

	DARIEN POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution:	General Order Number:
		ALL PERSONNEL	4.01
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		07/16/2024	06/01/2026
Order Title: CITIZEN COMPLAINTS		Accreditation Standard:	Section:
		POSTC: 1.5.9; 2.8.3	4
		Section Title: DISCIPLINARY PROCESS	
Rescinds: 08/02/2024		Jeremiah P. Marron Jr., 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 General Order is to provide all Darien Police Department (“Department”) employees, and the public, the procedures for accepting, processing, and investigating allegations of officer misconduct or citizen complaints. This General Order defines provisions applicable only to the receipt and processing of complaints.

II. POLICY

The Darien 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 phone (or TDD), by facsimile or electronically, anonymously or filed by a third party. The Chief of Police or designee will maintain a record of all complaints made against the Department or employees and maintain the files in a secure area. The Field Services Bureau Captain is responsible for administrating the complaint process in conformance with this directive and relevant state law.

It is the policy of the Darien Police Department that there shall be no retaliation, in any form, by any employee of the Department directed at any individual who makes a complaint, or conducts or cooperates with an investigation into employee misconduct. At no time during the complaint intake process, should an officer inquire into the complainant’s immigration status. Finally, officers who withhold information, fail to cooperate with departmental investigations, or who fail to report alleged misconduct, malfeasance, misfeasance or nonfeasance of employees to a supervisor shall be subject to disciplinary action.

III. DEFINITIONS

Citizen Concerns: Complaints of low-level concerns or misunderstandings that generally involve dissatisfaction with the service provided or other alleged allegations unrelated to conduct. For example, delay in or slow response, miscommunication or lack of follow-up, perceived rudeness that does not rise to the level of misconduct or unmet service expectations. This level of complaint may be conducted with supervisory review and determination if the situation should rise to an internal affairs or administrative inquiry level.

Complaint: An allegation by a member of the public regarding Department services, policy or procedure, employee misconduct, malfeasance, misfeasance or nonfeasance, claims for damages which allege employee misconduct, and any allegation of possible misconduct of a Department employee.

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

Complaint Control Number (CCN or "Incident Number"): An incident number used to identify and track citizen complaint investigations, which is assigned by a Captain.

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.

Employee: Any person employed by the Darien 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 Department. Such complaints may be initiated by other Department employees or from supervisors who observed, or were informed by other employees, of possible policy violations.

Malfeasance: Illegal or dishonest activity especially by a public official.

Misconduct: Any conduct by a Department employee that violates Department General Order, policy, procedure, or the law.

Misfeasance: Improper, careless, or negligent performance of a lawful act.

Nonfeasance: Failure to act when there is a duty or an obligation to do so.

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

Summary Action: Action (oral reprimand or counseling documented in writing) taken by an officer's supervisor or commander for minor violations of Department General Orders, rules,

policies, or procedures as defined by this Department. Summary actions are the lowest level of disciplinary action generally handled by first line supervisors.

Supervisor: Includes those holding the rank of Sergeant or above, or anyone acting in those capacities, any other sworn or non-sworn manager authorized to carry department-issued weapon(s), or any other individual authorized by the Chief of Police.

IV. PROCEDURE

A. Field Services Bureau Commander

The Office of the Chief of Police has primary oversight authority over investigations of allegations of misconduct made against employees. Upon receipt of a complaint, the Chief of Police will assign the Field Services Bureau Captain to investigate the complaint or refer it to the appropriate unit, Division or designated supervisor for investigation through the appropriate chain of command. The Field Services Bureau Captain 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. Investigating and recommending the prosecution of criminal misconduct on the part of a Department employee;
4. Preparing suggested revisions of Darien General Orders, policies and procedures where existing deficiencies have been a contributing factor to misconduct;
5. 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.
6. Recommending prosecution of those who falsely report that a Department employee has committed a crime.
7. 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.

B. Public Information and Access

1. Ensure informational materials concerning the process to register a complaint against the Department or an agency employee or commend the agency or

agency employee are made available to the public through police personnel, police department, town hall, and their applicable websites, libraries, community groups/community centers, and at designated public facilities.

