public, the procedures for accepting, processing, and investigating allegations of officer misconduct or citizen complaints. This policy defines provisions applicable only to the receipt and processing of complaints.

II. POLICY

The Southern Connecticut State University Police Department’s public image is determined by a professional response to allegations of misconduct against its employees. The establishment of procedures for the acceptance of complaints is crucial to demonstrate and protect the Department’s integrity. This Department shall accept, and fairly and impartially investigate, all complaints or allegations of misconduct to determine their validity. The Department shall timely impose any disciplinary or non-disciplinary corrective actions that may be warranted. All complaints against the SCSUPD and/or employee’s conduct shall be accepted and documented regardless of whether the complaint is filed in writing, verbally in person, by mail, by telephone (or TDD), by facsimile or electronically, or anonymously. The Chief of Police or designee will review and maintain a record of all complaints made against the agency or employees and maintain the files in a secure area.

III. DEFINITIONS

- A. Complaint: An allegation by a member of the public regarding SCSUPD services, policies or procedures, officer misconduct, claims for damages which allege officer misconduct, and any allegation of possible misconduct of a SCSUPD officer.
- B. Complainant: Any person who files a complaint regarding the conduct of any Department employee, or as a result of SCSUPD's policies, procedures, or actions.
- C. Complaint Control Number: A sequential number used to identify and track citizen complaint investigations, which is assigned by the Investigator.
- D. Critical Firearm Discharge: A discharge of a firearm by a SCSUPD officer, but does not include range and training discharges and discharges at animals.
- E. Discipline: A written reprimand, suspension, transfer, demotion, or dismissal.
- F. Employee: Any person employed by the SCSUPD, whether sworn or non-sworn, part-time or full-time.
- G. External Complaint: A complaint that originates from outside the department.
- H. Internal Complaint: A complaint that originates from within the SCSUPD or within the Southern Connecticut State University. Such complaints may be initiated by Southern Connecticut State University employees, other SCSUPD employees or from supervisors who observed, or were informed by other employees, of possible policy violations.
- I. Malfeasance: Illegal or dishonest activity especially by a public official.
- J. Misconduct: Any conduct by a member or employee that violates law, Rules of Conduct, General or Administrative Orders, and/or lawful orders.
- K. Office of the Chief of Police: The designated Division with primary responsibility for conducting internal affairs investigations of Administrative or Citizen Complaints of Misconduct.
- L. Officers: Any law enforcement officer employed by, or assigned to, the SCSUPD, whether on or off-duty, including supervisors and members authorized to carry department issued weapons.
- M. Summary Action: Disciplinary action in the form of an oral reprimand, counseling or training documented in writing, taken by an officer's supervisor or commanding officer for minor violations of department rules, policies, or procedures as defined by the Department. Summary actions are the lowest level of disciplinary action.
- N. Supervisor: Police officer with the rank of Sergeant or higher who has the authority to make decisions, evaluate, investigate and impose disciplinary measures over the personnel assigned to their Division or Unit.

IV. PROCEDURE

A. Professional Standards

The Office of the Chief has primary and oversight authority over investigations of allegations of misconduct made against employees. Upon receipt of a complaint, the Chief of Police will ensure that the complaint is assigned to the Lieutenant or designated supervisor through the appropriate chain of command. The Lieutenant or designated supervisor is responsible for the following:

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 prosecution of criminal misconduct discovered on the part of a SCSUPD member during the course of any internal affairs investigation;
5. Gathering evidence and recommending the prosecution of cases in which criminals have attempted to bribe SCSUPD members and/or other public officials;
6. Recommending prosecution of those who falsely report that a SCSUPD member has committed a crime; and
7. Preparing suggested revisions of SCSUPD Policy and Procedures where existing deficiencies have been a contributing factor to misconduct;

B. Public Information and Access

1. The SCSUPD Chief of Police will:
 - a. Ensure informational materials are made available to the public through police personnel, police department, the police agency web site, the University web site , the internet, library, student center, and at other designated public facilities.

