

	BROOKFIELD POLICE DEPARTMENT GENERAL ORDER		DISTRIBUTION ALL PERSONNEL	G.O. # 4.01
	Order Title		Section	Section Title
	ACCEPTING CITIZEN COMPLAINTS			DISCIPLINARY PROCESS
	Original Issue Date	Reissue/Effective Date	Accreditation standard	
	01/23/2020	01/23/2020	POSTC: 1.5.9; 2.8.3; 2.5.6 b,	
Rescinds				
52-2 July 1, 2015				

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

The purpose of this policy is to provide all Brookfield Police Department (“BPD” or “Department”) employees, and the public, the procedures for accepting, processing, and investigating allegations of officer misconduct or citizen complaints. This policy defines provisions applicable only to the receipt and processing of complaints and complies with applicable sections of Public Act 14-166.

II. POLICY

The Brookfield Police Department’s public image is determined by a professional response to allegations of misconduct against its employees. The establishment of procedures for the acceptance of complaints is crucial to demonstrate and protect the Department’s integrity. This Department shall accept, and fairly and impartially investigate, all complaints or allegations of misconduct to determine their validity. The Department shall timely impose any disciplinary or non-disciplinary corrective actions that may be warranted. All complaints against the BPD and/or about employee conduct shall be accepted and documented regardless of whether the filed complaint is in writing, verbally in person, by mail, by telephone (or TDD), by facsimile, electronically, or anonymously. The Chief of Police or his designee will maintain a record of all complaints made against the agency or employees. Such files will be maintained in a secure area. The Major is responsible for administering the complaint process in conformance with this directive and relevant state law.

III. DEFINITIONS

Complaint: An allegation by a member of the public regarding BPD services, policy or procedure, officer misconduct, claims for damages which allege officer misconduct, and any allegation of possible misconduct of any BPD personnel. Complaints may allege abuse of authority, corruption, criminality, poor or slow service, or other misconduct or malfeasance on the part of Brookfield Police Department personnel.

Complainant: Any person who files a complaint regarding the conduct of any Department employee, or the BPD’s policies, procedures, or actions.

Complaint Control Number: A sequential number used to identify and track citizen complaint investigations, which is assigned by the Executive Officer.

Discipline: A written reprimand, suspension, demotion, or dismissal.

Officers: Any law enforcement officer employed by, or assigned to, the BPD, whether on or off-duty, including supervisors and members authorized to carry department-issued weapons.

Employee: Any person employed by the Brookfield Police Department, whether sworn or non-sworn.

External Complaint: A complaint that originates from outside the department.

Internal Complaint: A complaint that originates from within the BPD. Such complaints may be initiated by other BPD employees or from supervisors who observed, or were informed by other employees, of possible policy violations.

Internal Affairs: The Office of the Chief is designated with the primary responsibility for conducting investigations of Administrative or Citizen Complaints of Misconduct.

Malfeasance: Illegal or dishonest activity especially by a public official.

Misconduct: Any conduct by a BPD employee that violates BPD policy or the law.

Summary Action: Disciplinary action in the form of an oral reprimand, or counseling documented in writing, taken by an officer's supervisor for minor violations of department rules, policies, or procedures as defined by the Department. Summary actions are the lowest level of disciplinary action.

Supervisor: Includes those holding the rank of Corporal or higher, or anyone acting in those capacities.

IV. PROCEDURE

A. Internal Affairs

The Office of the Chief has primary and oversight authority over investigations of allegations of misconduct made against employees. Upon receipt of a complaint, the Chief of Police will assign the appropriate IA investigator to investigate the complaint, or refer it to the appropriate unit or designated supervisor for investigation through the appropriate chain of command. The IA Investigator is responsible for the following:

1. Conducting a thorough, fair and impartial investigation of every complaint received regardless of the method of receipt.
2. Investigating and determining the nature, facts, and circumstances of every complaint.
3. Reporting to a supervisor up to and including the Chief of Police, if warranted, the results of the investigation, any recommendations, and the resolution of that investigation.

