

Hamden Police Department General Orders

Policy Number: 005-001

Effective Date: 09/21/2023

Section: General Operating Procedures

Rescinds: 04/13/2017

Title: Ethics and Integrity Unit Complaint
Process

Approved By: Police Commission

Approval Date: 09/19/2023

PURPOSE

The purpose of this policy is to comply with Public Act No. 14-166 and to provide a uniform policy and procedure to all Hamden Police Department employees (the Department”) and the public for accepting, processing, and investigating, complaints from a member of the public alleging misconduct or malfeasance by Department personnel. Complaints may involve allegations of abuse of authority, corruption, criminality, poor or slow service, or other misconduct or malfeasance on the part of department personnel The policy defines provisions applicable only to the receipt and processing of complaints.

POLICY

The Department 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 Department 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. Employees 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.

Hamden Police Department General Orders

BACKGROUND

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 a department employee, including third parties such as witnesses, community-based organizations, or anonymous persons.
3. Ethics & Integrity: A unique numerical or alphanumeric code used to identify and track citizen complaint investigations.
4. Discipline: Adverse action taken by the department against any employee as the result of a sustained Ethics and Integrity investigation including, but not limited to, a written reprimand, suspension, demotion, or dismissal.
5. Employee: Any person employed by the department, whether sworn or non-sworn.
6. Ethics and Integrity 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.

Hamden Police Department General Orders

PROCEDURES

A. Ethics and Integrity 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.

B. 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.

Hamden Police Department General Orders

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 the investigation.
4. Identifying and recommending for appropriate investigation and prosecution criminal misconduct discovered on the part of any individual during the course of an Ethics and Integrity investigation.
5. Preparing suggested revisions of Department Policies and Procedures where existing deficiencies have been a contributing factor to misconduct.

C. Acceptance, Filing and Intake of Complaints:

1. General:

All persons are encouraged to bring forward legitimate complaints regarding possible misconduct or malfeasance of employees of this department. All personnel shall be required to accept a complaint alleging misconduct or malfeasance by department 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. The Supervisor shall document (i.e., email or memorandum) the Ethics and Integrity Division immediately upon receipt of the 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 the Hamden Police Department Civilian Complaint Form is modeled after the standardized form adopted by the Police Officer Standards and Training Council for such documentation. Each complaint shall be assigned an Ethics & Integrity Number (EIN) to track complaints and a copy of this form shall be filed in a separate Complaint File.

Hamden Police Department General Orders

- 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 department. This includes:
 - 1. Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint.
 - 2. Explaining the Department's complaint procedures.
 - 3. Providing complaint form(s) and/or complaint filing information and/or giving instructions as to where the complaint forms may be obtained.
 - 4. Ensuring that complainants, who are unable to read, write or understand the English language with sufficient proficiency to fill out the complaint form, or to be interviewed regarding their knowledge of the incident complained of, receive adequate language assistance to permit them to file their complaint and assist, as needed, in the investigation thereof. The name and identifying information of any person providing such language assistance to a complainant shall be recorded on the complaint form or in the body of the report.
- d. 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 an Ethics & Integrity Number (EIN) 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 investigations into employee conduct investigations by the next business day.
- f. 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).

Hamden Police Department General Orders

- h. The withdrawal of a complaint does not prohibit the department 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 designee where they will be officially received. These complaints shall be assigned an Ethics & Integrity 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 Ethics and Integrity designee. After the complaint is received and properly documented.
 - k. Telephone complaints shall be referred to a supervisor or the Ethics and Integrity designee. The person 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 department is approached by a complainant expressing allegations of misconduct or malfeasance shall immediately be reported to a supervisor. The complainant shall be requested to await the arrival of the supervisor. If a supervisor is unavailable, or the complainant is unable to await the arrival of a supervisor, the complainant should be informed that he/she may respond to the department 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 Ethics and Integrity designee should re-interview the person after he or she has regained sobriety.

Hamden Police Department General Orders

- 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 department 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.

Upon receipt of a civilian complaint the department shall, in writing, immediately notify the accused employee of said complaint. The department shall then notify the accused employee within thirty (30) calendar days of any charge preferred, specifying the charges in writing and a copy thereof given to the employee.