- b. Ensure placards describing the complaint process, including relevant phone numbers and address where complaints can be made, are permanently posted at the SCSUPD and within the campus of the Southern Connecticut State University.
 - c. Ensure that copies of this policy and complaint forms are available at the SCSUPD lobby and at the Adanti Student Center Substation. This information should include relevant phone numbers and any address where a complaint can be made. This information must explain the complaint process in English and Spanish.
 - d. Ensure that all complainants receive a written response from the agency.
- 2. Officers will also carry the complaint form provided by the SCSUPD in their vehicles at all times while on duty. Officers will inform citizens of their right to make a complaint against an officer if the citizen is displeased with, or objects to, an officer's conduct or performance of his/her duties.
 - 3. The completed complaint forms may be mailed, faxed, emailed or hand-delivered to the University Police Department.
 - 4. This policy and the complaint form will be made available online on the SCSUPD website: <https://go.southernct.edu/forms/university-police-civilian-complaint/>

C. Acceptance/ Filing of Complaints

1. General

- e. The SCSUPD encourages citizens to bring forward legitimate complaints regarding possible misconduct or malfeasance by members. SCSUPD officers will not discourage or retaliate against any person from making a complaint.
- f. During the complaint intake process, no questions about the immigration status of the Complainant shall be asked to him/her.
- g. All officers must courteously inform an individual of his or her right to make a complaint if the individual objects to a member's conduct. This includes any complaints made by an individual who is in SCSUPD custody and/or a holding cell.
- h. Officers have a duty to assist any person who wishes to file a citizen's complaint by providing them with a citizen complaint form, or by promptly putting the complainant in contact with a Supervisor who can assist them with filing their complaint. 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, will receive adequate language assistance to permit them to file their complaint and to assist the internal affairs investigator, 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.

- i. No officer shall refuse to assist any person who wishes to file a citizen complaint or discourage, interfere with, hinder, delay, or obstruct a person from making a citizen complaint;
- j. The withdrawal of a Complaint does not prohibit the SCSUPD from conducting and completing an investigation.
- k. Officers, who withhold information, fail to cooperate with departmental investigations, or who fail to report the misconduct of members to a Supervisor shall be subject to disciplinary action.

D. Complaint Intake Procedure

1. All Citizens will have the right to lodge a complaint against any employees of the SCSUPD:
 - a. Complaints may be received in writing or verbally, in person, by mail, telephone (TDD), facsimile, electronic mail, or by any other means.
 - b. Anonymous and third party complaints will be accepted.
 - c. SCSUPD employees will maintain professional decorum both on and off duty, and will refrain from using abusive language to citizens wishing to file complaints or inquire about the complaint process.
2. SCSUPD employees will assist those who express the desire to lodge complaints against any SCSUPD employee. This includes, but is not limited to:
 - a. Calling a Supervisor to the scene to conduct a preliminary inquiry and document the complaint (for example, summoning the Supervisor of the officer against whom the complaint is made);
 - b. Calling a supervisor immediately when a SCSUPD employee receives a complaint about his/her own conduct.
 - c. Explaining the Department's complaint procedures;
 - d. Providing complaint form(s) and/or complaint brochures, or give instructions as to where form(s) and/or brochures could be obtained.