4. Identifying and recommending for appropriate investigation and prosecution criminal misconduct discovered on the part of any individual during the course of an internal affairs investigation.
5. Preparing suggested revisions of Agency Policies and Procedures where existing deficiencies have been a contributing factor to misconduct.

B. Public Information and Access

1. The Chief of Police will:
 - a. Ensure informational materials (both in English and in Spanish) are made available to the public through police personnel, police department, internet, libraries, community groups/community centers, and at designated public facilities.
 - b. The complaint forms (both in English and in Spanish) will also be made available on the Department's website.
2. Officers will inform citizens of their right to make a complaint against an officer if the citizen is displeased with, or objects to, an officer's conduct or performance of his/her duties.
3. The completed complaint forms may be faxed, emailed, hand-delivered, or mailed to the Department.
4. The Department will provide a written response to all complainants.
5. The Department will assure that appropriate steps are taken to provide protections that might be afforded to a complainant who fears retaliation associated with filing a complaint.

C. Acceptance/ Filing of Complaints

1. General
 - a. The BPD encourages citizens to bring forward legitimate complaints regarding possible misconduct by its employees. BPD personnel will not discourage any person from making a complaint.
 - b. All personnel must courteously inform an individual of his or her right to make a complaint if the individual objects to an employee's conduct. This includes any complaints made by an individual who is in BPD custody and/or a holding cell.
 - c. All employees have a duty to assist any person who wishes to file a citizen's complaint.

- d. No employee shall refuse to assist any person who wishes to file a citizen complaint or discourage, interfere with, hinder, delay, or obstruct a person from making a citizen complaint.

Employees who withhold information, fail to cooperate with departmental investigations, or fail to report the misconduct of another BPD employee to a supervisor shall be subject to disciplinary action.

D. Complaint Intake Procedure

1. All citizens will have the right to lodge a complaint against any employee(s) of the Brookfield Police Department:
 - a. Complaints may be received in writing or verbally, in person, by mail, telephone (TDD), facsimile, electronic mail, or by any other means.
 - b. Anonymous and third party complaints will be accepted.
 - c. Employees will maintain professional decorum both on and off duty, and will refrain from using abusive language to citizens wishing to file complaints or inquiring about the complaint process.
2. Employees will assist those who express the desire to lodge complaints against any employee. This includes, but is not limited to:
 - a. Calling a supervisor to the scene to conduct a preliminary inquiry and document the complaint (for example, summoning the supervisor of the officer against whom the complaint is made);
 - b. Explaining the Department's complaint procedures;
 - c. Providing complaint form(s), or give instructions as to where form(s) may be obtained.
3. Officers who are approached by a person seeking to make a complaint will, when possible, call for a supervisor, obtain a brief description of the allegation, record contact information (name, address, phone number) from the complainant, obtain an initial call number to give to the complainant.
4. If a supervisor is not readily available, the officer will inform the complainant and advise them that they will be contacted by a supervisor or IA supervisor by the next business day.
5. Every effort shall be made by all Department personnel to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. Any member who interferes with, discourages, hinders, or delays the making of complaints shall be subject to disciplinary action.

