

GLENDALE POLICE DEPARTMENT

POLICY: 213

DATE: March 1, 2021

SUBJECT: Citizen Complaint Review

I. Introduction

The effectiveness of a law enforcement agency is dependent upon public approval and acceptance of police authority. The Department must be responsive to the community by providing procedures for the processing of complaints from the public regarding an individual officer's performance. The Department recognizes that many complaints are the result of misunderstandings. It is to the advantage of the Department, the individual member and the general public that complaints, and the circumstances surrounding the incidents prompting them, be thoroughly investigated and resolved.

Citizen complaints will normally be accepted and investigated by the employee's immediate supervisor. All citizen complaints will be forwarded to the Internal Investigations Authority for review upon completion of the investigation.

II. Purpose

To establish guidelines for receiving citizen complaints concerning employee performance or misconduct while providing members of this Department procedural safeguards against malicious or false allegations.

III. Policy

- A. The Department will thoroughly and objectively investigate citizen complaints concerning employee performance and misconduct. All investigations arising from citizens' complaints will be conducted in a fair and open manner consistent with the rights of all concerned and aimed at determining the truth. Each complaint will be investigated to its logical conclusion and its results documented and reported to all concerned parties.
- B. Complaints from anonymous sources, juveniles, and persons who have been arrested by this Department will be reviewed and accepted only if the complaint contains sufficient factual information to warrant investigation.

- C. While encouraging the filing of legitimate complaints, the Department simultaneously seeks to hold members of the public responsible for filing false and malicious allegations against police officers. Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture under Wisconsin Statute 946.66.
- D. Employees accused in citizen complaints shall be presumed innocent unless the charges are substantiated in the complaint process. The mere filing of the complaint does not substantiate its allegations. No disciplinary, personnel or discriminatory action adverse to a member will be taken when there is a finding that the allegations were not substantiated, or that the conduct complained of was justified.

IV. Complaint Classifications

A. Informal Complaints

1. When a complaint appears to be founded merely upon a misunderstanding, the supervisor who takes the complaint may attempt to informally mediate the dispute. Such attempts at mediation may involve an explanation of Department policies and procedures to the complainant.
2. Successfully mediated informal complaints do not require the completion of a Citizen Complaint Form and the matter will be considered closed with no further action necessary.
3. If the dispute does not appear to be susceptible to mediation, or if the complainant is not satisfied with the Informal Complaint Process, the complaint will be handled under the Formal Complaint Process as explained above.

B. Formal Complaints

Formal complaints will be documented on a Citizen Complaint Form and investigated by the appropriate shift supervisor under the procedures outlined in Section VI. The Internal Investigations Authority shall be notified of all such complaints.

C. Complaints against Supervisors

Citizen complaints shall not be investigated by persons involved in or implicated by the complaint. Complaints against supervisors shall be referred to the Internal Investigations Authority who shall either investigate the complaint or refer it to another supervisor.

D. Complaints of Serious Misconduct

All complaints of serious misconduct or criminal violations will be referred to the Internal Investigative Authority for investigation.

V. Acceptance of Complaints

A. Complaints can be accepted in person, by telephone, mail, or through the City website.

1. Persons wishing to file a complaint in person will be given a Citizen Complaint Form and asked if they wish to speak to a supervisor. If the person wishes to speak with a supervisor then the on-duty supervisor shall be notified.
2. Complaints received by telephone or mail will be referred to a supervisor.
3. Written procedures for filing a complaint are available on the City website and posted in the police lobby.

B. Complaints shall be accepted by any supervisor who is approached for such assistance. Complaints are to be forwarded to the employee's immediate supervisor for investigation.

1. The supervisor shall document the complaint in writing. It is recommended that the supervisor have the complainant complete the Citizen Complaint Form.
2. The supervisor may attempt to resolve a complaint through the Informal Complaint Process, as outlined in this policy.
3. The supervisor shall advise the complainant of Department procedures for the processing and investigation of citizen complaints and whom the complainant can contact regarding the complaint.
4. Upon receipt of any complaint (by person, mail or telephone) the accepting supervisor shall notify the complainant that the Department has received the complaint.
5. In all cases where complaints are received, the Citizen Complaint Form will be completed and the supervisor shall notify the Internal Investigations Authority of receipt of the complaint.

- C. Complaints against the Chief of Police shall be turned over to the Police Commission for investigation.

VI. Duties of the Investigating Supervisor

It is the duty of the Investigating Supervisor to insure that the integrity of the Department is maintained through an intensive and impartial internal investigation and review, where objectivity and fairness are assured all parties concerned.

- A. Advise the employee of the complaint and conduct a comprehensive investigation consistent with Department policy and guidelines.
- B. Prepare preliminary or interim reports, when appropriate. Such reports will be made only to the Internal Investigations Authority or Chief of Police. Until such time as the investigation is complete, the Investigating Supervisor will treat information relating to the investigation as confidential.
- C. Keep the complainant informed of the status of the investigation.
- D. Upon completion of the investigation, the final report and all supporting documentation will be presented to the Internal Investigations Authority. All investigations should be concluded as rapidly as possible, and shall be completed no later than thirty (30) days after receipt of the complaint. Extensions may be granted by the Internal Investigations Authority or Chief of Police.
- E. Determine whether the complaint is substantiated or unfounded, and make any recommendations for counseling, discipline or training.

VII. Internal Investigations Authority

The Captain has been assigned the function of Internal Investigations Authority.

- A. Responsible for reviewing all formal complaints investigated by the Department. The Internal Investigations Authority shall also review and conduct investigations concerning allegations of serious misconduct in accordance with Policy # 215, Internal Investigations.
- B. Responsible for the investigation of complaints against supervisors.
- C. If the investigation substantiates the complaint, the Internal Investigations Authority shall make a written finding of the facts and a recommendation to the Chief of Police regarding what action, if any,

should be taken. The decision of the Chief will be final; however, an appeal by either party may result in further investigation or referral to the Police Commission.

- D. Notify the employee of the final disposition of the investigation.
- E. Notify the complainant, in writing, of the final disposition of the complaint and the appeals process.
- F. Maintain a record of all complaints against the agency in a secure area. Conduct an annual review of all complaints to determine any patterns or issues that may need to be addressed and forward the report to the Chief of Police.

VIII. Disposition, Review and Appeal

- A. Upon completion of the investigation of a citizen complaint, the complainant shall be advised, in writing to be sent by mail, of the results of the investigation and informed that they may make a request to discuss the matter further with the Chief of Police or his designee, and/or pursue their complaint with the Police Commission.
- B. Members of the Department also have review and appeal procedures as afforded under Wisconsin Statutes, current collective bargaining agreements and Department policy pertaining to disciplinary actions.

IX. Police Commission

It is the current policy of the Glendale Police Commission to refer all citizen complaints to the department for investigation, except those involving the Chief of Police. All such investigations turned over to this department shall be received and investigated in the manner provided by this policy.

By Order of:

Mark Ferguson - Chief of Police

Replaces: Policy 213, dated July 9, 2019
Review Date: June 30, 2022