



POLICY & PROCEDURE

UW-GREEN BAY POLICE DEPARTMENT

SUBJECT:	Personnel Complaints and Internal Investigations	SCOPE:	All Employees
CHAPTER:	Organization and Management Role	NUMBER:	1.9.1
DISTRIBUTION:	Policy Manual	EFFECTIVE:	06/09/2012
APPROVED:	Tony Decker, Chief of Police	REVIEWED:	08/15/2017
REFERENCE:	§62.13(5), §66.0511(3), §164, §946.66	REVISED:	08/26/2015, 05/01/2020

I. PURPOSE

This policy is mandated by State Statute §66.0511(2).

The purpose of this Policy & Procedure is to promote the integrity of the University of Wisconsin Green Bay Police Department by informing all employees and the public of established procedures for accepting, processing and investigating complaints concerning allegations of employee misconduct, and assure the prompt and thorough investigation of alleged or suspected employee misconduct.

II. POLICY

Establishment of procedures for investigating complaints and allegations of employee misconduct is crucial to demonstrate and protect this agency's integrity. The University of Wisconsin Green Bay Police Department will accept and investigate fairly and impartially all complaints of employee conduct to determine the validity of the allegation. It is the policy of the University of Wisconsin Green Bay Police Department that all incidents of alleged or suspected violations of State law, local ordinances, department rules, regulations or orders must be investigated in a timely manner.

III. DEFINITIONS

- A. Complaint: A report that is filed as part of a procedure established under *Wis. Stat.* §66.0511(3).
- B. Personnel Complaint: A complaint against an employee or employees of this department from a known source regarding alleged misconduct.
- C. Procedural Complaint: A complaint based on actions that, if performed properly, are acceptable according to legal guidelines and Department policy; e.g., complaints concerning towing vehicles, parking, traffic enforcement, etc.

- D. Minor Misconduct Complaint: A complaint based on allegations of minor misconduct by employees of the Department. Examples of minor misconduct include isolated incidences of mild rudeness or offensive language by an employee, traffic infractions by an employee, minor rules and regulations violations, etc.
- E. Law Enforcement Officer: Has the meaning given in *Wis. Stat.* §165.85(2)(c)
- F. Criminal Investigation: The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing criminal charges.
- G. Informal Inquiry: A meeting between supervisory personnel and an employee, who has become the subject of a procedural or misconduct complaint, for the purpose of mediating the complaint or discussing the facts to determine whether a formal investigation should be initiated.
- H. Internal Investigation: The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing administrative charges.
- I. Professional Standards: The Police Chief has the authority and responsibility of coordinating the internal investigative function. If the internal investigation involves the police chief, an outside agency or the University may be contacted to conduct the investigation.
- J. Serious Misconduct: Examples of serious misconduct include, but are not limited to, corruption, brutality, misuse of force, breach of civil rights, criminal misconduct, or repeated acts of minor misconduct.

IV. PROCEDURE

A. Public Complaints

If a person has a concern regarding the University of Wisconsin Green Bay Police Department, its policies/procedures or individual members they are encouraged to file a complaint in a timely fashion with the police chief or his/her designee.

1. The procedures for filing a complaint, including the processes followed and this policy shall be available for the public. At a minimum it shall be provided upon request but ideally posted in electronic format where it is anonymously accessible via the internet for download.
 - a. The complaint form shall have a conspicuous notification of the prohibition and penalty for filing a false complaint under *Wis. Stat. §946.66*, as required by *Wis. Stat. §66.0511(3)*.
2. Receipt and Processing

- a. A Personnel Complaint Form/Packet shall be provided to anyone considering or wishing to submit a complaint, or they shall be informed of where to access one.
 - b. Persons desiring to file a complaint are not required, but will be encouraged to complete a written complaint on the Personnel Complaint Form (Attachment A).
 - i. If an employee of the Department receives a complaint either in person, by phone, or by mail, the employee should record all information such as name, address and phone number.
 - ii. The complainant should be advised where to find the complaint form and encouraged to submit the complaint utilizing the Department form.
 - iii. The employee will contact the Police Chief as soon as practicable with the above information.
 - iv. A known complainant shall be notified of the receipt of their complaint and the impending investigation.
 - v. All complaints are potentially personnel issues. Therefore, all employees should refrain from advising other members of the department about any perceived, anticipated, or submitted complaint(s) about any member of the department.
 - c. Confidential written complaints shall be handled with the same degree of accord as those where the identity of the complainant is known. However, the identity of the complainant will be kept confidential by the individual receiving the complaint until such time as revealing the identity becomes necessary. The complainant will be notified at the time of the pending release and given the option to withdraw the complaint.
 - d. Complaints received from an unknown source will be handled to the degree possible based on the information provided by the unknown source.
 - e. Complaints against the police chief shall be referred to the Vice Chancellor of Business and Finance.
3. Investigation of Complaints.

