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March 10, 2022

Mr. Alfred Wilcox  
10 Rivers Ridge Rd.  
Old Saybrook, Ct. 06475

Re: Board of Police Commissioners By-Laws

Dear Mr. Wilcox:

At your request, I have reviewed the proposed changes and additions to the Board of Police Commissioners By-Laws. There were four sections, being:

1. Complaints Made to Commissioners
2. Public Comment
3. Police Commissioners Correspondence
4. Responsibilities of Commissioners as to Inquiries

I have reviewed these items with reference to the presently adopted By-laws, last amended in 2020, the contract between the Town of Old Saybrook and the Connecticut Organization of Public Safety Employees for Period July 1, 2020 to June 30, 2024, the Old Saybrook Department of Police Services General Order 4.6, Section 7-294(bb) of the Connecticut General Statutes which require said Order, and the legal opinion dated February 14, 2022 issued by Atty. Christopher M. Hodgson regarding the "authority of the Old Saybrook Police Commission and Police Chief for the operations of the Old Saybrook Police Department". My comments are as follows:

1. Complaints Made to Commissioners:

This proposed amendment is significant in that it sets up a procedure which appears to be equal to and is an alternative to the procedure set forth in General Order 4.6 of the Police Department. This is a substantial change from the existing procedure for handling such complaints under General Order 4.6. It would seem that if there is a complaint about the conduct of the employees of the department, then that complaint should be referred immediately to the Chief of Police, to be handled under General Order 4.6. As proposed, it would be possible for a complaint about a member of the Police Department be referred for processing to an entity set forth in subparagraphs (b) (c) (d) and (e), without any prior knowledge of the complaint by the Police Department.

This, in my opinion, is directly in conflict and inconsistent with the provisions of Order 4.6. This is not good policy, and being in conflict with the provisions of Section 7-294(bb), is illegal and should not be adopted by the Commission. I have attached to this opinion as "Exhibit A" a copy of Section 7-294(bb) for your ready reference. This statute is entitled "State and local police policy concerning complaints from the public alleging misconduct committed by law enforcement personnel". In subsection (b) it provides that Police Officers Standards and Training Council (known as POSTC) shall be charged with developing a written policy concerning the acceptance processing and investigation of complaints from members of the public relating to alleged misconduct committed by law enforcement agency personnel. In subsection (c) it requires each law enforcement agency, in consultation with a representative of a union that represents members of such law enforcement agency, to adopt the policy implemented by POSTC or to develop an alternative policy that addresses all the elements of the POSTC policy and exceeds the standards of the policy developed by POSTC. The Commission's proposed by-law amendments do not address the elements of the POSTC policy or exceed the standards of the policy developed by POSTC.

This was enacted as Public Act 14-166, and it became effective July 1, 2014. The Act required that POSTC adopt a written policy requiring handling these citizen's complaints and requiring the local Police Department to implement that policy. This is the basis for the adoption of General Order 4.6. (I attach hereto a copy of "Police Officer Standards and Training Council - Mandatory Uniform Policy Complaints – Complaints That Allege Misconduct By Law Enforcement Agency Personnel" dated May 14, 2015 for your ready reference.

Further, in the opinion the Police Commission solicited from Bercham Moses, Attorney Hodgson opined that there is no specific grant of authority to the Police Commission in Old Saybrook to deviate from POSTC policy. He further states that the Police Commission would adopt POSTC policies as recommended by the Police Chief.

I also have a problem with the provision under Paragraph #3 with regard to receiving such complaints in Executive Session. A review of such a complaint is not a permitted reason under Section 1-200(C) of the FOI Act to hold an Executive Session. There may be circumstances where the subject matter of the complaint will allow the Commission to review it in Executive Session, but it would have to be for one of those specific reasons set forth in Section 1-200(C). Under the provisions of that section, there has to be a determination and affirmative vote of the Commission to go into Executive Session for that specific reason. Also, of particular concern of the proposal under the provisions of Section 3(a) through (f), is that it would appear that the Commission could bypass the provisions of Section 4.6 and delegate the handling of the citizen's complaint to a variety of outside agencies. This would appear to deprive the Police Department of its ability to handle complaints about its operations to outside parties who have no legal authority or experience to handle such matters. Also, the provisions proposed for Paragraph 3(e) to "conduct a preliminary investigation itself", may very well result in a disqualification of members of the Commission with regard to

its overall function to provide disciplinary action or discharge of members of the Department.

## 2. Public Comment:

This proposal is to amend the present subparagraph #4 under the heading of “Public Comment, Conduct and Procedure” on Pages #7 and #8 of the By-laws. It appears that this section is to be read, together with the provisions of the newly proposed “complaints made to commissioner”. It is my opinion that to adopt this section is to reinforce the possibility that complaints against the Department and its employees be handled initially and through conclusion by the Commissioners themselves. For the reasons set forth in the preceding paragraph, I do not think this is either appropriate, desirable, or legal.

