



<b>Quality Control, Internal Investigations and Discipline</b>	Related Policies: Code of Conduct, Internal Investigations
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes : T.20 VSA Sec 2401 (4) ; T.1 VSA Sec 313 (1-10)	
Date Adopted:	Review Date: Every 2 years after adoption

## POLICY

This Policy provides citizens and employees the ability to bring forward complaints about the conduct of members of the Bennington Police Department (BPD) whenever that citizen or employee believes a member has acted improperly; and establishes a process which enables the BPD to initiate positive, corrective action, discipline, and re-training or education for improper conduct while protecting members from unwarranted criticism for properly discharged duties.

This Policy serves as a component of the BPD’s effective internal affairs program as contemplated in 20 V.S.A. § 2401 (4).

### COMPLAINTS

All complaints will be investigated in accordance with federal and state law, the Town of Bennington’s Personnel Policy, the New England Police Benevolent Association Working Agreement (“Working Agreement”), BPD Internal Affairs Policy & Procedures, and procedures adopted by the BPD to implement this Policy.

Allegations of violations of the BPD's policies and procedures may be initiated from within or outside of the BPD. Every such allegation and/or charge will be investigated by the BPD and reviewed by the Lieutenant and Chief of Police.

An employee electing to lodge a complaint against another employee may transmit the complaint verbally or in writing to their immediate supervisor. The supervisor shall document the complaint in writing and notify the Chief of Police, via the chain of

command. Should the complaint be against a supervisor, the Chain of Command shall dictate who shall receive the complaint. Should it be against the Chief, the Town Manager shall be the recipient of the complaint.

A citizen or other civilian verbally lodging a complaint against a member will be asked to document the complaint by completing a "Citizen's Complaint Form", which requires the complainant's name, address and telephone number and a brief statement describing the incident. If complainant elects not to fill out the Complaint Form, the person receiving a verbal complaint shall endeavor to obtain pertinent facts from the complainant and then refer the complaint to the On Duty Supervisor, who shall fill out the "Citizen Complaint Form" with as much information as is available. All complaints must be reported to the Chief of Police, via the Chain of Command.

The Chief of Police shall review every Complaint received by the BPD and shall determine what further investigation is necessary to make a determination with respect to the Complaint. The Chief will forward all relevant information to the Lieutenant whenever the Chief shall determine that further investigation is necessary.

Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of every Complaint. Any member of the BPD who interferes with, discourages, or delays the making of such complaints, shall be subject to disciplinary action.

A "Citizen's Complaint Form" shall be available to the public.

## **INVESTIGATIONS**

The Chief of Police shall oversee investigations. Upon completion of investigations, the investigator in charge shall prepare a report of findings, which shall be promptly furnished to the Chief of Police, through the Chain of Command.

Upon completion of the Chief's decision-making process, the results of investigations of complaints shall be provided to the Town of Bennington's Community Policing Advisory Review Board (CPARB). Should CPARB wish to review the complaint or other incident, the Chief shall provide CPARB with all information gathered in the course of the investigation redacting names as appropriate. The information provided to CPARB shall exclude personnel records as protected under Vermont law, and any disciplinary action taken as a result of an internal investigation. Review by CPARB shall be performed in accordance with its mandate as set forth in "Resolution for Community Policing and Review Board" as the same may be amended by the Select Board from time to time. Upon completion of any such review, CPARB will share its impressions with the Chief of Police, in Executive Session to the extent such review implicates the provisions of 1

V.S.A §313(a)(1)-(10). The Results of CPARB's review shall be given in an open session of a CPARB meeting.

The Chief of Police shall maintain a complete record of complaints. These records shall be maintained separate from all other department records and shall be strictly confidential to the extent allowed by law.

The Chief of Police or the Chief's designee shall ensure the following with regards to maintaining contact with the original complainant:

1. The complainant (if known) shall be advised when their complaint is received.
2. When reasonably requested, the complainant will be periodically informed as to the status of their complaint.
3. Reasonable efforts shall be taken to notify the complainant, in writing, of the outcome of the investigation.

### **ONGOING ASSESSMENT**

On an ongoing basis, the Chief of Police shall compile a statistical summary of all complaints investigated. This summary shall be made available to BPD members and to CPARB. If the summary report indicates the need for training is detected, the CPARB may make appropriate recommendations to the Chief of Police. Additionally, each instance in which a complaint is received is an opportunity to examine practices, procedures, and conduct. Each should be examined and alterations to policy, practice, or operations may be necessary, unless it involves mandated policies and procedures in the State of Vermont.

This Policy is hereby adopted by the Bennington Select Board on this  
\_\_\_ day of \_\_\_\_\_, 2023.

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Select Board Chair

This Policy is hereby adopted by the Chief of Police of the Town of Bennington, Vermont this \_\_\_\_\_ day of \_\_\_\_\_, 2023 and is effective as of this date until amended or repealed.

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Paul J. Doucette, Chief of Police