



City of Racine Police Department
Policy and Procedure

Number: 505

Subject: Processing Civilian Complaints Against Department Members and Employees		
Date Issued: 5-4-79	Effective Date: 02-25-05	Revision Number: 3

PURPOSE:

To provide a method for the investigation of complaints from civilians who allege misconduct by any member or employee of the Department.

DEFINITION:

Civilian complaint - shall be defined as an allegation of Police misconduct against a member of the service, civilian employee of the service, or with regard to police service rendered, made to any member or civilian employee of the service, either in written form, verbally expressed, or implied.

PROCEDURE:

Upon receipt of a complaint from a civilian alleging misconduct by a member or employee of the Department, the complaint shall be processed in the following manner: Refer complaints as follows:

**MEMBER/
EMPLOYEE:**

1. Complaints made in person will be referred to the Shift/Unit Commander on duty.
2. Complaints received by mail will be forwarded directly to the Professional Standards and Development Division/Internal Affairs.
3. Complaints received by telephone will be referred to the Shift/Unit Commander on duty. If the Shift/Unit Commander is not immediately available:
 - a. Obtain the complainant's name, address, and telephone number where the complainant may be contacted: Do not initiate CAD Entry.
 - b. Inform the complainant that the Shift/Unit Commander will return the call as soon as possible.
 - c. Inform the Shift/Unit Commander of the complaint along with the complainant's information as soon as he or she is available.

**SHIFT/UNIT
COMMANDER**

1. Interview complainant:
 - a. Do not initiate CAD Entry
 - b. Interview all complainants in person in all but extenuating circumstances.
 - c. All interviews shall be recorded audibly. Interviews conducted outside of the Department shall be recorded, using the audio portion of the Mobile Video Recording Equipment (MVRE) when possible.
 - d. Video taping interviews is optional.
2. Conduct an appropriate length interview to ascertain all the circumstances surrounding the complaint.
3. Attempt to resolve the complaint immediately, if appropriate.
 - a. If you resolve the citizen's complaint and:
 - 1) There were no violations of department policy and procedures. Document the complaint on a memorandum and provide a short synopsis. Forward the memorandum to the Professional Standards and Development Division.
 - 2) There were possible violations of department policy and procedures. Document the complaint on a memorandum and provide a short synopsis that includes the action taken. Forward the memorandum to the Professional Standards and Development Division.
 - b. If the complaint can not be resolved, prepare Internal Affairs Complaint Form (PP70)
 - c. Complete each section as it applies to the complaint
4. Provide the complainant with a Citizen Complaint Form (PP144).
 - a. Review instructions on cover sheet (PP144) with complainant.

- b. If the complaint is received by telephone, advise the complainant that you will mail them the Citizen Complaint Form. If they do not want the form mailed to them, advise them that it may be obtained at the Department's Public Service Counter from a Commanding Officer.
5. Interview any witnesses who may be present or available.
 - a. Complete the "witness" section of Form PP70 including the name and telephone number of any mentioned witness not available. Use the narrative section for additional witness information.
 - b. Statements made by witnesses shall be recorded in the narrative section of the Internal Affairs Complaint Form (PP70)
6. If the complaint/allegation is of a serious criminal nature, complete an unnumbered Incident Report and contact the Chief of Police and Professional Standards and Development Division immediately
7. If the complaint/allegation is of a non-serious criminal nature, complete an unnumbered Incident Report and forward, along with the PP-70, to the Professional Standards and Development Division.
8. Conduct initial investigation and gather any available evidence, information and records in accordance with current Department Procedure.
9. Forward completed Internal Affairs Complaint Form (PP-70) and any other reports or information to Internal Affairs as soon as possible.
10. Upon receipt of an Internal Affairs Complaint File, from the Division Commander, via the Professional Standards and Development Division, initiate the investigation as follows:
 - a. If the complaint is not about a supervisor, you may assign the investigation to a supervisor under your command or investigate the complaint yourself.
 - b. If the complaint is about a supervisor, you will conduct the investigation.
11. Monitor the progress of the investigation to ensure it is completed by the due date
 - a. The Professional Standards and Development Division may grant extension of a due date.
 - b. If an extension is needed it must be requested, via Memorandum (PP27), from the Professional Standards and Development Division.
12. When the investigation is completed and the investigating supervisor returns the Internal Affairs complaint file to you:
 - a. Review the supervisor's report to ensure a proper investigation was conducted and the report was written in the proper format.
 - b. Determine if the complaint was substantiated as extremely minor and after reviewing the member's Work History, evaluate whether there have been similar violations in the past by the member. If there is no history for the member of similar violations, Training and Instruction may be administered.
 - c. If there have been similar violations in the past, no longer making Training and Instruction a valid resolution, or if you determine the complaint has been substantiated but warrants a Division Reprimand, Professional Standards and Development Discipline, or Chief's Discipline, forward the Internal Affairs complaint file, under a cover memorandum, to the Division Commander for his or her review, including the following:
 - 1) Basic circumstances of the complaint and violation
 - 2) Results of the shift level investigation.
 - 3) Recommended action to be taken.
13. Upon receipt of the Division Commander's review of the Internal Affairs complaint file, which warrants discipline, execute the discipline indicated on the Discipline Report (PP142), as approved or directed by the Professional Standards and Development Division through the Division Commander.
14. Insure that any actions taken against the member to discipline him or her is noted in the member's Work History.
15. Inform member of:
 - a. The results of the investigation.
 - b. The proposed penalty or action.