## 3. Police Commission Correspondence.

I assume that your proposal is to substitute a new draft under this heading, and to repeal the present section under Paragraphs #8 and #9 of the By-laws. The present By-laws indicate that complaints about the Police Department activities be referred to the Chief of Police for processing under Section 4.6. The new section nowhere refers to Section 4.6, or for that matter, the Police Department itself. I do not think this is a good idea, and I would recommend that it not be adopted. Underlying all of this is my concern about protecting the Police Department, the police officers, (and ultimately the Town), from legal claims. Any By-laws that do not require immediate notification to the Police Department of the complaint about the action of its officers might expose the Town to legal liability because of inaction. This should not be encouraged or facilitated under your By-laws.

## 4. Responsibilities of Commissioners as to Inquiries:

This appears to be a proposed new section of your By-laws. This section should be read with the existing section “Investigation of Personnel-Related Matters”. Since a member of the Commission may at any time be called upon to vote on important personnel-related matters, it is, in my opinion, extremely important that any Commissioner so voting not only be free of any bias against the officers, but also of anything which would be an appearance of bias or pre-judgment. If an individual Commission member has become personally involved in the incident, or in the investigation of the incident, it is my opinion that that person should automatically be disqualified.

As noted earlier in this opinion, I have carefully reviewed the legal opinion issued to the Commission dated February 14, 2022 by Atty. Christopher M. Hodgson. I fully support his opinion, especially the comment in his “Conclusion” that although the Police Commission has broad oversight under the provisions of CGS 7-276, that the members of the Police Department, acting through the “Chief”, are responsible for all operations regarding criminal law enforcement. I believe his opinion coincides with the legal

opinions which have been rendered to the Commission and to the Police Department over the last several years by my office and also Labor Counsel, Patrick McHale.

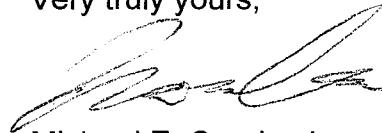
I would recommend that the following paragraph be added to this proposed By-Law:

“The individual members of the Commission are advised that they have no independent authority to speak for or take action on behalf of the Commission unless they are specifically authorized to do so by a majority vote of the Commission”.

The reason for this concern is that by encouraging Commissioners to discuss matters related to the Commission’s responsibilities with citizens risks creating confusion as to whether comments made by individual Commissioners represent the opinion of the Commission as a whole. To avoid such confusion, I believe best practice is that any discussion of Commissioners about the business of the Police Commission should be limited to discussion on posted agenda items at a public meeting.

If you need any further comments from me, or clarification of my positions stated herein, please do not hesitate to contact me.

Very truly yours,



Michael E. Cronin, Jr.

MEC:nl

- c.c. Hon. Carl Fortuna, First Selectman
- c.c. Chief of Police, Michael Spera
- c.c. Patrick McHale, Labor Counsel

Conn. Gen. Stat. 7-294bb State and local police policy concerning complaints from the public alleging misconduct committed by law enforcement personnel (General Statutes of Connecticut (2022 Edition))

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**§ 7-294bb. State and local police policy concerning complaints from the public alleging misconduct committed by law enforcement personnel**

(a) Not later than July 1, 2015, the Police Officer Standards and Training Council shall develop and implement a written policy concerning the acceptance, processing and investigation of a complaint from a member of the public relating to alleged misconduct committed by law enforcement agency personnel.

(b) In developing the written policy, the council shall consider:

(1) Whether all sworn officers and civilian employees of a law enforcement agency shall be required to accept a complaint alleging misconduct by the agency's law enforcement personnel,

(2) the means or processes to be used for accepting such complaint from a member of the public, including the acceptance of an anonymous complaint or a complaint made by a complainant on behalf of another person,

(3) the necessity of requiring a sworn statement from a complainant,

(4) protections that may be afforded to a complainant who fears retaliation associated with the filing of such complaint,

(5) the use of a standardized form to record such complaint,

(6) permissible time frames associated with the filing of such complaint,

(7) protocols for the investigation of such a complaint,

(8) documentation requirements relating to the receipt of such complaint and its disposition, and

(9) the process for informing a known complainant of the disposition of such complaint.

(c) Upon the implementation of such policy by the Police Officer Standards and Training Council, each law enforcement agency shall, in consultation with a representative of a union that represents members of the law enforcement agency, adopt the policy implemented by said council or develop and implement an alternative policy that:

(1) Addresses the issues described in subsection (b) of this section, and

(2) exceeds the standards of the policy developed by said council. Upon the adoption of the policy developed by the Police Officer Standards and Training Council or the implementation of an alternative policy, each law enforcement agency shall make its policy available to the public and shall ensure that:

(A) Copies of the policy are available at the town hall or another municipal building located within the municipality served by the law enforcement agency, other than a municipal building in which the law enforcement agency is located, and

(B) the policy is available on the law enforcement agency's Internet web site or the Internet web site of the municipality served by the law enforcement agency.

(d) For purposes of this section, "law enforcement agency" means the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department.

**Source:**

(P.A. 14-166, S. 1.)

**History:**

Added by P.A. 14-0166, S. 1 of the Connecticut Acts of the 2014 Regular Session, eff. 7/1/2014.



