

BAYSIDE POLICE DEPARTMENT

GENERAL ORDER

SECTION: 6100

ORDER: 6102

ISSUE DATE: May 21, 2003

REVIEW DATE: March 3, 2021

LAST REVIEW: : April 3, 2018

SUBJECT: CITIZEN COMPLAINT PROCEDURE

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I. POLICY

It is the policy of the Bayside police Department to thoroughly and objectively investigate all allegations of misconduct received from any source outside or inside the department. Each complaint will be investigated to its logical conclusion with the results documented and reported to all concerned parties.

II. NARRATIVE

While encouraging the filing of legitimate complaints against the department or department personnel as a means by which both can be held accountable to the public, the department simultaneously seeks to hold the members of the public responsible for filing false and malicious allegations against its officers. In cases of this nature, the complainants will be informed that appropriate legal proceedings will be instituted to remedy such action.

In some cases, the extent of the investigation may simply be limited to substantiating the falsity of the accusation. Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A Forfeiture. A forfeiture not to exceed \$10,000 under provisions of Wisconsin State Statute 946.66(1).

The effective handling of citizen complaints regarding department personnel is critical to maintaining positive police community relations. Good police community relations ensure the continuing support of citizens for general police efforts and encourage cooperation in specific investigations. The interests of individual officers and citizens who believe themselves to have been aggrieved by the actions of members of this department are best served through the effective and credible investigation and resolution of those complaints.

III. CITIZEN COMPLAINTS

In accordance with SS. 66.312(3), the department shall make available for public scrutiny the specific procedures to be followed for registering and resolving a complaint by any person regarding the conduct of the department or one of its members.

The office of the Chief of Police shall maintain the records and be the official repository of all complaints made against the department for its members. The Chief of Police in accordance with applicable federal and/or state laws will maintain such records that will be filed by year. These records will also include unsubstantiated complaints made against the department and/or its members. The Chief or his designee shall review all complaints annually to determine if any patterns or tendencies of behavior exist and need to be addressed.

IV. ACCEPTANCE OF CITIZEN COMPLAINTS

- A. All members of the department are charged with the responsibility to courteously and willingly receive any complaint that may be made against the department or any member of the department. Complaints should be referred to the duty-ranking officer (Sergeant, Lieutenant) if possible. If a duty-ranking officer is not available, the information from the complaint should be documented and forwarded to one at the earliest convenience.
- B. Complaints **must** be in writing and include the following information:
 - 1. Name of complainant
 - 2. Address of complainant
 - 3. Complainants phone number
 - 4. Brief explanation of alleged complaint including date, time, location and individual(s) involved.
- C. To maintain confidentiality, it is expected that a non-ranking officer handling this process does not serve as an interviewer of the complainant. The officer should ensure that once the above information is taken, it is routed to a ranking officer as soon as possible. In the event the complaint involves the ranking officer taking the complaint, that ranking officer should forward the information to the Chief or his designee for investigation as soon as practically possible.

V. PROCESSING OF COMPLAINTS

All complaints received against the department or its members will be forwarded to the office of the Chief of Police. The Chief or his designee shall cause a record to be made and maintained of the complaint, and make assignment of an appropriate investigating officer. Complaints routinely handled by the investigated officer's supervisor will also be forwarded with an explanation of action taken, if any. It will be the decision of the Chief of Police in certain complaint situations to decide whether he/she will conduct the investigation, assign to another ranking office or contact an outside investigative agency.

VI. COMPLAINT NOTIFICATION

Every attempt shall be made to keep the complainant(s) informed and updated of the progress of an investigation if it appears the investigation will not be completed in 72 hours. It is the responsibility of the Chief of Police or his designee to provide this information to the complainant(s) and record the date and time they were contacted.

The results of an investigation will be provided to the complainant and to the accused officer(s) upon conclusion of the investigation and at the earliest convenience of all parties involved. In matters involving wrongdoing by any officer, discipline will be determined by the Chief in accordance with any collective bargaining agreements and department policy pertaining to disciplinary actions.

Upon completion of the investigation of citizen complaints, the citizen complainant shall be advised of the result of the investigation and informed that they may request to discuss the matter further with the Chief of Police and/or his designee. Members of the department have

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review and appeal procedures as afforded under Wisconsin Statutes, current collective bargaining agreements and departmental policy pertaining to disciplinary action.

Retention: Permanent
Distribution: All Personnel
Supercedes: Policy #244 (1988)

By: Douglas R. Larsson
Chief of Police