The impact of a complaint on the integrity of the department and on employee morale necessitates a speedy resolution to such issues. It is required that a complaints investigation be completed as soon as possible but not to exceed 30 days. Justification to exceed this time frame will be submitted in writing to the Chief of Police and made part of the working file

- a. All complaints shall be forwarded directly or through channels to the Police Chief or, if the Police Chief is the subject of the complaint, the Vice Chancellor of Business and Finance.
 - b. Complaints will be investigated the same as other internal investigations.
 - c. Complainants should receive periodic updates on the progress of investigations.
 - d. All investigated complaints shall be completed whether or not the complainant follows through with their complaints.
 - e. Upon conclusion of an investigation, the police chief shall ensure that the complainant and the employee are advised of the final outcome of the internal investigation.
4. Incidents initiated by a civil suit or notice to file civil suit are not subject to this policy statement.
 5. Complaints filed directly with the UW-Green Bay Office of Human Resources may fall outside of this policy. However, Human Resources shall be advised of any investigation received by this department which is determined to be founded in whole or in part, or amounts to a known violation of UW-Green Bay Policy.
 6. The Office of Human Resources will be notified of all official complaints made against any University employee.

B. Personnel Investigations

1. It is essential that public confidence be maintained in the ability of the Department to investigate and properly adjudicate complaints against its employees. The Department should endeavor to preserve the rights of the employee as well as those of the public, and any investigation or hearing arising from the complaint should be conducted in an open and fair manner.
2. The five (5) primary objectives of a personnel investigation are:
 - a. Protection of the public
 - b. Protection of the Department
 - c. Protection of the employee
 - d. Correction of procedural problems
 - e. Removal of unfit personnel

3. False complaints of police misconduct.
 - a. Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to penalty as determined by Wisconsin state statutes. Referrals to the District Attorney shall be made by the agency investigator when appropriate.
4. Allegations of employee misconduct received from any source outside the Department should be recorded on or transferred onto the Personnel Complaint Statement form with specific information relative to the alleged employee misconduct, or inquiries concerning the University of Wisconsin Green Bay Police Department policies, procedures or tactics.
 - a. When the complaint information is transferred onto the Personnel Complaint Statement, the complaint in its original state should be retained, if possible, to preserve its integrity.
5. The information recorded is that which is necessary to begin an investigation into the events surrounding the allegation.
6. The Personnel Complaint Statement form concerning alleged misconduct is completed whether the allegation is received in person at the Department, by telephone, or at some other location, or by some other means and forwarded to the police chief.
7. Based upon the allegation received, employee misconduct is investigated by the Department as a “formal investigation”, “informal investigation” or as an “inquiry”.
8. If an employee receives information about a significant allegation of employee misconduct requiring immediate investigation, the police chief should be notified as soon as practicable.
9. Employee cooperation
 - a. All employees are required to cooperate with the investigation of personnel misconduct. Employees are prohibited from withholding relevant known information or having a lack of candor.
 - b. Failure to do so could result in disciplinary action for failure to obey orders
10. During the preliminary investigation, the police chief shall determine whether the complaint is based on procedure, minor misconduct, or serious misconduct and whether the complaint would be best resolved through an informal inquiry, internal investigation, or criminal investigation. It may be deemed by the police chief that no investigation is warranted.

C. Formal Investigations

1. All employee shall retain all rights afforded to them by law.
2. A formal investigation is conducted on serious allegations of misconduct where an investigator is assigned to obtain formal interview statements from the employees involved.
3. A personnel investigation is determined to be formal by the police chief primarily based upon the nature and complexity of the allegation.
4. Examples of personnel investigations that may be determined as formal include, but are not limited to:
 - a. Allegations of violation of the law
 - b. Allegations regarding morals
 - c. Allegations of brutality

D. Informal Investigations

1. All employees shall retain all rights afforded to them by law.
2. The primary difference between the formal investigation and the informal investigation is the manner in which the investigation is conducted.
3. An informal investigation is conducted on less serious allegations of misconduct where the investigation consists of obtaining informal statements from concerned employees regarding the allegations. Generally formal interviews or statements are not used.
4. A personnel investigation is determined to be informal by the police chief primarily based upon the nature and complexity of the allegation.
5. Examples of personnel investigations that may be classified as informal include, but are not limited to:
 - a. Complaints of slow response.
 - b. Alleged failure to take proper police action.
 - c. Alleged poor attitude displayed by Department employee(s).

