

Fennimore Police Department <b>Personnel Complaints</b>		
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## **PURPOSE**

This policy establishes the internal affairs function of the Fennimore Police Department and identifies the purpose and procedures for conducting investigations and complaints against the Police Department or its employees.

## **POLICY**

It is the policy of the Fennimore Police Department to ensure the integrity of the agency and its employees is maintained. This shall be accomplished through an internal system of investigation and review based on objectivity, fairness and justice. This internal investigative process shall be completed in accordance with the following policy and procedure.

The Chief of Police or his/her designee shall be responsible for investigating all personnel complaints. Depending on the nature of the investigation or the nature of the complaint, the Chief of Police may, in his or her discretion, retain the services of an outside investigator or agency. Any such investigator or agency shall be provided with a copy of this policy.

## **PERSONNEL COMPLAINTS DEFINED AND CLASSIFIED**

Personnel complaints consist of any allegation of misconduct or improper job performance by any department employee that, if true, would constitute a violation of department policy, federal, state or local law, policy or rule. Allegations or complaints may be generated internally or by the public.

Inquiries about employee conduct or performance that, if true, would not violate a department policy, or a federal, state or local law, policy or rule may be handled informally by a department supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the department's response to specific incidents.

It is intended that the provisions of this policy be consistent with any applicable laws, collective bargaining agreements and City of Fennimore procedures. In the event any provision of this policy is not so consistent, the applicable law(s), agreement or City of Fennimore procedures shall govern.

This department will investigate all false claims made against its law enforcement officers. Knowingly making a false complaint against an officer may subject the complainant to a Class A forfeiture (Wis. Stat. § 946.66; Wis. Stat. § 66.0511).

## **PROCEDURE**

### **Sources of Complaints**

Members of the public may make complaints in writing, by e-mail, in person or by telephone. Any employee of this department who becomes aware of alleged misconduct shall immediately notify a supervisor.

Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source of an allegation of misconduct which, if true, could result in disciplinary action. Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

### **Acceptance of Complaints**

All complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, e-mail and verbal complaints will be accepted by any supervisor. If a supervisor is not immediately available to receive a verbal complaint, the receiving employee shall advise the complainant to contact a supervisor. The supervisor, upon contact of the complainant, shall complete and submit the personnel complaint form or other documentation as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

The following should be considered before taking a complaint:

- If the complainant is intoxicated or impaired to the point where his/her credibility appears to be unreliable, the person should be advised to contact a supervisor at a later date.
- Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

### **Complaint Documentation**

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. To ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. If requested, the complainant should be provided with a copy of his/her original personnel complaint.

Formal personnel complaints of alleged misconduct that are not reported in person shall be documented by a supervisor. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

If the complaint involves an officer involved death or any incident that has resulted in an injury that could foreseeably become an officer involved death, the administrative investigation will not interfere with the independent criminal investigation conducted consistent with Wis. Stat. § 175.47.

### **Rights of Employees Under Investigations**

When an employee is notified that he/she has become the subject of an internal investigation, the employee shall be informed of the allegations and his/her rights and responsibilities related to the investigation.

The rights of an employee under investigation shall be determined by the nature of the investigation. Rights associated with an administrative investigation shall differ from those associated with a criminal investigation.

In a situation where the investigation may result in criminal charges being preferred against the employee under investigation, the employee shall be afforded rights consistent with a criminal investigation. In some circumstances, a separate investigation may be conducted.

Prior to any investigative interview during an administrative investigation that could lead to disciplinary action; the employee will be advised that he or she has the right to representation at the interview. It is the employee's responsibility to ensure that his or her representative, if representation is desired, is present at that interview.

During an internal investigation for strictly administrative purposes, an employee may be compelled to answer questions directly related to his/her official duties. Answers received in such a manner may not be used in a criminal proceeding involving the employee. Prior to any administrative questioning, the employee shall be read the standardized "Garrity Warning" that appears in Appendix A of this policy.

The following guidelines apply to an interview during an investigation for strictly administrative purposes.

- The purpose of the investigation is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension or dismissal.
- All questions asked of the employee under investigation that are specifically related to employment must be fully and truthfully answered. Refusal to answer may result in disciplinary action, up to and including termination.
- No Miranda Rights are required.

During a criminal investigation involving a department employee, the employee will be allowed the same constitutional protection afforded the general public. No adverse administrative action will be taken based solely on a department employee's invocation of his/her constitutional rights.

