

BAYSIDE POLICE DEPARTMENT

GENERAL ORDER

SECTION: 6100

ORDER: 6102

ISSUE DATE: August 22, 2023

REVIEW DATE: July 6, 2026

LAST REVIEW: July 6, 2023

SUBJECT: COMPLAINT PROCEDURE

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I PURPOSE AND SCOPE

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.

II POLICY

This department will 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.

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 an 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).

III DEFINITIONS

Personnel Complaint: A complaint against a member of the department. Personnel complaints are categorized as:

- A. Procedural Complaints: A complaint based on actions, rather than the conduct, behavior, or demeanor of an employee. Procedural complaints concern actions, which if properly performed, would conform to the directives of the department, i.e., complaints over why a vehicle was towed, parking enforcement, traffic enforcement, etc.
- B. Minor Complaints: A complaint based primarily on the conduct of the officer identified in the complaint and alleging a deliberate or neglectful, though minor, violation of a department directive, rule, or regulation.

Examples of minor misconduct include rudeness, verbal indiscretion, minor traffic infractions, failure to follow procedures, failure to properly document police activity, attendance problems, enforcement actions that are not bias related etc.

- C. Serious Complaints: A complaint based primarily on the conduct of the officer(s) identified in the complaint and alleging a deliberate or neglectful violation of a department directive, procedure, rule or regulation, or state statute. Examples of serious misconduct include, but are not limited to the following:
1. Unbecoming Conduct
 2. Inappropriate or excessive use of force
 3. Breach of a civil right
 4. Exhibition of bias or harassment
 5. Untruthfulness under oath, during an investigation, in a police report, or about official matters.
 6. Insubordination
 7. Abuse of position, authority, or access to confidential information
 8. Repeated acts of unsatisfactory performance
 9. Commission of a felony or misdemeanor
 10. Failure to report others who commit serious misconduct.

Internally Generated Complaint: A complaint about any of the above-listed misconduct that is observed by another member of the department. An internally generated complaint can be made by any member of the department and will be documented in writing.

Preliminary Investigation: The first level of investigation that is conducted after a personnel complaint is received. The preliminary investigation includes, but is not limited to, a review of the complaint, obtaining supporting documents or evidence, obtaining written statements, obtaining video recordings, etc.

IV 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.

V RECEIPT OF CITIZEN COMPLAINTS

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.

Citizen complaints must be made in writing and include the following information:

- A. Name of complainant
- B. Address of complainant

- C. Complainants phone number
- D. Brief explanation of alleged complaint including date, time, location and individual(s) involved.

To help facilitate the written complaint, citizens wishing to make a complaint will be provided with a copy of the Bayside Police Department Citizen Complaint Form and the accompanying Citizen Complaint Procedure brochure. Copies of these documents are included in this policy as an attachment. The department member receiving the written complaint form should review the signature line of the form to see if the form has been signed. If the form is not signed at the time it is submitted, the department member receiving the form should request that the citizen sign the form, however, refusal to do so will not constitute a basis for refusing to accept the complaint. The department member accepting the Citizen Complaint Report form may verbally inform the citizen making the complaint of the warning listed in SS946.66(2); "Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture."

All written complaints accepted shall be referred to the Chief of Police as soon as possible.

VI RECEIPT OF INTERNALLY GENERATED COMPLAINTS

Whenever a department member reports alleged misconduct to a supervisor, the supervisor shall document the complaint in writing and forward it to the Chief of Police.

Employees making an internally generated complaint about a supervisor may report the complaint to any command staff officer on the department. If the allegation of misconduct is serious, the command staff officer may request the department member document the allegation in writing. The written complaint will be forwarded to the Chief of Police.

VII 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. It will be the decision of the Chief of Police whether he/she will conduct the investigation, assign to another ranking officer, or contact an outside investigative agency. If the alleged misconduct is criminal in nature, the Chief of Police will notify the District Attorney's office and request the assistance of an outside agency to investigate the complaint.

The Chief of Police shall coordinate and exercise supervision over investigations of personnel complaints and internally generated complaints alleging minor, serious or criminal misconduct against employees.

VIII INVESTIGATION OF COMPLAINTS

The supervisor assigned to investigate the complaint will conduct a preliminary investigation to determine if a violation of department directives, rules, regulations, or state statutes has occurred. If the preliminary investigation leads the supervisor to believe the complaint is a procedural complaint that stems from a misunderstanding, the supervisor may attempt to mediate and resolve the misunderstanding. For these situations, the supervisor will document the results of his/her preliminary investigation and forward it to the Chief of Police.

If the preliminary investigation leads the supervisor to believe the complaint is a minor or serious complaint, the supervisor to whom an investigation is assigned will contact the complainant as soon as possible. The supervisor will provide the complainant with his/her contact information. 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/her designee to provide this information to the complainant(s) and record the date and time they were contacted.

When the supervisor is prepared to interview the accused employee, the supervisor will first notify the employee of the nature of the allegation(s) the supervisor is investigating. This notification will be accomplished in a timely manner and in writing. Before asking the employee any questions, the supervisor will ensure that the employee understands his/her rights as outlined on the Internal Investigation Warning form. The supervisor will ask the employee to sign the Internal Investigation Warning form, acknowledging receipt, and understanding of his/her rights.

Upon the completion of the investigation, the supervisor will prepare a detailed report describing the investigation. The supervisor will include a determination of whether a department directive, policy or procedure was violated.

