

TOWN OF OSCEOLA POLICE DEPARTMENT		POLICY: CITIZEN COMPLAINTS	
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CHIEF: DONALD M. COOK		DATE: 04/10/2022	

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I. PURPOSE:

The purpose of this policy is to provide departmental procedures for addressing and handling citizen complaints. In order to ensure accountability to the public for actions of officers of the Township of Osceola Police Department and to maintain the confidence of citizens in the department, all citizen complaints against department personnel shall be received and handled fairly, timely and impartially.

II. POLICY:

The guidelines of this Township of Osceola Police Department policy are to provide citizens with a fair and effective avenue for redress of their legitimate grievances against law enforcement officers and, just as important, to protect officers from false charges of misconduct or wrongdoing and provide accused employees with due process safeguards. This Department seeks to maintain its integrity with the public while balancing it with the need for a fair and judicious due process that is owed for both the citizen and the officer.

### III. DEFINITIONS:

CRIMINAL INVESTIGATION: The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing criminal charges.

FORMAL COMPLAINT: A matter in which, after the preliminary investigation has been conducted, the chief or his/her designee determines that a formal investigation of an officer who has become the subject of a serious or minor misconduct is warranted.

GROSS MISCONDUCT: Behavior by an officer which is an apparently egregious violation of departmental rules, regulations, and/or policies.

INFORMAL COMPLAINT: A matter where, after the preliminary investigation has been conducted, determining the facts and an appropriate form of resolution is chosen in lieu of a formal investigation, in which the chief or his/her designee determines that a basic review of the complaint, meeting, or simple mediation of the complaint is warranted.

MINOR MISCONDUCT COMPLAINT: A complaint based on allegations of minor misconduct by employees of the department. Examples of minor misconduct include rudeness or verbal abuse by an officer, traffic infractions by an officer, minor rules and regulations violations, etc. Another determinant of minor misconduct is that the alleged action, if sustained, could result in disciplinary action ranging from verbal counseling to a letter of reprimand.

PRELIMINARY INVESTIGATION: A fact-finding investigation designed to assist the chief or his/her designee in determining whether a complaint should be handled through the process of informal inquiry or internal investigation.

PROCEDURAL COMPLAINT: A complaint based on actions that, if performed properly, are acceptable according to legal guidelines and department policy (e.g. complaints over towing vehicles, parking guidelines, traffic enforcement, etc.).

SERIOUS MISCONDUCT COMPLAINT: A complaint based on allegations of serious misconduct by officers of the department. Examples of serious misconduct include, but are not limited to the following:

- Corruption
- Inappropriate or excessive force
- Breach of civil rights
- Exhibition of bias or harassment

- Untruthfulness under oath, during an investigation, in a police report, or about official matters
- Repeated acts of minor misconduct or a minor misconduct allegation which may result in more than a letter of reprimand
- Commission of a felony or serious misdemeanor
- Insubordination
- Solicitation of gifts or gratuities
- Failure to report others who commit serious misconduct

Another determinant of serious misconduct is that the alleged action, if sustained, could result in disciplinary action to include suspension, dismissal, and/or criminal charges.

#### IV. COMPLAINTS ADMINISTRATION

- A.) The chief shall handle the personnel complaint function of the Township of Osceola Police Department.
- B.) The chief or his/her designee will be responsible for maintaining a record of all formal citizen complaints and of the disposition of such complaints in a secure setting.
  - 1.) Includes complaints against the department as well as against an officer or officer(s).
  - 2.) Include all the complaint and disposition forms for each case, as well as any relevant notes on investigations of complaints.
- C.) Access to information in this file by members of the news media or other entities shall be governed by departmental policy (see: Release of Information).