### **Status of Employee Under Investigation**

If the condition of an employee is such that a supervisor deems that he/she should not be performing police duties, or if the alleged misconduct is of such a serious nature that the best interest of the department and the community would be served by the employee being relieved from duty, the supervisor shall place the employee on administrative leave with pay and provide the employee with instructions for reporting to the department.

Administrative leave may continue pending the outcome of an investigation if the Chief of Police deems it in the best interest of the department and the community.

### **Complaint Adjudication**

The Chief of Police will classify completed internal investigations using the following guidelines:

- **Substantiated:** The allegations are supported by sufficient evidence to conclude they are true.
- **Not substantiated:** Insufficient evidence to either prove or disprove the allegations.
- **Unfounded:** Investigation indicates that the allegations are false.
- **Exonerated:** Investigation indicates that the incident occurred but was justified, lawful and proper under the circumstances.
- **Policy/Procedure failure:** The investigation reveals that the allegations are true; however, the employee was acting in accordance with established department policy or procedures.

Substantiated complaints will be placed in the employee's personnel file, including all investigatory documents relevant thereto. All other complaints shall be placed in the "general" complaint file. These internal affairs files shall be maintained for a period of seven (7) years.

### **Complainant Notification of Disposition**

The Chief of Police or designee shall inform the complainant named in the personnel complaint in writing of the disposition and the reasons therefore within a reasonable period of time.

### **Appeal Procedure**

Employees wishing to appeal the outcome of any internal investigation shall do so according to the grievance procedure established by the collective bargaining unit and the City of Fennimore and/or all applicable laws.

## DISCLAIMER

This policy is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy may form the basis of departmental administrative action, but it is not intended for use in courts of civil or criminal jurisdiction.

/s/ Christopher J. French

03/28/2025

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Christopher J. French  
Chief of Police

Date

APPENDIX A  
GARRITY WARNING

Date and Time \_\_\_\_\_

Location \_\_\_\_\_

Interviewer/s \_\_\_\_\_

This questioning concerns an administrative investigation relating to certain conduct in which you allegedly engaged in during working hours related to:


I am not questioning you for the purpose of instituting a criminal prosecution against you or for the purpose of securing additional evidence against you in any pending criminal action.

During the course of this questioning, even if you disclose information which indicates you may be guilty of criminal conduct concerning these allegations, neither your self-incriminating statement nor its fruits may be used against you in a criminal proceeding. Since this is an administrative matter within the City of Fennimore, you are required to answer questions truthfully and completely or you may be subjected to administrative/disciplinary action which could result in your dismissal from the Fennimore Police Department.

**Do you understand what I have just explained to you?**

\_\_\_\_\_ Yes \_\_\_\_\_ No

**Do you have any questions concerning what I have just explained to you?**

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness Signature \_\_\_\_\_ Date \_\_\_\_\_

APPENDIX B  
FENNIMORE POLICE DEPARTMENT  
CITIZEN COMPLAINT DISPOSITION FORM

Nature of the Complaint: \_\_\_\_\_

Officer(s) Involved: \_\_\_\_\_ Receiving Supervisor: \_\_\_\_\_

Date/Time of Incident: \_\_\_\_\_ Date/Time Reported: \_\_\_\_\_

Location of Incident: \_\_\_\_\_ Related Incident Numbers: \_\_\_\_\_

Complainant Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Details of the Complaint:

Supervisor's Assessment of Complaint Validity:

Supervisor's Recommendations:

Chief's Review:

Final Disposition: \_\_\_\_\_ Date: \_\_\_\_\_

Citizen Contacted with Disposition:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

APPENDIX C



# CITIZEN COMPLAINT STATEMENT FORM

Complainant Name \_\_\_\_\_ DOB \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

I give the following statement to \_\_\_\_\_ of the Fennimore Police Department. I am making this statement freely and voluntarily and understand that:

1. The Fennimore Police Department has an obligation to investigate the alleged wrongdoing of any of its employees and will investigate the situation or circumstances as I have presented them in my statement.
2. The officer involved in this situation may be subject to discipline by the Fennimore Police Department and/or prosecuted for violations of the law.
3. I may be subpoenaed and required to testify under oath in a civil or criminal proceeding pertaining to my statements.
4. The making of a false complaint against a law enforcement officer which I do not believe to be true is subject to a Class A forfeiture, state statute 946.66(2).

Knowing this, I hereby give the following statement:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

Signature \_\_\_\_\_ Date/Time \_\_\_\_\_ / \_\_\_\_\_ Witness \_\_\_\_\_