E. Inquiry

1. All employees shall retain all rights afforded to them by law.

2. An “inquiry” concerns a subject contacting the police chief with questions about a policy, procedure, or tactic used by the Department, without the filing of a written complaint as described above.
3. When a subject questions the actions of a Department employee and it is determined by the police chief that the employee acted within prescribed Department policy, procedure or tactics, the matter is handled as an “inquiry”.
4. Any employee other than the police chief who receives an inquiry from a subject regarding Department policy, procedures or tactics should take the subject’s information, note the inquiry and tell them they will be contacted by the police chief or designee. Information concerning the inquiry should be forwarded to the police chief via electronic mail.
5. If after receiving the inquiry the police chief determines that the employee has not acted within prescribed Department policy, procedure or tactics, the police chief may deem the inquiry to be insufficient and may require the filing of a Personnel Complaint with procedures to be followed as applicable to the complaint process.
6. Examples of an “inquiry” include, but are not limited to:
 - a. Why did an employee handcuff a prisoner?
 - b. Why was a field interrogation conducted?
 - c. Why was vehicle emergency equipment used?
 - d. For what reason was a high risk car stop made?

F. Responsibilities of Professional Standards

1. The police Chief shall be responsible for the coordination of all investigations regarding allegations of serious misconduct by department employees, monitoring the investigations of procedural and minor misconduct complaints, and maintain records of all complaints against the department and its employees.
2. The police chief shall maintain the confidentiality and security of internal investigations and Professional Standards Unit records. These records shall be kept in hard copy in a secure location that is physically separate from other ordinary records and not accessible to unauthorized individuals.
3. The police chief shall conduct investigations of alleged or suspected misconduct within the Department, assign the investigation to another supervisor or request another law enforcement agency to conduct the investigation. When assigned to another supervisor/agency, the police

chief shall supervise and control the investigation.

- a. The police chief shall also consider whether the alleged misconduct should result in a criminal investigation. In the event a criminal investigation is deemed appropriate, an investigation shall be conducted by another investigator or, with the approval of the police chief, the assistance of an outside investigative agency shall be utilized.
- b. The police chief shall ensure that a liaison is maintained with the District Attorney's office in investigations involving alleged criminal misconduct on the part of an employee.

4. In all cases involving a complaint of misconduct against the police chief, the management and authority for the investigation is with the Vice Chancellor of Business and Finance.

G. Officers' Duties and Rights during an investigation

1. Scope of Questioning During an Interview.

- a. In an internal interview concerning alleged criminal misconduct, the provisions of the *Miranda* rights shall be adhered to throughout the interview.
- b. Prior to an internal interview concerning allegations of administrative violations, the officer under investigation shall be advised as follows:
 - i. The Police Officers Bill of Rights, *Wis. Stat. §164*.
 - ii. The employee can be required to answer all questions specifically, narrowly, and directly related to the performance of his/her official duties.
 - iii. Refusal to comply with an order to answer such questions is a violation of Departmental rules and/or policies, which may subject the officer to further discipline up to and including dismissal.
 - iv. Any required self-incriminatory admission made during the interview may be used only in subsequent administrative proceedings, and shall not be used against the officer in subsequent criminal proceedings.

2. Counsel/Representative at Interview.

- a. Employees may be permitted to have an attorney, supervisor, or other personal representative with them in the room during any interview

concerning allegations of misconduct by the employee (criminal or administrative). *(WI §164.02(1)(b))*

- b. The employee's representative is limited to acting as an observer of the interview, except where the interview focuses on, or leads to, evidence of potential criminal activity by the officer. In that case, an officer's legal representative may advise and confer with the employee during the interview.

3. Special Examinations.

- a. The Department may require a breath test, blood test, urine test, psychological, polygraph or medical examination upon the direction of the designated Departmental official/investigator. The police chief shall determine what additional test(s) will be administered on an individual basis, after conferring with the employee and investigator.
- b. An on-duty higher ranking officer, at the direction of the police chief should direct an employee to submit to a breath, blood or urine test when a level of inebriation/intoxication or drug usage is suspected as the factor directly related to duty performance or operating a Department vehicle.
- c. If an identification lineup is solely for administrative purposes and criminal prosecution is not anticipated, an employee can be required to participate in a lineup.

4. Rights during an Internal Investigation

- a. Prior to any interview or special examination, the employee under investigation will receive confidential written notification of the complaint. This notification will include a copy of the original complaint or a summary adequately listing the relevant facts. *(WI §164.02(1)(a))*
- b. All interviews should be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
- c. The complete interview may be recorded.
- d. The accused employee(s) or their supervisor may contact the police chief to ascertain the status of the investigation of a complaint filed against them.
- e. The accused employee(s) will be given reasonable opportunity to explain their actions to the police chief prior to the imposition of any disciplinary action.