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 Ethics and Integrity designee to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

Hamden Police Department General Orders

D. Investigation of Complaints:

- a. The Chief of Police or designee shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Ethics and Integrity investigations shall be completed in a timely manner. The Department will strive to complete investigations within 120 days, however, the Chief of Police may in his sole discretion extend the time period for completion 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 department 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 the collective bargaining agreement. An employee who is the subject of a complaint shall be notified in writing within five (5) business days of the receipt of such complaint of; (1) the fact that a complaint has been made, (2) the identity of the complainant, if known, (3) the substance of the complaint, (4) the law or policy that is alleged to have been violated, and (5) the date upon which the investigation is expected to be completed.
 1. Where prior notification of the subject of a complaint is reasonably likely to impede the progress of an investigation, result in the loss or destruction of evidence, or jeopardize the safety of any individual, the Chief of Police may direct in writing that such notification be delayed, stating the reasons therefore and the anticipated extent of the delay.
- d. Nothing in this policy precludes the Chief of Police from referring an Ethics and Integrity investigation to an outside department if such action would be in the best interest of the municipality and of justice.

Hamden Police Department General Orders

E. Review of the Investigation:

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

F. Case Dispositions — Standards:

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

- a. **Exonerated**: the complaint or incident did occur but the actions of the member(s) involved were proper and lawful.
- b. **Unfounded**: The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of did not occur.
- c. **Not Sustained/Substantiated**: 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/Substantiated**: 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 (s) of the investigation.

Hamden Police Department General Orders

- 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 department 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 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 department. 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 department.
 - 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.

Hamden Police Department General Orders

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 department.

G. 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 "sign off" on this policy in Power DMS and complete periodic tests in Power DMS.

All supervisory personnel will be required to attend periodic refresher training, as determined by the department, regarding the policies and procedures contained herein and professionally accepted practices related to conducting internal investigation.

H. Public Information and Access:

The Chief of Police will:

- a. Ensure informational materials are made available to the public through police personnel, the police department facility, the police department web site, the general government web site of the department, 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 Government Center, Miller Memorial Library, Whitneyville Branch Library, Brundage Community Branch, and Keefe Center. This information should include relevant phone numbers and any addresses where complaints can be made. This information must explain the complaint process in English and Spanish.
- c. The complaint policy and forms should be made available online where the department, or the municipality served by the law enforcement department, has an Internet website.
- d. Provide the Police Commission with monthly reports detailing the number and type of civilian complaints, how many were substantiated, and the nature of any disciplinary and/or non-disciplinary corrective action taken. The monthly report shall also include the number and type of any investigations that have been open for more than one hundred twenty (120) days, if any, and any extenuating circumstances.

Hamden Police Department Departamento de Policías

Ciudadano Formulario de Queja

Por favor complete este formulario y llévelo a un supervisor en el departamento de policías o lo puede mandar por el correo o correo electrónico a la Oficina de Asuntos Internos (Internal Affairs Unit) de esta agencia. La dirección es: Acting Chief Timothy Wydra, Hamden Police Department, 2900 Dixwell Ave Hamden Ct. 06518. Email: ethicsandintegrity@hamdenpd.com

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

Hamden Police Department

CIVILIAN COMPLAINT REPORT

Please give this completed document to an employee of the Police Department or send it to the Ethics and Integrity Unit of this agency at the following address or email: Acting Chief Timothy Wydra, Hamden Police Department, 2900 Dixwell Ave Hamden Ct., 06518 Email: ethicsandintegrity@hamdenpd.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	
Witness Information (Name, D.O.B., Address, Telephone #, etc.)			
Please provide answers to the following questions:			YES NO UNSURE
1. To your knowledge, was all or any part of the incident complained of video or audio taped by anyone?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2. Are you afraid for your safety, or that of any other person, for any reason as a result of making this complaint?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3. Has anyone threatened you or otherwise tried to intimidate you in an effort to prevent you from making this complaint?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4. Are you able to read, write and speak the English Language?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
5. If your answer to Question #4 is "No" or "Unsure", have you been provided with adequate language assistance to help you understand and fill out this form?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<i>(If you answered "Yes" to any of the above questions, please provide details below.)</i>			



Signature of person receiving complaint	Complaint Control Number
--	---------------------------------