3. SCSUPD officers who are approached by a person seeking to make a complaint will, when possible, call for a Supervisor, obtain a brief description of the allegation, record contact information (name, address, phone number) from the Complainant, obtain a CCN number, and provide the CCN number to the Complainant.
4. If a Supervisor is not readily available, the officer will inform the complainant and advise them that they may respond to the police department to file his/her complaint. The Officer may also inform the complainant that they will be contacted by the Office of the Chief of Police by the next business day.
5. Every effort shall be made by all members to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. Any member who interferes with, discourages, hinders, retaliate or delays the making of complaints shall be subject to disciplinary action.
6. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor.
7. 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.
8. In all cases where a Complaint is made or received, the Shift Supervisor/OIC must submit a memorandum to the Chief of Police providing details and circumstances surrounding the Complaint. The memorandum is due no later than at the end of the Supervisor's shift in which the Complaint was made.
9. Headquarters Requirements:
 - a. If a person comes into headquarters seeking to make a complaint, an on-duty Supervisor will immediately be notified, who will then respond to headquarters to conduct a preliminary inquiry of the complaint.
 - b. If a supervisor cannot respond to headquarters within a reasonable period, communications personnel will provide the Citizen Complaint Form to the person wishing to file a complaint.
 - c. The Supervisor or person taking the complaint may describe facts that bear upon a Complainant's demeanor and physical condition, but will not include his or her opinion regarding the mental competency or veracity of the complainant.
 - d. The Supervisor or person taking the complaint will issue the complainant a copy of the Citizen Complaint Form, which they will be allowed to review prior to leaving the station. The complaint will be forwarded to the Chief of Police or designee and will receive a complaint control number when assigned by the Chief

of Police to the Lieutenant or other designated supervisor. The assigned investigator may issue another copy of the form to the Complainant once a CCN has been assigned.

- e. The Supervisor or person taking the complaint will advise the Complainant of the investigative process relative to their complaint, prior to the Complainant leaving the station.
- f. The Supervisor or person that took the complaint from the Complainant shall forward the complaint immediately to the Office of the Chief of Police.

E. Validity and Timeliness of Complaints

1. Complaints by persons Under the Influence of Alcohol or Drugs: When a person who is noticeably intoxicated or impaired wishes to make a complaint, he or she shall be encouraged to wait until the earliest opportunity after he or she has regained sobriety to do so. When the Supervisor determines the circumstances require immediate action, preliminary details of a complaint should be taken by a Supervisor, when available, regardless of the person's sobriety. In that event, the internal affairs designee should re-interview the person after he or she has regained sobriety
2. Delayed or Untimely Complaints: Complaints of misconduct or malfeasance shall be accepted regardless of when the alleged misconduct or malfeasance is alleged to have occurred. However, the timing of a complaint is one of the circumstances that the agency may consider in determining whether misconduct or malfeasance can be reliably substantiated and, if so, the nature and extent of discipline to be imposed. Where a delay in reporting alleged misconduct may call into question the veracity of the complainant, or has resulted in the loss or destruction of evidence or the inability to locate witnesses due to the passage of time, the facts and circumstances should be detailed in the report.
3. 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.

F. Complaints Through Alternative Methods

1. All Complaints received during regular business hours (0800-1600) will immediately be forwarded to the Office of the Chief of Police. If a complaint is received after business hours it will be forwarded to the Office of the Chief of Police, during the next business day. If a Complaint is of a serious nature, the Chief of Police will be immediately notified regardless of the time it was filed. The Lieutenant or Supervisor designated by the Chief of Police to investigate the Complaint will attempt to contact

the Complainant as soon as possible, but no more than twenty-four (24) hours after being notified, to complete the Citizen Complaint Form and initiate the investigation.

2. Shift Supervisors will ensure that brochures, compliment, and complaint forms are always available at their assigned command, conspicuously displayed, and accessible to the public.
3. Complaints received in writing, or by mail, telephone (TDD), facsimile, electronic mail, or by any other means will be processed as follows:
 - a. The Office of the Chief of Police will assign a CCN, following the same procedures described in this policy for obtaining a control number;
 - b. A letter of acknowledgement must be sent to the Complainant providing him/her with the CCN, advising him/her that the matter is being investigated, and that they will be contacted by the assigned Investigator.
 - c. The assigned Investigator will contact the Complainant as soon as possible after sending the letter of acknowledgement;
 - d. Telephone (TDD) complaints shall be referred to a Supervisor. If a Supervisor is not available at the moment the SCSUPD employee who receives the complaint shall obtain the contact information of the complainant and shall notify a Supervisor who shall call the Complainant back to obtain the details of the Complaint.
 - e. The Chief of Police will determine, based on the complaint, whether the matter will be investigated by the Lieutenant or a Supervisor, or whether the matter will be referred to the subject officer's supervisor through the chain of command for further investigation; and
 - f. All complaints shall be investigated in accordance with the policies and procedures of the SCSUPD (Refer to Misconduct and Citizen Complaint Investigations, and Use of Force Investigation Policies.)

