

	<p align="center"><u>TITLE</u> COMPLAINT/COMPLIMENT AGAINST DEPARTMENT PERSONNEL</p>	<p align="center"><u>CHAPTER</u> 9</p>	<p align="center"><u>ORDER NUMBER</u> 9.1</p>
	<p align="center"><u>AUTHORITY</u> CHRISTOPHER BOTSCH CHIEF OF POLICE</p>	<p align="center"><u>DATE</u> 03-01-1990</p>	<p align="center">REVISED 04-18-2012 01-15-2020 07-12-21 09-27-21</p>
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I.) PURPOSE

This order establishes the procedure for a citizen to provide feedback, both positive and negative, regarding the service they received from an employee of the Caledonia Police Department.

II.) POLICY

It is the policy of the Caledonia Police Department to receive all complaints or compliments from citizens involving employee performance or department policies. Complaints involving employee misconduct or wrongdoing will be thoroughly investigated with respect to the rights of everyone involved. The Police Department’s integrity is important for citizen confidence in the members of the department.

III.) DEFINITIONS

- A.) COMMAND STAFF:** Lieutenant or above in command of the police department.
- B.) FORMAL COMPLAINT:** The complainant submits a written complaint alleging behavior such as misconduct, excessive force, illegal conduct, civil rights violation, or department policy violation by an employee. The complaint should be notarized, but it is not required.
- C.) INFORMAL COMPLAINT:** The complainant doesn’t request a formal complaint. The supervisor/shift commander can resolve issue through mediation. The supervisor/shift commander doesn’t find the basis for a formal investigation.
- D.) WISCONSIN STATUTE 946.66:** “Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture.”
- E.) WISCONSIN STATUTE 164.02 INTERROGATION:** If a law enforcement officer is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal or criminal charges, the interrogation shall comply with the following requirements:
 - 1.)** The law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation.

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- 2.) At the request of any law enforcement officer under interrogation, he or she may be represented by a representative of his or her choice who, at the discretion of the officer, may be present during the interrogation.
- 3.) Evidence obtained during any interrogation not conducted in accordance with sub. (1) may not be utilized in any subsequent disciplinary proceeding against the law enforcement officer.

IV.) PROCEDURE

A.) CITIZEN FEEDBACK FORMS:

- 1.) Citizen feedback will be accepted by any employee of the Caledonia Police Department.
- 2.) Citizens may provide feedback orally or in writing.
- 3.) Citizen Feedback Form and Complaint Acceptance:
 - a.) Complaints to a non-supervisory employee will be referred to a supervisor/shift commander; however, non-supervisory employees will not refuse to hear complaints. If the complainant refuses to speak with a supervisor/shift commander, or is unable to do so, the employee will accept the information and forward it to a supervisory staff member.
- 4.) All employees shall have access to Citizen Feedback Forms. The form should be placed inside each squad with other forms..
- 5.) All non-supervisory employees shall provide a Citizen Feedback Form to any citizen who wishes to make a complaint or provide positive feedback.
- 6.) The Citizen Feedback Form shall contain a warning to the complainant consistent with Chapter 946.66 of the Wisconsin Statutes.
- 7.) An anonymous complaint and non-sworn complaint will be evaluated based on the information provided, the ability to corroborate the information and the ability to conduct follow up investigation without the identity of the complainant.
- 8.) A citizen should be encouraged to swear to their complaint, which will be notarized. If a notary is on duty, they may notarize the complaint unless they are involved. The lack of a notarized and sworn complaint, lack of a written complaint or inability to identify the complainant will not preclude this agency from investigating the complaint.

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B.) COMPLAINTS:

- 1.) Complaints of employee/officer misconduct, violations of department rules or policies and complaints regarding departmental procedures shall be referred to a supervisor/shift commander.
- 2.) Any employee of this agency who becomes aware of a complaint of employee/officer misconduct, violations of department rules or policies and complaints regarding departmental procedures shall report that complaint to a supervisor/shift commander as soon as practical.
- 3.) Complaints received orally will be reduced to writing by a supervisor/shift commander and handled in accordance with this policy.
- 4.) The Department will evaluate ALL complaints regardless of the source, including anonymous complaints, and will decide as to the level of further inquiry required.
- 5.) Supervisor/shift commander receiving a complaint may gather additional information relative to the complaint and may, based on the seriousness of the allegation, at their discretion, handle the resolution of the complaint at the supervisory level.
- 6.) All complaints, regardless of severity, shall be forwarded to the shift Lieutenant.
- 7.) Minor complaints handled at the supervisory level still require a written memorandum including the employee name, complainant information and disposition.
- 8.) Serious misconduct shall require the shift commander to immediately contact
 - a.) The Chief of Police, Deputy Chief of Police or on duty Lieutenant.
- 9.) The employee may be **TEMPORARILY SUSPENDED OR DUTIES REASSIGNED:**
 - a.) When an employee/officer is found by a supervisor/shift commander to be under the influence of alcohol or drugs while on duty, or in a mental physical state, which presents a danger to him/herself or others. The supervisor/shift commander may require the employee to submit to evidentiary testing of the employee/officer. If an employee refuses to submit an evidentiary sample, it will be considered an act of insubordination.
 - b.) When it is alleged that the employee/officer engaged in criminal conduct.
 - c.) When the employee/officer presence on duty could jeopardize or appear to jeopardize the impartiality of an investigation.

