

	BRIDGEPORT POLICE DEPARTMENT	Distribution ALL PERSONNEL	General Order Number <b>4.01</b>
	POLICY AND PROCEDURE GENERAL ORDER	Original Issue Date 03/27/18	Reissue/Effective Date 2-20-20
Order Title:  <b>CITIZENS COMPLAINTS</b>		Accreditation Standard: POSTC: 1.5.9, 2.5.6(b)	Section  4
		Section Title DISCIPLINARY PROCESS	
Rescinds: 1.8.1		<b>Armando J. Perez, Chief of Police</b>	

*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 Bridgeport Police 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 Bridgeport 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 Bridgeport Police 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 Commander of Internal Affairs will maintain a record of all complaints made against the agency or employees and maintain the files in a secure area. The Commander of Internal Affairs is responsible for administrating the complaint process in conformance with this directive and relevant state law.

## III. DEFINITIONS

Barros Decree: Civilian Complaint Process, US District Court, Civil Action No. B-482 (RCZ).

Complaint: An allegation by a member of the public regarding Bridgeport services, policy or procedure, officer misconduct, claims for damages which allege officer misconduct, and any allegation of possible misconduct of a Bridgeport officer.

Complainant: Any person who files a complaint regarding the conduct of any Department employee, or the Bridgeport's policies, procedures, or actions.

Complaint Control Number: A sequential number used to identify and track citizen complaint investigations, which is assigned by the Professional Standards Commander.

Critical Firearm Discharge: A discharge of a firearm by a Bridgeport officer, but does not include range and training discharges and discharges at animals.

Discipline: A written reprimand, suspension, demotion, or dismissal.

Officers: Any law enforcement officer employed by, or assigned to, the Bridgeport Police Department, whether on or off-duty, including supervisors and members authorized to carry department issued weapons.

Employee: Any person employed by the Bridgeport Police Department, whether sworn or non-sworn.

External Complaint: A complaint that originates from outside the department.

Internal Complaint: A complaint that originates from within the Bridgeport Police Department. Such complaints may be initiated by other Bridgeport employees or from supervisors who observed, or were informed by other employees, of possible policy violations.

Internal Affairs: The designated Division with primary responsibility for conducting investigations of Administrative or Citizen Complaints of Misconduct.

Misconduct: Any conduct by a Bridgeport employee that violates Bridgeport Police Department policy or the law.

Summary Action: Disciplinary 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. Summary actions are the lowest level of disciplinary action.

Supervisor: Includes those holding the rank of Sergeant or higher.

## IV. ORGANIZATION

1. The Barros Decree, US District Court, Civil Action No. B-482 (RCZ), as modified 01 Aug 85, states the following with regard to the organization of the Office of Internal Affairs.

*“The Office of Internal Affairs, which has been removed from the direction chain of command of the Police Department and reports to and is governed by the Board of Police Commissioners with regard to recruitment, discipline and operation, all of which shall be governed by the rules and regulations of the civil service, but shall not be subject to modification by the collective bargaining agreement, shall be adequately staffed and funded to carry out the purposes of this Decree without undue delay.”*

2. The Office of Internal Affairs reports to the Board of Police Commissioners and is removed from the normal chain of command of BPD, except for internal investigations ordered by the Chief of Police for matters not governed by the Barros Decree, pursuant to his authority to discipline members of the Department.
3. The staffing needs of the Office of Internal Affairs are determined by the Board of Police Commissioners.
4. The Officer-in Charge of the Office of Internal Affairs may be nominated by the Mayor and ratified by the Board of Police Commissioners. The Officer-in-Charge will operate the Office of Internal Affairs in accordance with the current operative Barros Decree and report to the Board of Police Commissioners.

## V. PROCEDURE

### A. Internal Affairs

The Commander of Internal Affairs has primary and oversight authority over investigations of allegations of misconduct made against employees. Upon receipt of a complaint, the Internal Affairs Commander will assign an investigator 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. Coordinating with other agencies for the prosecution of criminal misconduct on the part of a Bridgeport Police Department member;

2. On-Sight violations of the criminal code shall be handled by the patrol division and follow current policies and procedure as to the required notifications. The Internal Affairs Division shall be notified relative to actions taken regarding members of service and alleged criminal conduct.
3. Preparing suggested revisions of Bridgeport Policy and Procedures where existing deficiencies have been a contributing factor to misconduct;
4. Recommending prosecution of those who falsely report that a Bridgeport Police Department member has committed a crime.

#### B. Public Information and Access

1. The Division Commanders will:
  - a. Ensure informational materials are made available to the public through police personnel, police department, internet, libraries, community groups/community centers, and at designated public facilities.
  - b. Ensure placards, in both English and Spanish, describing the complaint process, including relevant phone numbers and address where complaints can be made, are permanently posted at the Bridgeport Police Department.
2. Officers will carry the complaint form provided by the Bridgeport Police Department, which explains the complaint process in English, and Spanish 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 faxed, emailed, hand-delivered, or deposited in the provided drop-box at any department facility.
4. The Department will provide a written response to all complainants
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. Acceptance/ Filing of Complaints

1. General
  - a. The Bridgeport Police Department encourages citizens to bring forward legitimate complaints regarding possible misconduct by

members. Bridgeport Police officers will not discourage any person from making a complaint.