G. Complainant Who Fears Retaliation Associated with Filing a Complaint

1. If a Complainant expresses fears of retaliation as a result of filing a Complaint, he/she must be assured that those fears will be taken seriously. Complainants should be asked to provide the basis for his/her concerns, if possible, and the information provided should be noted in the Complaint. This will allow the Chief of Police, Lieutenant or Internal Affairs Investigator to be aware of these fears and develop reasonable strategies to assist the Complainant in dispelling those fears.

H. Investigations of Complaints

1. The Chief of Police or the Chief's designee shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Internal Affairs investigations shall be 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.
2. 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.
3. 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.
 - a. Where prior notification of the subject of a complaint is reasonably likely to impede the progress of an investigation, result in the loss or destruction of evidence, or jeopardize the safety of any individual, the Chief of Police may direct in writing that such notification be delayed, stating the reasons therefore and the anticipated extent of the delay.
4. 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.

I. Review of The Investigation

1. The designated internal affairs investigator's supervisor shall review the investigation to determine the thoroughness, completeness, accuracy and objectivity of the investigation.
2. The completed report of the investigation, disciplinary recommendation, if any, and the recommended disposition shall be reviewed by the Chief of Police or the designee of the Chief of Police.

3. The complainant shall be promptly notified in writing of the status and/or disposition of his or her complaint at the conclusion of the investigation by the Chief of Police or his designee.
4. Findings of completed investigations and disciplinary recommendations, if any, shall be promptly conveyed, in writing, to the employee through his or her chain of command.

J. Case Dispositions –Standards:

For each charge or allegation of misconduct or malfeasance which forms the basis for an internal affairs investigation, such charge or allegation shall be classified upon closing of the investigation in one of the following manners:

- a. Exonerated: The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.
- b. Unfounded: The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of did not occur.
- c. Not Sustained: The investigation was unable to determine by a preponderance of the evidence whether or not the misconduct or malfeasance complained of occurred, or whether or not it was committed by the subject of the investigation.
- d. Sustained: The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of occurred and that it was committed by the subject of the investigation.
- e. Misconduct Not Based on Original Complaint: The investigation determined by a preponderance of the evidence that other misconduct or malfeasance which was not the basis for the original investigation occurred, was discovered during the course of the original investigation, and was committed by the subject of the investigation.
- f. Withdrawn: At some point prior to the completion of the investigation, the complainant notified the agency that he/she wished the investigation to be discontinued and concurrence for this action was obtained from the Chief of Police.
- g. Summary Action: Disciplinary action in the form of an oral reprimand, or counseling documented in writing, was taken by an employee's supervisor or commander for minor violations of department rules, policies or procedures as

defined by this agency. Summary actions are the lowest level of disciplinary action or remediation.

h. Reconciled: At the discretion of the Chief of Police, the process of reconciliation may be encouraged in lieu of any of the above dispositions. When authorized by the Chief of Police, supervisors receiving complaints shall to the extent possible, bring together the complainant and the officer or employee involved in minor violations and attempt reconciliation. This may be used where the complaint is from a misunderstanding on the part of the affected officer, employee or the complainant. Reconciliation may be employed for complaints of a minor nature that do not reflect:

1. Discredit upon the agency.
2. Discredit upon the involved employee.
3. Commission of a criminal offense; or
4. Allegations of racism, bigotry or prejudice against any race, religion, creed, national origin, sexual orientation, or circumstances beyond the individual's control.

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

K. 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.