# State of Connecticut

## Police Officer Standards and Training Council

### Connecticut Police Academy



May 14, 2015

### Police Officer Standards and Training Council

#### Mandatory Uniform Policy

#### Complaints That Allege Misconduct By Law Enforcement Agency Personnel

**1. Background:** Public Act No.14-166 provides that "Not later than July 1, 2015, the Police Officer Standards and Training Council shall develop and implement a written policy concerning the acceptance, processing and investigation of a complaint from a member of the public relating to alleged misconduct committed by law enforcement agency personnel."

The Act also provides among other things that "Upon the implementation of such policy by the Police Officer Standards and Training Council, each law enforcement agency shall, in consultation with a representative of a union that represents members of the law enforcement agency, adopt the policy implemented by said council or develop and implement an alternative policy that: (1) Addresses the issues described in subsection (b) of this section, and (2) exceeds the standards of the policy developed by said council."

Additionally, the Act requires that "Upon the adoption of the policy developed by the Police Officer Standards and Training Council, or the implementation of an alternative policy, each law enforcement agency shall make its policy available to the public and shall ensure that:

- (A) Copies of the policy are available at the town hall or another municipal building located within the municipality served by the law enforcement agency, other than a municipal building in which the law enforcement agency is located, and
- (B) The policy is available on the law enforcement agency's Internet web site or the Internet web site of the municipality served by the law enforcement agency."

**II. Purpose:** The purpose of this policy is to comply with Public Act No. 14-166 and to provide a uniform policy to accept, process, investigate, take appropriate action upon and resolve complaints from a member of the public relating to alleged misconduct or malfeasance committed by law enforcement agency personnel in the State of Connecticut.



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Complaints may allege abuse of authority, corruption, criminality, poor or slow service, or other misconduct or malfeasance on the part of agency personnel.

**III. Policy:** The agency 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 agency 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. Officers 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.

**IV. 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 an agency employee.
3. Complaint Control Number: A unique numerical or alphanumeric code used to identify and track citizen complaint investigations.
4. 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.
5. Employee: Any person employed by the agency, whether sworn or non-sworn.



6. Internal Affairs Division or 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.

## **V. Procedures:**

### **A. Internal Affairs 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.

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.
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 that investigation.
4. 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.
5. Preparing suggested revisions of Agency Policies and Procedures where existing deficiencies have been a contributing factor to misconduct.

### **B. 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 agency. All sworn and civilian employees shall

be required to accept a complaint alleging misconduct or malfeasance by agency 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. 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 a standardized form to record complaints shall be implemented using the standardized form adopted by the Police Officer Standards and Training Council for such documentation or a standardized form that exceeds the model form adopted. 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 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 agency. 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 a Complaint Control Number (CCN) 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 internal affairs investigations by the next business day.

f. Sworn and civilian 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.

h. The withdrawal of a complaint does not prohibit the agency 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 the Chief's designee where they will be officially received. These complaints shall be assigned a Complaint Control 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 Internal Affairs designee. After the complaint is received and properly documented, the complainant may be placed under oath and requested to sign the complaint after reading or having it read to them the warning for perjury or false statement. If the complainant refuses to sign the complaint or acknowledge the oath, the complaint will still be accepted and investigated, however the refusal to sign or acknowledge shall be noted. In any event, the complaint will be assigned a Complaint Control Number and forwarded as above.

k. Telephone complaints shall be referred to a Supervisor or the internal affairs designee. The party 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 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 he/she may respond to the agency 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 internal affairs designee should re-interview the person after he or she has 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.

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

VI. Investigation of Complaints:

a. The Chief of Police or the Chief's designee shall assure that all complaints received are processed and investigated appropriately as set forth in this policy. Internal Affairs

investigations shall be completed in a timely manner within the time limits determined by the Chief of Police, including extensions granted by the Chief of Police or designee 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 agency 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 applicable labor agreements. In the absence of an applicable labor 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 therefor and the anticipated extent of the delay.

d. Nothing in this policy precludes the Chief of Police from referring an internal affairs investigation to an outside agency if such action would be in the best interest of the municipality and of justice.

## **VII. Review of The Investigation:**

a. The designated internal affairs investigator's supervisor shall review the investigation to determine the thoroughness, completeness, accuracy and objectivity of the investigation.

b. 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.

c. 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.

d. 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.

#### **VIII. Case Dispositions – Standards:**

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

a. **Exonerated:** The investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.

b. **Unfounded:** The investigation determined by a preponderance of the evidence that the misconduct or malfeasance complained of did not occur.

c. **Not Sustained:** 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:** 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 of the investigation.

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 agency 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 an oral reprimand, or 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 agency. 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:

- a. Discredit upon the agency.
- b. Discredit upon the involved employee.
- c. Commission of a criminal offense; or
- d. Allegations of racism, bigotry or prejudice against any race, religion, creed, national origin, sexual orientation, or circumstances beyond the individual's control.

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 agency.

**IX. 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 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.

**X. 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 agency web site, the general government web site of the agency, 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 hall or another municipal building located within the municipality served by the law enforcement agency, other than a municipal building in which the law enforcement agency is located. 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 agency, or the municipality served by the law enforcement agency, has an Internet website.