- b. 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 Bridgeport Police Department custody and/or a holding cell.
  - c. 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.
  - d. 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;
  - e. 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.
  - f. Citizen Complaints that are investigated shall include, but are not limited to, the following areas:
    - 1) Excessive force and physical brutality.
    - 2) The entering and searching of homes without warrants or legal excuse.
    - 3) The false or illegal arresting without probable cause or warrant.
    - 4) The illegal detaining or imprisoning without probable cause or legal excuse.
    - 5) The refusal to provide proper medical attention.
    - 6) The failure or refusal to give or provide the proper police
    - 7) Protection from criminal acts to the public.
    - 8) The abuse, harassment, or intimidation of citizens because of race, creed, sex, religion or national origin.
    - 9) Sensitive criminal investigations.
2. The Citizen Complaint Form will be utilized when a citizen desires to make a formal complaint with regard to police conduct or police services. (Click link to view Citizen Complaint Form (English):  
<https://powerdms.com/link/BRIDGEPORT/document/?id=769684>  
Citizen Complaint Form (Spanish):  
<https://powerdms.com/link/BRIDGEPORT/document/?id=769689>

Note: Any anonymous complaints that are accepted shall be done in compliance with the Bill of Rights, as written in the appropriate article of the Contract between the City of Bridgeport and Local 1159, and as outlined within the appropriate section of the contract.

[https://www.bridgeportct.gov/filestorage/341307/341411/AFSCME\\_Local\\_1159\\_CBA\\_July\\_1%2C\\_2012\\_to\\_June\\_30%2C\\_2016\\_%28POLICE%29.pdf](https://www.bridgeportct.gov/filestorage/341307/341411/AFSCME_Local_1159_CBA_July_1%2C_2012_to_June_30%2C_2016_%28POLICE%29.pdf)

3. Complaints received, whether written or oral, in person or by telephone, shall be referred to or accepted by the senior supervisory patrol officer on-duty.
4. The officer receiving the complaint shall advise the complainant that he must complete a Citizen Complaint Form and that the form must be submitted within 60 days either from the date of the incident or from the date of final disposition or criminal charges against the complainant as a result of said incident.
5. The complainant may have with him a third party to assist in the preparation of the Citizen Complaint Form.
6. The complainant may complete the form at the office where it was obtained or may take the form and return it when it is completed.
7. Upon accepting a completed Citizen Complaint Form the officer who is accepting the form will:
  - a. Ensure that the form is properly completed.
  - b. Ensure that the complainant signs the form.
  - c. Ensure that the completed CC-1 is subscribed and sworn to by the complainant.
  - d. Inform the complainant of the identity of the Police Officer(s) complained about if the information is reasonably available or that the Office of Internal Affairs will notify the complainant as to the name(s) of the Police Officer(s) involved within 30 days. In addition, upon the completion of the investigation the Office of Internal Affairs will notify the complainant in writing as to the results of the investigation and the reasons for reaching such results.
  - e. Inform the complainant that personnel conducting the investigation will obtain affidavits and/or sworn statements from witnesses and that investigative personnel may wish to take more detailed sworn statements and/or affidavits from the complainant in the near future.

- f. Upon receipt of the Citizen Complaint Form, the officer receiving the complaint will obtain a file number from the Complaint Bureau and complete an Incident Report relative to the complaint being filed. Report code 4306 shall be utilized.
- g. A copy of the Citizen Complaint Form and the Incident Report shall be given to the complainant at the time of the complaint acceptance.
- h. The officer receiving the complaint will be responsible for forwarding the original Citizen Complaint Form and a copy of the Incident Report in a sealed envelope bypassing the chain of command to the Office of Internal Affairs.

#### D. Complaint Intake Procedure

1. All citizens will have the right to lodge a complaint against any employees of the Bridgeport Police Department:
  - a. Complaints may be received in writing or verbally, in person, by mail, telephone (TDD), facsimile, electronic mail, or by any other means.
    - 1) Complainants must complete a Citizen Complaint Form, and that the same must be submitted within (60) days of either the date of the incident or from the date of the final disposition of criminal charges against the complainant as a result of said incident.
  - b. Anonymous and third party complaints will be accepted.
    - 1) Complainants must complete a Citizen Complaint Form, and that the same must be submitted within (60) days of either the date of the incident or from the date of the final disposition of criminal charges against the complainant as a result of said incident
  - c. 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. Employees will assist those who express the desire to lodge complaints against any 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. Explaining the Department's complaint procedures;
  - c. Providing complaint form(s) and/or complaint brochures, or give instructions as to where form(s) and/or brochures could be obtained.
3. Officers who are approached by a person seeking to make a complaint will, when possible, call for a supervisor,
  4. If a supervisor is not readily available, the officer will inform the complainant that they can go to the Department's front desk and see a supervisor.
  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, or delays the making of complaints shall be subject to disciplinary action.
6. 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, the front desk officer will provide the Citizen Complaint Form to the person wishing to file a complaint.
    - c. The supervisor 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 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 citizen's complaint form will be assigned a file number.
    - e. The person taking the complaint will advise the complainant of the investigative process relative to their complaint, prior to the complainant leaving the station.

#### 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, the Supervisor, when available, should take preliminary details of a complaint 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.

Although allegations of criminal behavior may be made past the expiration of the applicable statute of limitations and criminal prosecution may be no longer possible, a criminal violator may still be held accountable administratively.

#### F. Complainant Who Fears Retaliation Associated with Filing a Complaint:

If a complainant expresses fear 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.

#### G. 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 Commander will attempt to contact the complainant as soon as possible.
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 Internal Affairs Commander will assign a file number, following the same procedures described in this policy for obtaining a control number;

- b. Within a reasonable amount of time of receipt of the complaint, the Internal Affairs Commander will contact the Complainant to acknowledge receipt of the complaint and provide the Complainant with the file number and make arrangements for the complainant to swear to the contents in the form;
- c. The Commander of Internal Affairs 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 Bridgeport Police Department (Refer to Misconduct and Citizen Complaint Investigations, and Use of Force Investigation Policies.)