

	STAMFORD POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution ALL PERSONNEL	General Order Number 4.01
		Original Issue Date 12/01/21	Effective Date 12/10/21
Order Title: CITIZEN COMPLAINTS		Accreditation Standard: POSTC: 1.5.9; 2.8.3	Section 4
		Section Title DISCIPLINARY PROCESS	
Rescinds: 2010 - Complaint Policy Overall and General Guidelines		Timothy Shaw, Chief of Police	

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

I. PURPOSE

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

II. POLICY

The Stamford 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 Department and/or employee conduct shall be accepted and documented regardless of whether the filed complaint is in writing, verbally in person, by mail, by telephone (or TDD), by facsimile or electronically, or anonymously. The Chief of Police or his designee will maintain a record of all complaints made against the agency or employees and maintain the files in a secure area.

III. DEFINITIONS

Complaint: An allegation by a member of the public regarding Department services, policy or procedure, officer misconduct, claims for damages which allege officer misconduct, and any allegation of possible misconduct of a Stamford officer, or any non-sworn employee assigned to the Police Department.

Complaint Control Number (CCN): A sequential number used to identify and track citizen complaint investigations, which is assigned by the Internal Affairs Commander.

Administrative Inquiry: A complaint that originates from the Office of the Chief. Such complaints may be reported (written or oral) by other Stamford employees or from supervisors who observed, or were informed by other employees, of possible policy violations.

Verbal Counsel: An action in the form of an oral reprimand, or counseling documented in writing, taken by an officer's supervisor or commander for minor violations of department rules, policies, or procedures as defined by the Department.

IV. PROCEDURE

A. Internal Affairs

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 or his designee will assign the Internal Affairs Commander to investigate the complaint or refer it to the appropriate unit or designated Supervisor for investigation through the appropriate chain of command. The Internal Affairs Commander is responsible for the following:

1. Investigating and recommending the prosecution of criminal misconduct on the part of Department member;
2. Preparing suggested revisions of Department Policy and Procedures where existing deficiencies have been a contributing factor to misconduct;

B. Public Information and Access

1. The Stamford Chief of Police or his designee will:
 - a. Ensure informational materials are made available to the public through police personnel, police department, internet, and at designated public facilities.
 - b. Ensure policies and forms describing the complaint process, including relevant phone numbers and addresses where complaints can be made, are permanently posted at the Stamford Police Department and the City and Police websites.
2. 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. Forms will be available online and at the front desk of Police Headquarters.

3. The completed complaint forms may be faxed, mailed, emailed, or hand-delivered.
4. The Department will provide a written response to all complainants concerning the outcome of the complaint.
5. The Department will assure that appropriate steps are taken to provide protections that might be afforded to a complainant who fears retaliation associated with filing a complaint.

C. Complaint Intake Procedure

1. All Citizens will have the right to lodge a complaint against any employee of the Stamford Police Department:
2. Officers who are approached by a person seeking to make a complaint will, when possible, call for a supervisor.
3. If a supervisor is not readily available, the officer will inform the complainant how to file a complaint.
4. Headquarters Requirements:
 - a. If a person comes into headquarters seeking to make a complaint, they will be provided a citizen complaint form and spoken to by either the Desk Duty Sergeant or the Front Desk Personnel regarding the process.
 - b. The person taking the complaint will issue the complainant a copy of the completed Citizen Complaint Form, upon request, which they will be allowed to review prior to leaving the station.

D. Complaints Through Alternative Methods

1. If a complaint is received at the office of the Chief of Police the Internal Affairs Commander will be immediately notified. The Internal Affairs Division will attempt to contact the complainant as soon as possible, after being notified, to inform receipt of complaint and initiate the investigation.
2. Complaints received in writing, or by mail, telephone (TDD), facsimile, electronic mail, or by any other means will be processed as follows:
 - a. The Internal Affairs Division will assign a CCN, following the same procedures described in this policy for obtaining a control number;

- b. The Internal Affairs Division will contact the Complainant to acknowledge receipt of the complaint.
- c. The Internal Affairs Commander will determine, based on the complaint, whether the matter will be investigated, or whether the matter will be referred to the subject officer's supervisor through the chain of command for further investigation; and
- d. All complaints shall be investigated in accordance with the policies and procedures of the Department (Refer to Misconduct and Citizen Complaint Investigations, and Use of Force Investigation Policies.)

E. 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, regardless of the person's 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. 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.
- c. 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. 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

4.01 Revision History

December 10, 2021 (New) - TS