6. Complaints by persons under the influence of alcohol or drugs: When a person who is noticeably intoxicated or impaired wishes to make a complaint, he or she shall be encouraged to wait until the earliest opportunity after he or she has regained sobriety to do so. When the supervisor determines the circumstances require immediate action, preliminary details of a complaint should be taken by a Supervisor, when available, regardless of the person's sobriety. In that event, the internal affairs designee should re-interview the person after he or she has regained sobriety.
7. Delayed or untimely complaints: Complaints of misconduct or malfeasance shall be accepted regardless of when the alleged misconduct or malfeasance is alleged to have occurred. However, the timing of a complaint is one of the circumstances that the agency may consider in determining whether misconduct or malfeasance can be reliably substantiated and, if so, the nature and extent of discipline to be imposed. Where a delay in reporting alleged misconduct may call into question the veracity of the complainant, or has resulted in the loss or destruction of evidence or the inability to locate witnesses due to the passage of time, the facts and circumstances should be detailed in the report. Although allegations of criminal behavior may be made past the expiration of the applicable statute of limitations and criminal prosecution may no longer be possible, a criminal violator may still be held accountable administratively.
8. Complainant who fears retaliation associated with filing a complaint: If a complainant expresses fears of retaliation as a result of filing a complaint, they must be assured that those fears will be taken seriously. Complainants should be asked to provide the basis for their concerns, if possible, and the information provided should be noted in the complaint. This will allow the unit, supervisor, or internal affairs designee to be aware of these fears and develop reasonable strategies to assist the complainant in dispelling those fears.
9. Headquarters Requirements:
 - a. When Dispatcher/staff are approached by a person seeking to make a complaint they will immediately notify an on-duty supervisor, who will then respond to headquarters to conduct a preliminary inquiry of the complaint. Sworn and civilian employees who receive a complaint about their own conduct shall immediately refer the complaint to a supervisor. If no supervisor is working, the on-call administrator will be contacted.
 - b. If a supervisor cannot respond to headquarters within a reasonable period, the Dispatcher/staff will provide the Citizen Complaint Form to the person wishing to file a complaint.
 - c. The person taking the complaint may describe facts that bear upon a complainant's demeanor and physical condition, but will not include his or her opinion regarding the mental competency or veracity of the complainant.

- d. The person taking the complaint will obtain a call number from Dispatch. The dispatch operator will provide the officer with the call number only after receiving the required information (i.e. nature of complaint, name of complainant (optional), name of subject officer if known, location, time and date of incident, etc.)
- e. The person taking the complaint will issue the complainant a copy of the Citizen Complaint Form with the call number, which they will be allowed to review prior to leaving the station. If the Citizen Complaint Form has not been assigned a CCN at the time the complaint is taken, the form will be mailed to the individual once a CCN has been assigned.
- f. The person taking the complaint will advise the complainant of the investigative process relative to their complaint, prior to the complainant leaving the station.
- g. If the complainant is unable to read, write, or understand the English language with sufficient proficiency to complete the complaint form, or to be interviewed regarding their knowledge of the incident complained of, the BPD employee(s) assisting the individual shall ensure the complainant receives adequate language assistance to permit them to file their complaint and assist, as needed, in the investigation thereof. The name and identifying information of any person providing such language assistance to a complainant shall be recorded on the complaint form or in the body of the report.

E. Complaints Through Alternative Methods

- 1. If a complaint is received at the Office of the Chief of Police the investigating sergeant will be immediately notified. The investigating sergeant will attempt to contact the complainant as soon as possible, but no more than 24 hours after being notified, to complete the Citizen Complaint Form and initiate the investigation.
- 2. Shift supervisors will ensure complaint forms are always available at their assigned command, conspicuously displayed, and accessible to the public.
- 3. Complaints received in writing, or by mail, telephone (TDD), facsimile, electronic mail, or by any other means will be processed as follows:
 - a. The IA investigating officer will obtain a CCN, following the same procedures described in this policy for obtaining a control number;
 - b. Complainants shall be notified in writing within five (5) business days of receipt that; (1) their complaint has been received by the agency and is currently pending; (2) that a complaint number has been assigned (including the assigned number); (3) that they will be informed in writing of the outcome of the complaint promptly following conclusion of the investigation, and (4) that they may contact the

designated investigator (identify by name, telephone and/or email) at any time for further information while the investigation is pending.

- c. Based on the complaint, the Chief of Police will determine whether the matter will be investigated or whether the matter will be referred to the subject officer's supervisor through the chain of command for further investigation.
- d. All complaints shall be investigated in accordance with the policies and procedures of the BPD. (Refer to Misconduct and Citizen Complaint Investigations, and Use of Force Investigation Policies.)