5. A member of the management team has the authority to relieve employees from duty with pay and full benefits. The relief from duty may be a temporary administrative action pertaining to an employee's physical or psychological fitness for duty or an action pending disposition of a complaint investigation.

H. Dispositional Findings; Closure

1. The investigator's report and recommendations on a disciplinary matter or upon completion of an internal investigation will be forwarded to the police chief with a determination as to whether a violation has been sustained according to the evidence. The police chief shall have the authority to make the final determination as far as recommendations for discipline, as applicable and permissible under Human Resources Policies.
2. Police Chief's Actions Following Completion of Investigation.
 - a. The police chief shall review the final report and supporting documents, and shall give final approval of the disposition of the case as follows:
 - i. Sustained: Evidence sufficient to prove allegation.
 - ii. Not Sustained: Insufficient evidence to either prove or disprove allegations.
 - iii. Exonerated: Incident occurred but was lawful or proper.
 - iv. Unfounded: Allegation is false or not factual.
 - v. Policy Failure: Flaw in policy/procedure likely caused incident.
3. Upon final approval and completion, the police chief shall carry out discipline as prescribed in University of Wisconsin Green Bay Human Resources Disciplinary Procedures.
4. When recommended disciplinary action will result in suspension, dismissal or demotion, a formal statement of charges and specifications may be prepared, pursuant to the policies and procedures adopted by the University of Wisconsin Green Bay.



April 11, 2022

TONY DECKER, CHIEF OF POLICE

This policy shall become effective either immediately upon my signature or on the last date noted in the Revised Date field of page one. When a revision becomes effective, it shall be the standard and shall supersede all previous versions of the policy. Historical policies shall be maintained for no less than 7 years.

University of Wisconsin – Green Bay Police Department
PERSONNEL COMPLAINT FORM

Internal Tracking Number

To be completed by police

YYYY MM DD BADGE #

Any UW student has the right to seek resolution with the University when they believe they received unfair or improper treatment from an individual UW-Green Bay faculty or staff member, or from any department or office within the University.

<https://www.uwgb.edu/provost/policies-procedures/student-complaints/>

NOTICE TO COMPLAINANT:

The **University of Wisconsin-Green Bay Police Department** takes all allegations of misconduct against the Department or individual officers seriously. Malfeasance or criminal conduct within our ranks will not be tolerated and violations will be dealt with swiftly. Due to the serious nature these complaints, the State of Wisconsin has acted to protect officers from false complaints. Under *Wis. Statutes §946.66*, anyone who knowingly makes a false complaint regarding the conduct of an officer is subject to legal penalty.

FILING DATE: Monday, April 11, 2022

Name of Complainant:

Address: City: State: Zip:
Telephone: email:

(you're not required to identify yourself to make a complaint, but it is helpful to investigating supervisors)

Employee Involved (if known):

Date of Incident: Time of Incident:

Location of Incident:

Other people present(witnesses):

Statement of Complaint:

(please be as complete and detailed as possible, add pages or statements if necessary):

TYPE YOUR STATEMENT OF EVENTS HERE.

Signature of Complainant

Date & Time Received

Supervisor Receiving Complaint

Title

(A copy of this completed form shall be given to complainant upon request)



University of Wisconsin-Green Bay Police

Internal Investigation – Personnel Complaint

Internal Tracking Number

Involved Officer(s):

Type of Complaint:

Procedural

A complaint based on actions that, if performed properly, are acceptable according to legal guidelines and Department policy; e.g., complaints concerning towing vehicles, parking, traffic enforcement, etc.

Minor Misconduct

A complaint based on allegations of minor misconduct by employees of the Department. Examples of minor misconduct include isolated incidences of mild rudeness or offensive language by an employee, traffic infractions by an employee, minor rules and regulations violations, etc.

Serious Misconduct

Examples of serious misconduct include, but are not limited to, corruption, brutality, misuse of force, breach of civil rights, criminal action, or repeated acts of minor misconduct.

Date of Complaint:

Resolution Deadline:

(Date of Complaint + 30)

ALLEGATION(S):

1. Statue/Policy/Rule:
2. Statue/Policy/Rule:
3. Statue/Policy/Rule:

REQUIRED NOTIFICATIONS:

Chief of Police:

UW Human Resources:

Complainant, upon resolution:

FINDING(S):

1. Statue/Policy/Rule: UNFOUNDED
2. Statue/Policy/Rule: UNFOUNDED
3. Statue/Policy/Rule: UNFOUNDED

* Any unfounded allegations submitted by a student should be submitted to the Dean of Students office for student conduct charges.