IX DISPOSITION OF COMPLAINTS

Once a personnel or internally generated complaint has been fully investigated, the supervisor shall forward his/her investigation report to the Chief of Police. Upon receipt of the investigation report, the Chief of Police shall determine if the allegation is:

- A. Unfounded: The investigation conclusively showed the incident complained about did not occur, or that the individual named in the complaint was not involved.
- B. Exonerated: The incident complained about did occur, but was justified, lawful and proper.
- C. Non-Sustained: The investigation failed to reveal enough evidence to clearly prove or disprove the allegation.
- D. Sustained: The investigation disclosed enough evidence to clearly prove the allegation.

The Chief of Police will then review the investigation and determine the most appropriate course of action. The Chief of Police will notify the complainant and all involved officers of the findings of the investigation 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. Members of the department have review and appeal procedures as afforded under Wisconsin Statutes, current collective bargaining agreements and departmental policy pertaining to disciplinary action.

By Order Of:

Thomas Liebenthal
Chief of Police

ATTACHMENTS



Bayside Police Department Citizen Complaint Form

The Bayside Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members. The Department will accept and address all complaints of misconduct in accordance with policy and applicable federal, state, and local law.

No member of the Bayside Police Department will attempt to interfere or influence your right to complain about the service this department provides to you. Your complaint will be thoroughly and impartially investigated. Before completing this form, please refer to the citizen complaint brochure that explains the process and defines possible findings. Date: _____

Complainant Information		
Name:	_____	_____
	(Last)	(First) (Middle)
Address:	_____	
Home Phone:	_____	Date of Birth: _____
Cell Phone:	_____	Email: _____
Work Phone:	_____	Work Hours: _____

Employee Involved
Name, Badge #, Rank (if known), or description: _____

Incident Information
Date: _____ Time: _____ Location: _____

Witness Information		
<i>(Additional witness names can be added to the back of the form)</i>		
Name:	_____	_____
	(Last)	(First) (Middle)
Address:	_____	
Home Phone:	_____	Cell Phone: _____
Name:	_____	_____
	(Last)	(First) (Middle)
Address:	_____	
Home Phone:	_____	Cell Phone: _____

CITIZEN COMPLAINT PROCEDURE



**VILLAGE OF BAYSIDE POLICE DEPARTMENT
9075 N Regent Rd
Bayside, WI 53217**

Per Wisconsin State Statute 946.66: "whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture."

THE VILLAGE OF BAYSIDE'S CITIZEN COMPLAINT PROCEDURE HELPS YOU, THE COMMUNITY AND THE POLICE

If you have a complaint about police practices, or interference with your rights by police officers, what can you do?

The Village of Bayside Police Department welcomes constructive criticism of the Department or valid complaints about its members or procedures. The prompt, thorough and impartial investigation of each complaint is essential to get and keep the trust and confidence of the people we serve. Without that trust and confidence, effective policing is not possible.

Police officers must be free to use their best judgment to take action in a reasonable, lawful and impartial manner without fear of reprisal. At the same time, they must strictly observe the rights of all people.

HOW TO MAKE A COMPLAINT

Complaints must be submitted in writing to:
Village of Bayside Police Department
9075 N Regent Rd
Bayside, WI 53217

A complaint may be made at ANY time of day or night to ANY police officer. Complaints should then be referred to the duty-ranking officer, who will forward a report to the Chief of Police for assignment of the investigation.

The person assigned to investigate your complaint will ask the following information:

- Your name, address and telephone number.
- The date and time of the incident about which you are complaining.
- The names, address and telephone numbers of any witnesses, if available.

- If the incident involved is an arrest, the name, address and telephone number of the person arrested, if known.
- If the incident involves a police officer, you will be asked for their name. If you do not have this information, simply tell what happened, when and where.
- Details of the incident or action which prompted your complaint.

INVESTIGATION PROCEDURE

You will be asked to make a written report to the Department about the incident.

The officer who investigates the complaint will contact all available witnesses, including police officers, examine any relevant physical evidence and gather all information pertinent to each allegation made in the complaint. If there is more than one allegation, each will be examined on its own merits.

The investigation can take from two to four weeks to complete, and you will be notified of the results of the investigation.

There are four possible findings in each case:

- Unfounded – The investigation conclusively proved the incident complained of did not occur, or that the individual names in the complaint were not involved.
- Exonerated – The act which provided the basis for the complaint did occur, however, the investigation revealed the act was justified, lawful and proper.
- Not Sustained – The investigation failed to reveal sufficient evidence to clearly prove or disprove the allegation.
- Sustained – The investigation disclosed sufficient evidence to clearly prove the allegation.

The Chief of Police reviews all internal investigation reports. When a finding of

“sustained” is made, the Chief of Police will make a decision regarding the corrective action to be taken.

One or more corrective action(s) may be taken by the Chief of Police, subject to provisions of any collective bargaining agreements, Village of Bayside Police Department policy and Village Bayside policy. These actions include counseling, oral reprimand, written reprimand, suspension, demotion, and removal from the Department.

CONCLUSION

Your valid complaints and criticisms help protect the community from possible misconduct by police. At the same time, a thorough and impartial investigation provides a procedure to protect police officers from unwarranted charges when they perform their duties properly. The intent is to be fair to both the citizens and the police officer.

Per Wisconsin State Statute 946.66: “whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture.”



VILLAGE OF BAYSIDE POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE