

Complaint Process (draft 1)

Initiating the Complaint:

Create a centralized portal so a formal complaint goes to both the BPD and Citizen's Board (and possibly Select Board?), so the latter 2 are aware a complaint was filed.

Citizens' Board can offer basic information on where and how to start complaint process. If the complainant requires, Citizens' Board can provide a referral to advocacy and assistance through local social service organizations. (Relationships with and trainings for referral organizations will need to be developed)

Initiation of complaint starts timeline. The Police Chief must provide status updates regarding the investigation to the complainant, their advocate (if they have one), and Citizens' Board (and possibly Select Board?).

Police Report Investigation:

Upon closure of an internal investigation, the Police Chief will report to the Citizens' Board in writing, within 30 days of the complaint decision, (provided that if ongoing disciplinary or criminal proceedings or investigations preclude the Police Chief from making the report in that time, then the Police Chief will make the report within 14 days after conclusion of those proceedings/investigations). In extenuating circumstances, these time limits may be extended, but only for a reasonable time, explained in writing by the Police Chief.

The report will state the Police Chief's determinations as to:

- ∞ the facts of the incident;
- ∞ whether there was any inappropriate conduct by the BPD;
- ∞ any discipline that has been or will be imposed;
- ∞ any changes in BPD policies or procedures that ought to be made as a result of the incident.

Internal Investigation Review by Citizens' Board

Once the person's complaint is investigated by the police, if the complainant, others involved (including BPD), or Citizens' Board feel more action is required, the Citizens' Board will do a review. The request for a review can be done anonymously.

There is no time limit, the Citizens' Board will exercise appropriate caution in reviewing an incident that is not recent, but will recognize that no matter how old an incident is, it may hold lessons for the future.

Citizens' Board gathers information from the complainant, willing third parties, and publicly available sources; interviews the Police Chief, Deputy

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Police Chief, or Professional Standards Section Lieutenant. The Citizens' Board may, during the course of its investigation, request additional information from any source.

The BPD will make available to two or three designated Citizens' Board members (called "Information Managers"), all records, data, and other requested information relevant to the complaint. The Information Managers will not disclose confidential information or records and will be subject to the same penalties as the legal custodian of the information or records for any unlawful or unauthorized disclosure. The Information Managers will work with the Police Chief, Town Attorney, Town Manager, Town Information Technology Any Citizens' Board member, liaison or advocate who has access to the details of the complainant's identity will sign appropriate confidentiality agreements.

Should the Police Chief and/or Town Manager fail to respond, the Selectboard will compel response. If they *cannot* respond, the chief will offer an explanation to the Selectboard and Citizens' Board in writing as to why.

Response to Review

When the Citizens' Board has completed its review of an incident, it will issue a report to the Police Chief, the Town Manager, and the Town Attorney. Except in cases filed anonymously, the Citizens' Board will also issue its report to the complainant, and, in most cases, it will issue its report to the public.

The Citizens' Board's final report about an incident will state its conclusions, including:

- ∞ whether under the facts and circumstances there was any inappropriate conduct by the police;
- ∞ what the response of the BPD and, if appropriate, of the Town, should be or should have been;
- ∞ any items discovered in the review that would add an additional ground for complaint to what had originally been filed; and
- ∞ any changes in policies or procedures that ought to be made as a result of the incident.

Citizens' Board could also offer many out-of-the-box modes to resolve complaints, including but not limited to:

- ∞ facilitating sessions in which persons involved in the incident and others with an interest in it (including representatives of the BPD) can participate on a voluntary basis, the aim being to achieve fuller mutual understanding without recrimination.

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- ∞ establishing a dispute resolution process If a complainant so requests it, or provide opportunities to discuss the report.
- ∞ Hosting forums and listening sessions

Following any of these, the Citizens' Board may, if it deems it appropriate, issue a supplemental report. Of course, these kinds of solutions would only be implemented with the full agreement and buy-in from those involved, and with full confidentiality assured

If the Citizens' Board's final report recommends action by the Police Chief or the Town Manager, the person to whom the recommendation is directed will respond to the Citizens' Board in writing, and will endeavor to respond within 30 days or a reasonable time frame. The response will state with particularity

- ∞ the extent to which the Town/BPD accepts the recommendations;
- ∞ the actions, if any, that the Town/BPD has taken or will take in acting on the recommendations; and
- ∞ to the extent that the Town/BPD does not accept the recommendations, the reasons why.

Data

- ∞ The Citizens' Board will develop a system for classifying complaints received by the Citizens' Board by the type of misconduct alleged
- ∞ Citizens' Board, in conjunction with BPD, will develop a system for recording and tracking informal complaints that come through other sources besides the formal written complaint process.
- ∞ Citizens' Board will issue an annual report containing the number and type of complaints, which also covers response, patterns, outcomes and solutions

Prohibition Against Retaliation and Intimidation.

Retaliation, threatened retaliation, and intimidation of a complainant or witness, or any other person involved in a review by a Town employee or Board member against anyone for their involvement in the complaint or incident review process is strictly prohibited.

- ∞ Violation of Town policy prohibiting retaliation and intimidation will be regarded as a separate and distinct incident, regardless of any action taken with respect to the underlying incident.
- ∞ Violation of this policy may result in discipline, up to and including termination of employment. When the BPD informs a police officer of a complaint in accordance with the collective bargaining agreement, the

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BPD will reference these provisions regarding retaliation and intimidation.