

New Berlin Police Department Directives Manual		Directive Title: Investigation of Personnel Complaints			
Issue Date: 01/02/15	Published Date: 08/27/20	Next Review Date: 06/01/23	Total Pages: Page 1 of 5	Directive Number: 1901	WILEAG Standards: 1.9.1

Purpose

The purpose of this directive is to outline the department's policies regarding complaints made against department personnel. The New Berlin Police Department is committed to investigating complaints in an open and fair manner with the truth as its primary objective. The department will accept complaints against its employees, policies or procedures and will fairly and impartially investigate all complaints.

Policy

An essential element in maintaining public confidence in the department is the ability of the department to investigate and resolve complaints which are filed against its members fairly and impartially.

The department will courteously accept and fully investigate all citizen complaints against its members. The Department will conduct all investigations arising from citizen complaints in a fair and open manner, consistent with the rights of the public and department personnel, in an effort to determine the truth. The procedure for a citizen to follow in filing a complaint against a member of the department will be posted in the lobby of the department and on the department website.

Definitions

1. 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:
 - i. Unbecoming Conduct
 - ii. Inappropriate or excessive use of force
 - iii. Breach of a civil right
 - iv. Exhibition of bias or harassment
 - v. Untruthfulness under oath, during an investigation, in a police report, or about official matters.
 - vi. Insubordination

New Berlin Police Department Directives Manual		Directive Title: Investigation of Personnel Complaints			
Issue Date: 01/02/15	Published Date: 08/27/20	Next Review Date: 06/01/23	Total Pages: Page 2 of 5	Directive Number: 1901	WILEAG Standards: 1.9.1

- vii. Abuse of position, authority, or access to confidential information
 - viii. Repeated acts of unsatisfactory performance
 - ix. Commission of a felony or misdemeanor
 - x. Failure to report others who commit serious misconduct.
2. Internally Generated Complaint: A complaint of 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 made in writing to a supervisor.
 3. Preliminary Investigation: The first level of investigation that is conducted after a personnel complaint is received. The preliminary investigation can be conducted by the supervisor that received the complaint for the purpose of gathering the initial facts. If the complaint appears to be of a minor nature and likely will not lead to discipline the supervisor can continue to complete the investigation. If the supervisor believes the complaint potentially could lead to discipline he/she should confer with their commander before continuing the investigation beyond the initial fact gathering. 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.

Receipt of Personnel Complaint

Employee Responsibility: An employee that becomes aware of a citizen that wishes to file a complaint against a member of the department will refer the citizen to a supervisor. The employee will not attempt to delve into the complaint nor sway the citizen from filing a complaint.

Supervisor Responsibility: The supervisor receiving the complaint will conduct a preliminary investigation to determine if a violation of department directives, rules, regulations, or state statutes has actually occurred. If the preliminary investigation leads the supervisor to believe the complaint is a minor complaint that stems from a misunderstanding, the supervisor may attempt to mediate and resolve the misunderstanding. If the citizen is satisfied with the explanation, no further investigation is required. The supervisor that receives this minor complaint will document the complaint and forward it to the Chief of Police through the chain of command.

If the citizen is not satisfied with the supervisors attempt to mediate the complaint and is requesting further action, the supervisor will ask that the citizen complete the [Citizen Complaint Report](#) form. The supervisor should request that the citizen complete and sign the form, however, refusal to do either will not constitute a basis for refusing to accept the complaint. The supervisor 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."

The supervisor accepting the complaint will document the complaint and submit it to the Chief of Police through the chain of command.

Chief of Police Responsibility: The Chief of Police shall coordinate and exercise supervision over investigations of personnel complaints alleging serious or criminal misconduct against employees. The Chief of Police shall also

New Berlin Police Department Directives Manual		Directive Title: Investigation of Personnel Complaints			
Issue Date: 01/02/15	Published Date: 08/27/20	Next Review Date: 06/01/23	Total Pages: Page 3 of 5	Directive Number: 1901	WILEAG Standards: 1.9.1

coordinate and exercise supervision over internally generated complaints that allege serious or criminal misconduct against employees.

The Chief of Police will also review all procedural and minor personnel complaints and internally generated complaints against employees. The Chief's review will ensure that the preliminary investigation was fairly, impartially, and properly conducted. The Chief of Police will be the approving authority for the disposition of all personnel or internally generated complaints.