C.) COMMAND OFFICER RESPONSIBILITIES:

- 1.) Upon receipt of a citizen complaint, the Command Officer will confer with the Deputy Chief of Police or Chief of Police to determine if the complaint alleges a criminal violation of law, violations or internal policies or rules, or both.

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- 2.) If criminal misconduct is suspected, the Chief of Police or Deputy Chief will determine if a criminal investigation will be conducted by this agency or an outside entity.
- 3.) Investigations of criminal misconduct will generally be conducted prior to any internal investigation.
- 4.) Information obtained by an internal investigator, pursuant to Garrity warnings will not be shared with criminal investigators.
- 5.) If the complaint alleges violations of General Orders, rules, policies or procedures and the Police Chief determines that a formal internal investigation is necessary, the Police Chief will provide the Command Officer with a directive ordering an internal investigation.
- 6.) No formal internal investigation will be conducted except upon the order of and assignment by the Police Chief.
- 7.) The Chief of Police will select the internal investigator(s).
- 8.) Upon completion of the internal investigation, the investigators will submit all reports, recommendation and evidence to the Chief of Police for review.
- 9.) Complaints consisting solely of disagreement or issues related to department General Orders, procedures or common practices shall be referred in writing to the Chief of Police.
- 10.) The Investigating Officer will examine the order, policy, procedure or practice in question.
- 11.) In cases where the violation has been sustained, but there is a policy failure, the Investigating Officer will make recommendations to the Police Chief if he/she believes policy changes are needed.

D.) INTERNAL INVESTIGATIONS:

- 1.) Upon initiation of an internal investigation, the investigator(s) will notify the complainant of the assignment.
- 2.) The investigator(s) will, as necessary, interview the complainant, gather facts and evidence and interview witnesses.
- 3.) Employee witnesses may be ordered not to discuss the investigation with others.
- 4.) Prior to any questioning of the accused employee(s), the employee(s) will be notified of the nature of the investigation.
- 5.) The employee will be given an opportunity to secure representation of their choosing to be present during the questioning.
- 6.) The questioning should be audio and/or video recorded.
- 7.) The employee will be read a pre-interrogation warning prior to any questioning.

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- 8.) All questions asked of the employee under investigation that are specifically related to employment, must be fully and truthfully answered. Refusal to answer may result in disciplinary action.
- 9.) No Miranda warnings are required if the investigation is for internal disciplinary purposes only. However, a Garrity Warning may be administered prior to the interview.

E.) DISPOSITION OF COMPLAINTS:

- 1.) Upon conclusion of the internal investigation, the Investigating Officer will provide material gathered during the internal investigation to the Police Chief.
- 2.) The Police Chief will review the internal investigation.
- 3.) Prior to any disciplinary decision, the Police Chief will conduct a Loudermill Meeting with the employee(s).
- 4.) The purpose of the Loudermill Meeting is to afford the opportunity for the employee to be heard as it pertains to the allegations in the complaint, provide any additional information to the Police Chief and present any mitigating circumstances.
 - a.) The Police Chief will review the findings of the internal investigation with the employee.
 - b.) The employee shall be allowed to have a representative of this choice present at this meeting.
 - c.) Upon conclusion of the Loudermill Meeting, the Police Chief will review the internal investigation and information provided by the employee before rendering a disciplinary decision.
- 5.) The employee will be notified in writing of the Police Chief's decision. The Police Chief's disposition of the case as follows:
 - a.) Sustained: Evidence sufficient to prove allegations.
 - b.) Not Sustained: Insufficient evidence to either prove or disprove allegations.
 - c.) Exonerated: Incident occurred but was lawful or proper.
 - d.) Unfounded: Allegation is false or not factual.
 - e.) Order Failure: Defect in policy caused incident.
- 6.) At the conclusion of the internal investigation, the department will notify the relevant parties of the results of the investigation.
- 7.) Employees may appeal as outlined by law (Pursuant to Wis. State 62.13 (5)(3)), collective bargaining agreement or other Departmental directives.

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Nothing in this order shall be construed to limit the prerogative of the Chief of Police or any other supervisor to take corrective action against subordinates whenever appropriate, nor to prevent the Chief of Police from taking disciplinary action against a subordinate under Wisconsin Statute 62.13 (5), irrespective of any complaint.

F.) MAINTENANCE OF RECORDS:

- 1.) Investigations will be prompt and dispositions will be within 30 days of the assignment of the complaint unless the Chief of Police grants a time extension.
- 2.) No records of complaints resulting in the findings of Not Sustained, Exonerated, Unfounded, and/or Order Failure, will be maintained in an employee's personnel file. The complaints will be kept in the department's internal affair files.
- 3.) Sustained complaints where the employee received a letter of reprimand or greater sanction will be kept in an employee's personnel file for the duration of the employee's career.

V.) APPENDIXES

- A.) Caledonia Police Department Citizen Feedback Policy & Form