

Policy – Wauwatosa Police Department

POLICY: Citizen Complaints

CHAPTER & SECTION: 3.2.1

DISTRIBUTION: All Department Personnel, Mayor, City Attorney and Police and Fire Commission

AUTHORITY: Chief James M. MacGillis

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I. INTRODUCTION

The effective handling of citizen complaints regarding the actions and conduct of department personnel is of the utmost importance to the Wauwatosa Police Department. Aggrieved citizens, as well as department employees, are best served if complaints are handled in an effective and credible manner that leads to the resolution of the complaint. Further, the ability of citizens to file complaints should be unencumbered.

This department shall thoroughly and objectively investigate all complaints. All complaints will be investigated to the point of logical conclusion. Citizens filing complaints and the Wauwatosa Police and Fire Commission will be notified as to the conclusion or findings.

This policy supersedes the existing Citizen Complaint Policy 20-09 and any other memorandum or correspondence regarding citizen complaints.

II. DEFINITIONS

A. Formal Complaint: Any citizen complaint received, that during the initial investigation phase it was found that there is evidence of a policy/procedure or rules/regulations violation, and corrective action (discipline) may be required. (The specific nature and validity of the complaint will be the determining factor if any policy or rule violations will be treated as major or minor discipline as

outlined in WPOA labor contract, regardless if the citizen complaint is formal or informal.)

- B. Informal Complaint:** Any citizen complaint received that during the preliminary investigation it was found that policy and procedure was observed, and that the officer(s) involved acted in an appropriate manner. (The specific nature and validity of the complaint will be the determining factor if any policy or rule violations will be treated as major or minor discipline as outlined in WPOA labor contract, regardless if the citizen complaint is formal or informal.)

III. PROCEDURE

A. Acceptance and Filing of Complaints

1. Complaint forms shall be made available through agency personnel, at designated public facilities, and via the City of Wauwatosa's website.
2. Complaints may be received either in person, over the telephone, in writing, or via the Internet, and may be lodged anonymously or by any other means without regard to the source.
3. Employees shall provide assistance to individuals who express the desire to lodge complaints against any employee of this agency. This may include, but is not limited to:
 - (a) calling a supervisor to the scene to document the complaint;
 - (b) explaining the agency's complaint procedures;
 - (c) providing referrals to individuals and/or locations where such complaints can be made in person; or
 - (d) explaining alternative means for lodging complaints, such as by phone, mail, and via the Internet.
4. The complainant shall be advised of the procedures for processing the complaint and provided with a copy of the complaint.
5. The complainant should be asked to verify by signature if the complaint is a complete and accurate account. If the complainant elects not to sign, this fact shall be documented and forwarded to the Chief of Police or his/her designee and the investigative process should proceed.

B. Preliminary Assessment of Complaints

Once a complaint is received by a supervisor, whether verbally or written, the supervisor should conduct a preliminary assessment to determine if grounds exist to conduct a formal investigation. This preliminary assessment may include interviewing the complainant and/or any witnesses to the alleged misconduct.

1. If the inquiry finds that agency policy/procedures and code of conduct have been substantially followed, the supervisor may investigate the matter as an Informal Complaint.
2. If the preliminary investigation identifies grounds that may support formal discipline, the supervisor shall deem the complaint to be a Formal Complaint, and shall notify the Chief of Police or his/her designee of the complaint.
3. Should an investigation at any time reveal evidence of criminal conduct, all available information shall be forwarded to the Chief of Police as soon as possible.

C. Informal Complaint Investigation

1. Should the preliminary investigation reveal that policy and procedure was substantially observed, and that the officer(s) involved acted in an appropriate manner, the supervisor receiving the complaint may attempt to resolve the complaint at the shift level.
2. The investigating supervisor is responsible to conduct a fair, objective, impartial, timely and thorough investigation of the complaint.
3. The investigating supervisor will contact the complainant, explain the investigation and complaint procedure, and conduct an interview of the complainant.
4. Investigations resolved at the shift level must be documented and maintained in a shift file. Notation of the resolution must be indicated, for example: unfounded; officer counseled; etc.
5. If the investigating supervisor later determines the informal complaint requires possible action beyond the shift level, he/she will record the information received/learned in a written report and forward it through the chain of command to the Chief of Police for possible follow-through as a Formal Complaint.

D. Formal Complaint Investigation

1. Should the preliminary investigation reveal that there is evidence of a policy/procedure or code of conduct violation, and corrective action

(discipline) may be required, the complaint will be deemed to be a Formal Complaint.

2. The complaint will be forwarded to the Chief of Police or his/her designee, who will then assign a supervisor to investigate.
3. The investigating supervisor is responsible to conduct a fair, objective, impartial, timely and thorough investigation of the complaint.
4. The investigating supervisor will contact the complainant, explain the investigation and complaint procedure, and conduct a detailed interview of the complainant.
5. The investigating supervisor will make him/herself available for contact by the citizen.
6. The investigating supervisor has the authority to interview any department member (department members will not be required to provide written statements regarding the incident) and review any department report or record relative to the investigation.
7. All necessary information shall be kept confidential until the completion of the investigation.
8. Upon completion, the investigating supervisor will submit a written report to the assigning authority detailing his/her findings.
9. The written report will include; a detailed account of the incident, with a synopsis of all of the witness/employee statements; a conclusion of findings detailing any rule or policy violations and/or training issues; and a final recommendation for complaint disposition (all recommendations for discipline should include a recommended sanction level in accordance with the Department Discipline Policy).
10. All formal complaints will be logged by the Chief or his designee, and a record kept on the PD's secure file-server.

E. Formal Complaint Disposition

1. All investigative reports regarding Formal Complaints will be forwarded to the Chief of Police for final review.
2. The Chief of Police will make a determination of the complaint's final disposition (ex: unfounded, discipline, training, etc.).

3. The Chief of Police shall convey the outcome of the investigation, and his/her determination of final disposition to the Wauwatosa Police and Fire Commission.
4. The Chief of Police will advise the involved employee(s) and his/her supervisors, in writing, as to the disposition of the complaint.
5. False reports against an officer, determined to be intentional, will be forwarded to the Chief of Police for charging consideration.

F. Review and Appeal

1. If desired, the complainant citizen may meet and discuss the matter with the Chief of Police and/or pursue the complaint further by appealing the findings to the Wauwatosa Police and Fire Commission, as applicable under Wisconsin Statutes.
2. If desired, the involved employee(s) may meet and discuss the matter with the Chief of Police, and/or add his/her own written comments to the report, and/or pursue the complaint further by appealing the findings to the Wauwatosa Police and Fire Commission, as applicable under Wisconsin Statutes and/or bargaining unit agreement.
3. Nothing in this policy is to be construed as conflicting with any state, federal or contractual provisions afforded to members of the Wauwatosa Police Department.

G. Police and Fire Commission

It is the policy of the Wauwatosa Police and Fire Commission to refer citizen complaints to the Police Department for investigation. These referrals shall be received and investigated in the same manner provided for in this policy.

H. Media Releases

All media releases concerning citizen complaints will be made by the Chief of Police or his/her designee.

A handwritten signature in dark ink, appearing to read "J. MacGillis". The signature is fluid and cursive, with a large initial "J" and "M".

James M. MacGillis
Chief of Police

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