#### V. AUTHORITY AND RESPONSIBILITY REGARDING INVESTIGATIONS

- A.) Individual Responsibility
  - 1.) Each employee shall perform his/her duties and assume the obligations of his/her rank in the investigation of complaints or allegations of misconduct against any member of the department.
  - 2.) Each employee shall fully cooperate with the person conducting an investigation involving a complaint or allegation of misconduct against any member of the department.
  - 3.) Any employee who has, or is alleged to have, knowledge of circumstances surrounding a personnel complaint shall submit a written report on the matter upon request by the person conducting the investigation.
  - 4.) Any employee who observes misconduct or receives complaints of misconduct, they shall immediately notify the chief of the matter.
- B.) Chief of Police
  - 1.) The chief will immediately conduct a preliminary investigation into the matter to determine whether the complaint alleges serious or minor misconduct or is procedural in nature. The chief is allowed to pass the preliminary investigation to someone of his/her choosing if so desired.
  - 2.) A determination will be made to proceed as an informal or a formal complaint.

- 3.) Confidentiality and security of all records generated through the personnel complaint function of the department shall be maintained by the chief and, if chosen, his/her designee.
- 4.) The chief will register all formal complaints against department personnel.
- 5.) The chief will review completed formal investigations and recommendations for disciplinary action to determine the final disposition of the investigation.
- 6.) Upon conclusion of a formal investigation, the chief shall review the investigation for thoroughness.
- 7.) Nothing in this policy diminishes the authority of the chief to order suspensions, terminate temporary or probationary employees, or to file charges appropriately regardless of recommendations made by subordinates and/or designee(s).

#### VI. RECEPTION OF COMPLAINTS

- A.) When a citizen makes a complaint to an employee about the employee's conduct or the conduct of another employee, the employee will attempt to resolve the situation as informally as possible. This may involve explaining the situation or actions taken, attempting to mediate a dispute or misunderstanding, and so on. This includes anonymous telephone complaints.
- B.) If a citizen requests an employee's name and/or badge number employee shall immediately provide such information verbally. An employee shall never refuse to provide such information.
- C.) If the citizen indicates that he or she is not satisfied with the informal attempt to resolve the situation, the employee will indicate to the citizen that he or she may submit a formal complaint to the department. The complaint may be taken in person, or the citizen may mail it or drop it off in person. In all cases, the citizen must agree to provide their name and mailing address.
- D.) If a citizen's complaint is of a serious nature, then the incident must always be handled formally, rather than informally. This would include any of the following categories of allegations against department personnel:
  - 1.) Criminal activity
  - 2.) Inappropriate or excessive use of force
  - 3.) Apparent violations of constitutional rights
  - 4.) Gross misconduct
- E.) Employees will not discuss any aspects of complaints about other employees that come to their attention. Confidentiality must be maintained. The only exception is questioning during an official investigation of an incident.

#### VII. RECEPTION AND INVESTIGATION OF COMPLAINTS

- A.) Complaints sent to the department will be directed to the chief.
- B.) The chief or his/her designee will review all of the complaints and will determine appropriate action. If deemed necessary, an investigation of the incident will occur. This may involve contacting the citizen who initiated the complaint and interviewing him/her, witnesses, other parties, and so on. It may also involve obtaining further written statements.

- C.) The chief or his/her designee will determine an appropriate disposition of the complaint incident and will document. Documentation will include an indication of any actions taken in regard to the incident and the reasons for actions taken or not taken.
- D.) The chief will determine any appropriate actions on complaints that come to him or her from citizens dissatisfied with the initial disposition of a formal complaint. A written indication of the chief's actions will be placed in the complaints file.
- E.) If an investigation by the chief or his/her designee indicates that a citizen complaint against a department employee or employees was malicious or deliberately false, particularly if the complaint alleged criminal activity, the citizen(s) may be subject to criminal or civil proceedings (see Wisconsin Statutes §§946.66).
  - 1.) An indication of this possibility will be made known to the citizen(s) when they give their complaint to the officer in either verbal or in written form.

#### VIII. ACTIONS TAKEN AGAINST DEPARTMENT EMPLOYEES

- A.) Disciplinary actions against department employees will only be taken upon a determination that a citizen complaint was substantiated. Disciplinary actions will follow the guidelines set in policy (see: Disciplinary Actions).
- B.) Department employees may protest disciplinary actions on the basis of provisions of policy.
- C.) If allegations of misconduct are of such a nature that they can not be mediated by the chief and/or a full investigation is required, an internal investigation is required (see: Internal Investigations).

06-22-16

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Donald M. Cook  
Chief of Police

Date 04/10/2022