

RULE 8

CITIZEN COMPLAINT PROCEDURE

Section 1: *Receipt of Oral Complaints.* Members of the Board of Police and Fire Commission may receive oral inquiries, objections, or complaints from citizens. When this occurs, Board members will take the following steps:

- (a) Recommend that the citizen contact the Chief of the affected department for the purpose of initiating that department's formal complaint procedure. If the citizen accepts the recommendation, the member will brief the Chief of the department as to the member's contact with the citizen. Resolution of the matter will be in accordance with the department's complaint procedure with appeal back to the Board in the event the citizen is not satisfied with the manner in which the complaint was resolved. The matter will be processed as provided in section 2 and 3 below.
- (b) If the citizen declines the recommendation to contact the Chief of the affected department to initiate the department's complaint procedure, the Board member will request the name, address, and telephone number of the citizen in order that a complaint form will be processed as provided in Sections 2 and 3 below.

Section 2: *Receipt of Written Complaints.*

- (a) Written citizen complaints will be forwarded to the President of the Board of Police and Fire Commission.
- (b) The President of the Board, through the Secretary to the Board, will request the complainant complete a citizen complaint form*, prescribed by the Board, and return it to the Board within thirty (30) days. The written citizen complaint form will be signed by the person filing the complaint. If the complainant fails to return the completed citizen complaint form to the Board within thirty (30) days, the Board may place the complaint on file.
- (c) The Board, with the assistance of the City Attorney, will review each citizen's complaint and complaint form for the purpose of ascertaining whether the form includes sufficient facts upon which to conclude that a complaint has been stated. Complaint forms providing insufficient information may be declined when the complainant refuses to provide sufficient information.
- (d) The Board will maintain a file containing a copy or a listing of all citizen complaint forms which have been received.

*Appendix A, Item IV

Section 3: *Processing of Written Citizen Complaints.*

(a) Informal Resolution.

1. Except as specifically provided herein, the President of the Board will refer each written citizen complaint and complaint form to the Chief of the affected department. The Chief of the department or designate will take the following action:
 - A. Conduct a departmental investigation as to the matters alleged in the complaint.
 - B. Serve a copy of the written complaint and complaint form upon the officer(s) complained against.
 - C. The Chief of the department will follow his/her complaint procedure.
 - D. Make a record of the findings.
 - E. Make a report to the Board during the next scheduled meeting of the Board, as to complaint and the disposition of the complaint, if any. In those cases, wherein an informal resolution of the complaint has not been reached, the complainant will be advised that he or she has the right to request a formal hearing on the complaint before the Board of Police and Fire Commissioners. The complainant will be further advised that unless a written request for a formal hearing before the Board is filed within thirty (30) days, the complaint will be placed on file.
2. Upon receipt of the report from the Chief of the department, the Board shall:
 - A. If an informal resolution has been reached, place the citizen complaint and complaint form on file.
 - B. Schedule a formal hearing of the complaint before the Board in those cases wherein a resolution has not been reached and the complainant has requested in writing a formal hearing before the Board.
3. The President of the Board will not refer written citizen complaints and complaint forms to the Chief of the affected department in those cases wherein the citizen complaint is directed against the Chief of the department and arises out of specified conduct on the part of the Chief. Complaints naming the Chief of a department solely on the basis of his/her official position, will be referred to the Chief of the department.

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4. A citizen who has filed a written complaint form may petition the Board of Police and Fire Commissioners for the purpose of demonstrating good cause why the complaint should not first be referred to the Chief of the department for the purpose of informal resolution. The decision of the Board as to whether a complaint should be immediately referred to the Board for formal hearing without an attempt at informal resolution, shall be final. The Board may place a citizen's complaint on file in those instances wherein the Board has determined that good cause to schedule an immediate formal hearing has not been demonstrated and the complainant refuses to participate in informal resolution proceedings. The Board may render a decision on the basis of the complainant's written petition or, in its discretion, may schedule a limited hearing on the petition only. At its discretion, the Board may refer the citizen's complaint to a party, other than the Chief of the department, for the purpose of attempting a resolution.
- (b) *Formal Hearing.* In those cases, wherein the Board determines to schedule a formal hearing, the Board shall establish a date and time for the hearing. The Secretary of the Board, with the assistance of the City Attorney, shall:
1. Serve a copy of the complaint and a notice of hearing upon the accused officer(s). The notice of hearing shall identify the rule or rules of the Board of Police and Fire Commissioners which the Board may conclude to have been violated, upon a determination that the complaint is sustained. Identification of a rule or rules within the notice shall not preclude the board from concluding that another rule has been violated, based upon the evidence introduced at the hearing.
 2. Provide notice to the complainant as to the date, time, and location of the hearing. Provide the complainant with a copy of the rule or rules which the Board may conclude to have been violated upon a determination that the complaint is sustained. Advise the complainant that any objection to the rule(s), as identified, must be filed with the Board, in writing, not later than ten (10) days prior to the hearing.

Section 4: *Hearing Before the Board on Citizen Complaints.*

- (a) Section 62.13(5)* of the Wisconsin Statutes will be adhered to with regard to citizen complaints which are the subject of a formal hearing before the board.
- (b) The Board may consult with the City Attorney, as appropriate, with regard to legal considerations affecting the Board's responsibilities under section 62.13(5) of the Wisconsin Statutes.

*Appendix A, Item I

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