16. Furnish member with copy of Form PP142.
17. Advise the member they are entitled to:
 - a. Accept findings and proposed disciplinary action.
 - b. Accept findings and request appeal of proposed disciplinary action.
 - c. Request appeal of findings and proposed disciplinary action.
18. If the affected member accepts the findings and proposed discipline, complete Form PP142 and forward it, along with all reports to:
 - a. Professional Standards and Development/Internal Affairs - original
 - b. Member's Division Commander
 - c. Training Lieutenant (if probationary officer involved)
 - d. Member involved (Form PP142 only).
19. If a loss of time is involved, notify the Administrative Lieutenant of the type and amount of time to be deducted.
20. If the member rejects a penalty involving a Division Reprimand or Professional Standards and Development Discipline, advise member to record the appeal on the back of Form PP142.
21. Forward all reports to the Chiefs Office for a review and a decision.
22. Upon receipt of the Chief's findings, notify the affected member of the decision:
 - a. Advise the member that since the penalty is a Division Reprimand or Professional Standards and Development Discipline, the decision of the Chief is final.
 - b. If the member requests a further appeal of the Division Reprimand or Professional Standards and Development Discipline rendered by the Chief, advise the member that:
 - 1) The Police and Fire Commission does not hear cases involving a Division Reprimand or Professional Standards and Development Discipline
 - 2) Make notification, as described in Step 19, after member is advised of the Chief's decision.
23. Upon receipt of Charges and Specifications (PP143), Notice of Suspension, and Affidavit of Service refer to Procedure 504 for service guidelines.

INVESTIGATING SUPERVISOR:

1. Thoroughly and completely, investigate any Internal Affairs complaint file.
2. When you conduct the interview with the member:
 - a. Notify the member of the allegation.
 - b. Ensure that during any interview of the accused member they have the opportunity to appear with up to two (2) members of their association or any two- (2) representatives of their choosing.
 - c. If appropriate, give the member the Internal Affairs Warning (Garrity), prior to the interview, and provide them with a copy.
3. Shall prepare an investigative report on a PP27 and forward the report to the Shift/Unit Commander or Division Commander (If investigated by a Shift/Unit Commander). (Follow the Investigative report format as outlined in Policy 500, Attachment A)

DIVISION COMMANDER:

1. Upon receiving an Internal Affairs complaint file from the Professional Standards and Development Division:
 - a. Review the Internal Affairs Complaint Report (PP70) and accompanying file.
 - b. Assign the investigation to the appropriate supervisor.
 - c. Monitor the investigation to ensure it is completed by the assigned due date.
2. Upon receiving the completed Internal Affairs complaint file from the Shift/Unit Commander:
 - a. Review the Internal Affairs complaint file to ensure a thorough and complete investigation was conducted and the report is in the proper format.
 - b. If the complaint was determined to be Unfounded, Unsubstantiated, or the member was Exonerated, and no discipline is warranted, forward the Internal Affairs Complaint file to the Professional Standards and Development Division, under a cover memorandum.