Receipt of Internally Generated Complaint

Whenever a department member reports alleged misconduct to a supervisor, the supervisor shall document the complaint in writing. If the alleged misconduct is minor, the supervisor is authorized to mediate and attempt to resolve the complaint. If the department member alleging the misconduct is satisfied with this resolution, no further action is required. The supervisor will document the results of his/her preliminary investigation copying the other supervisors on the shift and forwarding the investigation up to the shift commander. 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 supervisor may request the department member document the allegation in writing and forward the complaint to their supervisor. The Supervisor will forward the complaint up through the chain of command.

Duty Status of Employee under Investigation

If a supervisor receives either an internally generated, or personnel complaint against an employee, the supervisor must determine the duty status of the employee. If the complaint received alleges either serious misconduct or a criminal violation, a supervisor may relieve an employee from duty if necessary to protect the Department, the employee, or the public. If a supervisor relieves an employee from duty, the employee will be placed on Administrative Leave for up to 24 hours (excluding weekends and holidays). The relieving supervisor will immediately notify the Chief of Police that he/she has placed an employee on Administrative Leave and provide the Chief with the circumstances of the event. The relieving supervisor will notify the employee that the Chief of Police will contact him/her in the near future to set up a meeting. At that time, the Chief of Police will determine the continued duty status of the employee during the investigation.

Investigation of Personnel and Internally Generated Complaints

Upon receipt of either a Citizen Complaint Report or an Internally Generated Complaint, the Chief of Police shall assign the investigation of the complaint to the accused employee's division commander. 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 division commander to whom an investigation is assigned will contact the complainant as soon as possible. The division commander will provide the complainant with his/her contact information and will periodically keep the

New Berlin Police Department Directives Manual		Directive Title: Investigation of Personnel Complaints			
Issue Date: 01/02/15	Published Date: 08/27/20	Next Review Date: 06/01/23	Total Pages: Page 4 of 5	Directive Number: 1901	WILEAG Standards: 1.9.1

complainant up to date on the status of the investigation. The division commander will use the following forms during the completion of the investigation:

[Investigation of Personnel Cover Sheet](#): This form is a checklist of items to be completed throughout the investigation. Commanders should check the boxes and add dates on the form when applicable: [Hyperlink needed for all]

[Employee Notification of Rights](#): This form should be completed immediately prior to interviewing the employee under investigation. The description field should contain a very brief synopsis of the complaint or reason for the investigation.

[Garrity "Warnings"](#): This form should be completed if the commander wishes to compel the employee to answer questions related to the investigation. This form would be necessary if the employee refuses to answer questions after the commander read the Employee Notification of Rights.

[Investigation of Personnel Report](#): This is a fillable template which commanders should use when completing their investigative report. Additional documentation (photographs, audio recordings, etc.) can be included outside the form and noted in the "attachments or additional documentation" section. After the completion of the report the commander should briefly cover the three "just cause" standards listed on the form.

Upon the completion of the investigation, the Division Commander will forward the forms and the entire investigation to his supervising Deputy Chief of Police

Disposition of Personnel or Internally Generated Complaints

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

1. **Unfounded**: The investigation conclusively showed the incident complained of did not occur, or that the individual named in the complaint was not involved.
2. **Exonerated**: The incident complained about did occur, but was justified, lawful and proper.
3. **Non-Sustained**: The investigation failed to reveal enough evidence to clearly prove or disprove the allegation
4. **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. The Chief of Police should complete the Disposition form for the file.

[Investigation of Personnel – Disposition Form](#)

New Berlin Police Department Directives Manual		Directive Title: Investigation of Personnel Complaints			
Issue Date: 01/02/15	Published Date: 08/27/20	Next Review Date: 06/01/23	Total Pages: Page 5 of 5	Directive Number: 1901	WILEAG Standards: 1.9.1

Maintenance of Records

The Chief of Police is the designated records custodian for all records pertaining to personnel or internally generated complaints.

All records pertaining to personnel or internally generated complaints will be maintained in a separate location from other department personnel files. The records of personnel or internally generated complaints will be stored in a locked cabinet. Records of unfounded complaints will be stored in a separate locked cabinet. Founded complaints will be stored in the affected employee’s personnel file, with a reference copy stored in a separate locked cabinet. Only the Chief of Police, Deputy Chief of Police – Administration, Deputy Chief of Police - Operations, and Administration Division Manager will have access to the files.

Annual Review

On December 1 of each year, the Chief or his designee will designate a member of the Command Staff to conduct a review of all personnel and internally generated complaints. The purpose of the review will be to determine if any patterns of misconduct can be discerned with any employee. Any information gleaned from the annual review will be used to provide early warning of any possible trends. The review will be used to provide assistance to any identified employee and to attempt to stop the observed trend.

By Order of: 
 Jeffrey Hingiss Chief of Police