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. The methods of filing such a complaint, and where and how a complaint form can be obtained, will be explained in straightforward fashion.
3. The completed complaint forms may be mailed, faxed, emailed, or hand-delivered.
4. The Department will provide a written response to all complainants. At a minimum, complainants will be notified of the following:
 - a. Verification that the complaint has been received;
 - b. Investigative updates every 60 days if the investigation remains open; and
 - c. Notification that the investigation has concluded.
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 Department encourages citizens to bring forward legitimate complaints regarding possible misconduct by members. Darien police officers will not discourage any person from making a complaint, and all employees are required to accept a complaint alleging misconduct or malfeasance by agency personnel.
 - b. All employees must courteously inform an individual of their right to make a complaint if the individual objects to an employee's conduct. This includes any complaints made by an individual who is in Department custody and/or a holding cell.
 - c. During the complaint process, no questions shall be asked of the complainant related to their immigration status.

- d. 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.
- e. 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;
- f. 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 Darien Police Department:
 - a. The use of a standardized form to record complaints shall be implemented using the standardized form adopted by POSTC for such documentation, or a standardized form that exceeds the model form adopted (See Darien Police Department Civilian Complaint Report form). 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 will be accepted in writing or verbally, in person, by mail, telephone (TDD), facsimile, electronic mail, or by any other means.
 - c. Anonymous and third party complaints will be accepted.
 - d. 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 (e.g., 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 giving instructions as to where form(s) and/or brochures could be obtained.
 - d. 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.
- 3. Employees 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, date of birth, phone number) from the complainant, assign an incident number (CCN) utilizing the proper call type, normally "CIVCMP" (Civilian Complaint) and close out the incident as a report (R).
- 4. If a supervisor is not readily available, the employee will inform the complainant and advise them that they will be contacted by a supervisor or the Field Services Bureau Captain by the next business day.
- 5. Every effort shall be made by all Department employees to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. Any employee who interferes with, discourages, hinders, or delays the making of complaints shall be subject to disciplinary action.
- 6. 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. The withdrawal of a complaint does not prohibit the agency from completing an investigation.
- 9. Headquarters Requirements:
 - a. Walk-in complaints shall be referred to a supervisor who shall receive and properly document the complaint. The supervisor shall then forward the complaint to the appropriate Bureau Captain and assign a CCN when the issue is beyond a "citizen concern" as defined in this General Order.

- b. If a supervisor cannot respond to Headquarters within a reasonable period, Communications personnel will provide the complaint form to the person wishing to file a complaint.
- c. The 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 person taking the complaint will issue the complainant a copy of the complaint form, which they will be allowed to review prior to leaving Headquarters. If the complaint form has not been assigned a CCN at the time the complaint is taken, another copy of the form will be delivered (emailed/mailed) to the individual once a CCN has been assigned.
- e. The person taking the complaint will advise the complainant of the investigative process relative to their complaint, prior to the complainant leaving Headquarters.

10. Telephone Complaints

- a. Telephone complaints shall be referred to a supervisor. The person taking the complaint shall obtain the details of the complaint as soon as practicable, contact a supervisor and complete the aforementioned complaint process steps.

11. Field Complaints

- a. Complaints from the field in which any employee of the agency 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 they may respond to headquarters to make their complaint.

E. Complaints Through Alternative Methods

- 1. 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 a CCN. 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.

2. The Department will ensure that brochures, compliment/commendation, and complaint forms are always available at headquarters, conspicuously displayed, and accessible to the public.
3. Complaints received in writing, or by mail, phone (TDD), facsimile, email, or by any other means will be processed as follows:
 - a. The Field Services Bureau Captain will assign a CCN, following the same procedures described in this General Order for obtaining a control number;
 - b. Within three (3) business days of receipt of the complaint, the Field Services Bureau Captain will contact the complainant to acknowledge receipt of the complaint and provide the complainant with the CCN;
 - c. The Chief of Police will determine, based on the complaint, whether the matter will be investigated, or whether the matter will be referred to the subject employee's supervisor through the chain of command for further investigation; and
 - d. All complaints shall be investigated in accordance with the General Orders, policies and procedures of the Department. See General Order [*4.02: Investigating Misconduct and Citizen Complaints*](#).

F. 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, they shall be encouraged to wait until the earliest opportunity after they have regained sobriety to do so. When a 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~~ they have 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.

G. Complainant Who Fears Retaliation Associated with Filing a Complaint:

- a. 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 investigating supervisor or internal affairs designee to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.

H. Training

- a. All supervisory personnel will be required to attend training on the department's complaint policies/General Orders and the responsibilities of supervisors conducting internal investigations.
- b. 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.