- c. If the complaint was Substantiated, review the Internal Affairs complaint file and determine whether the circumstances of the violation appear to warrant Training and Instruction, Division Reprimand, Professional Standards and Development Discipline, or Chief's Discipline.
 - 1) If the incident appears to warrant Training and Instruction or no action, notify the Shift/Unit Commander, via memorandum, to take the appropriate action. Attach a copy of the memorandum to the Internal Affairs complaint file and forward to the Professional Standards and Development Division.
 - 2) If the incident appears to warrant a Division Reprimand, prepare a Discipline Report (PP142), to be served on the member.
 - a) Forward the Internal Affairs complaint file and Discipline Report (PP-142) to the Professional Standards and Development Division for review.
 - b) If the Professional Standards and Development Division agrees that a Division Reprimand is appropriate for the circumstances and returns it to you for service make arrangements for the member to be served.
 - d. If the incident appears to warrant Professional Standards and Development Division Discipline:
 - 1) Prepare a Discipline Report (PP-142), leaving the Proposed Disciplinary Action portion blank. Include a cover memorandum with your discipline recommendation.
 - 2) Forward the Internal Affairs complaint file and the Discipline Report (PP-142) to the Professional Standards and Development Division for their review.
 - e. If the incident appears to warrant Chief's Discipline, place a cover memorandum on the complaint file, forwarding it with your recommendations to the Professional Standards and Development Division.
3. Upon receipt of the Discipline Report (PP-142) from the Professional Standards and Development Division (in the case of Professional Standards and Development Division Discipline) forward the Discipline Report to the Shift/Unit Commander, under cover memorandum, to be served on the member.
 4. Upon receipt of Charges and Specifications and an Order of Suspension (in the case of Chief's Discipline) from the Professional Standards and Development Division forward the Charges and Specifications, Order of Suspension, and Affidavit of Service to the Shift/Unit Commander, under cover memorandum, to be served on the member.

**PROFESSIONAL
STANDARDS
AND
DEVELOPMENT
DIVISION/
INTERNAL
AFFAIRS:**

1. Upon notification of any complaint/allegation of a criminal nature, confer with Chief's Office for direction.
2. Process the Internal Affairs Complaint Form (PP70).
 - a. Assign IA case number.
 - b. Record case in the IA management log.
 - c. Research IA records for additional information pertinent to the investigation.
3. Upon reviewing the complaint and any materials, which may accompany it, determine how the complaint shall be investigated.
 - a. Notify the member of the complaint if the complaint is not criminal in nature and the disclosure will not compromise the investigation.
 - b. When complaints are to be investigated within the Division/Unit, forward copies of the Internal Affairs file to the member's Division Commander for assignment
 - c. Original documents will be retained by Internal Affairs
4. Monitor the investigation and ensure it is completed by the assigned due date.
5. Upon receiving the completed Internal Affairs complaint file, with no discipline recommendation, from the Division Commander:
 - a. Review the Internal Affairs complaint file to ensure a proper investigation was conducted and the report was written in the proper format.
 - b. If the complaint was determined to be unfounded, unsubstantiated, or the member was exonerated, and no discipline is warranted, file the complaint.

6. Upon receiving the completed Internal Affairs complaint file, along with a Discipline Report (PP142), from a Division Commander requesting the approval of a Division Reprimand:
 - a. Review the Discipline Report, Internal Affairs complaint file, supporting documents and determine if the recommendation is fair and consistent with the manner in which other similar violations have been treated in the past.
 - 1) If the violation warrants a Division Reprimand:
 - a) Issue a Discipline Log Number and record the appropriate information in the Discipline Log.
 - b) Return the Discipline Report to the Division Commander under a cover memorandum approving the recommended Division Reprimand.
 - 2) If the violation warrants Professional Standards and Development Division Discipline or Chief's Discipline:
 - a) Inform the Division Commander of your decision via memorandum.
 - b) Follow the guidelines under step 7
7. Upon receiving the completed Internal Affairs complaint file along with a Discipline Report (PP142), from a Division Commander requesting a review for Professional Standards and Development Division Discipline or Chief's Discipline:
 - a. Review the Discipline Report, Internal Affairs complaint file, and supporting documents and:
 - b. Determine if the violation warrants Professional Standards and Development Division Discipline, or Chief's Discipline.
 - 1) If the violation warrants Office of Professional Standards Discipline:
 - a) Review previous cases of similar violations to determine a fair and consistent penalty.
 - b) Issue a Discipline Log Number and record the appropriate information in the Discipline Log.
 - c) Complete the Proposed Disciplinary Action portion of the Form PP142, which was provided by the Division Commander.
 - d) Return the completed Discipline Report, to the Division Commander under a cover memorandum, to be served on the member.
 - 2) If it is determined the violation warrants Chief's Discipline, prepare Charges and Specifications, per Procedure 504, with a recommendation, and forward all related paperwork to the Chief for review and endorsement
8. Upon completion of Internal Affairs investigation:
 - a. Notify the affected member of the outcome of the investigation, via memorandum (PP27).
 - b. Notify the complainant, by letter, of the outcome of the investigation

CHIEF OF POLICE:

1. Upon receipt of a discipline appeal review the Internal Affairs complaint file and determine if the violation(s) can be substantiated based on the information provided.
 - a. Contact the affected member and offer them the opportunity to meet with you to discuss the complaint.
 - b. Confer with any members as appropriate.
2. If it is determined that the violation(s) cannot be substantiated, notify the submitting Division Commander in writing, noting the reason for the decision.
3. Forward the Internal Affairs complaint file to the Professional Standards and Development Division.
4. If it is determined that the violation(s) can be substantiated, proposed discipline determined to be inappropriate may be increased or decreased as necessary.
5. Notify the Division Commander and the Professional Standards and Development Division in writing of the decision reached.
6. Upon receipt of Charges and Specifications (PP143) and an Internal Affairs complaint file from the Professional Standards and Development Division recommending Chief's Discipline:
 - a. Review the Charges and Specifications and complaint file.
 - b. Schedule a due process conference with the member.

- c. If a suspension is appropriate for the violation, instruct the Professional Standards and Development Division to prepare a Notice of Suspension document.
- d. If a suspension is not appropriate and you decide to dismiss the charges, notify the following:
 - 1) Professional Standards and Development Division
 - 2) Affected member's Division Commander
 - 3) Affected member
7. If the suspension is rejected within the specified time and a hearing before the Police and Fire Commission is requested, initiate an appeal of Chief's Discipline per Procedure 506.

MEMBER:

1. Within five (5) calendar days after the receipt of the Discipline Report (PP142) return said form to the issuing Commander with a decision concerning the option selected, as stated in Step 16 (On page 2 of this policy.)
 - a. If an appeal is requested check the appropriate box on Form PP142 and record any comments on the form.
 - b. If a reply is not received within five (5) calendar days, exclusive of date of receipt, you shall be deemed to have accepted the decision and penalty.
2. Within five (5) business days (weekends and holidays excluded) after the receipt of the Charges and Specifications (PP143) and Notice of Suspension, forward a Memorandum (PP27) to the Chief of Police requesting a hearing before the Police and Fire Commission.

LEGAL NOTE:

Wisconsin State Statute 946.66(2) states: "Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture."

**RELATED
PROCEDURE:**

[400 - Rules of Conduct](#)
[500 - 500 Series Definitions and Guidelines](#)
[504 - Preparation of Charges and Specifications](#)
[506 – Appeal of Chief's Discipline](#)
[507 – Order of Suspension/Surrender of Equipment](#)
[508 – Internal Affairs](#)
[509 – Citizen Complaints](#)
[510 – Order of Administrative Leave/Surrender of Equipment](#)
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