

Personnel Complaints

1007.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Neenah Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1007.2 POLICY

The Neenah Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining or employment agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

The designated Internal Affairs Coordinator for the Neenah Police Department is the Professional Staff Captain.

1007.3 PERSONNEL COMPLAINTS

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

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

1007.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Staff Captain, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

or the Professional Staff Captain, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1007.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1007.3.3 COMPLAINT INVESTIGATIONS

Preliminary Investigation - A fact-finding investigation designed to assist a supervisor in determining whether a complaint should be handled through the process of informal inquiry or internal investigation.

Informal Inquiry - A unit-level review of a procedural or minor misconduct complaint. An informal inquiry may involve simple mediation of the complaint and/or a meeting with the officer for the purpose of determining the facts and the appropriate form of resolution. Review of an informal inquiry is required if a formal complaint is filed

Internal Investigation - A formal investigation of an employee who has become the subject of a serious misconduct complaint and is to be investigated by the internal affairs function.

Criminal Investigation - The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing criminal charges.

1007.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1007.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

1007.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form 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.

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).

1007.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. (IAPro) The log shall include the nature of the complaint and the actions taken to address the complaint.

1007.5.1 ANNUAL REVIEW

Annually, the Professional Standards Lieutenant shall conduct a review of all complaints to determine any patterns or tendencies that may need to be addressed. The results of the annual review shall be documented and forwarded to the Chief of Police or the authorized designee.

1007.6 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action. Forms of discipline include, but are not limited to, training, counseling and punitive action.

1007.6.1 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander or internal affairs coordinator for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed a response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds, scope, reasons for discipline, and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

The Chief of Police shall file a report with the police commission immediately upon issuing a suspension or discharge of a member (Wis. Stat. § 62.13(5); Wis. Stat. § 62.50(13)).

1007.6.2 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1007.7 CITIZEN COMPLAINT

- (a) All complaints against the department or its employees will be courteously received and thoroughly investigated. This shall include complaints received anonymously, as well as those reported by a citizen not directly associated with the complaint.
 - 1. Non-supervisory personnel may explain policy or procedures, or describe a citizen's options to resolve a complaint, but shall refrain from trying to justify any employee's actions or resolve complaints themselves.
- (b) Upon receipt of a citizen complaint, a supervisor shall initiate a preliminary investigation into the matter, complete the Citizen Complaint Report, and prepare a report of his or her findings.
 - 1. When requested, the supervisor (comm techs when a supervisor is not available) may provide the citizen complaint report to citizens who may complete it themselves and forward it back to the department.
 - 2. All returned citizen complaint reports will be forwarded to the shift supervisor who should make every effort to meet with the complainant to obtain all the information for an investigation.
- (c) The preliminary investigation may include such steps as:

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

1. Interviewing the complainant, reporting person, or witnesses (recorded interviews are preferred).
 2. Collecting written statements.
 3. Reviewing documents or audio/visual tapes.
 4. Observing and documenting injuries or physical evidence related to the allegation.
- (d) The supervisor receiving the complaint shall provide the complainant with a copy of the citizen complaint report face sheet as written verification that the complaint has been received for processing.
- (e) The preliminary investigation shall result in a determination as to whether the complaint alleges serious misconduct, minor misconduct, or is procedural in nature. When in doubt, the complaint shall be treated as the more serious category.
- (f) Copies of the citizen complaint report shall be forwarded to the internal affairs coordinator, who will register all complaints received utilizing IAPRO..
- (g) The internal affairs coordinator will advise command staff of the complaint and will assign the investigation and notify other supervisors, as he or she deems appropriate.
- (h) The assigned supervisor will coordinate the investigation of allegations of minor misconduct or procedural complaints through the informal inquiry process.
- (i) If the complaint alleges serious misconduct, the internal affairs coordinator will coordinate an internal investigation.
- (j) The internal affairs coordinator shall ensure records confidentiality by maintaining a secure file of all citizen complaints and shall compile a summary of all complaints filed against the department and its employees on an annual basis.
- (k) Citizen complaints against the Assistant Chief or Captain should be referred to the Chief of Police.
- (l) Citizen complaints against Chief of Police should be referred to the president of the police commission, the city attorney, or an outside agency.

1007.8 INFORMAL INQUIRY

An informal inquiry may involve simple mediation of the complaint and/or a meeting with the officer for the purpose of determining the facts and the appropriate form of resolution.

Review of an informal inquiry by Command Staff is required if a formal complaint is filed.

1007.8.1 INFORMAL INQUIRY PROCESS

- (a) The informal inquiry process shall be used to investigate allegations of minor misconduct or complaints of a procedural nature.
- (b) The investigating supervisor assigned to the complaint shall contact the complainant (unless anonymous) to advise them of the receipt of their complaint.

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

- (a) Contact can be made in person, via phone, or through written communication, but should be documented in IA Pro.
- (c) The decision to resolve a citizen complaint through informal inquiry shall be made following a preliminary investigation into the alleged misconduct or procedural concern and a determination that the matter does not involve serious misconduct.
- (d) The informal inquiry process may involve mediation of the complaint with the citizen or reporting party, but will always involve an interview with the identified employee.
- (e) If the supervisor chooses, he or she may read to the employee the Administrative Investigation Rights.
- (f) Prior to interviewing an employee regarding his or her involvement in a complaint alleging minor misconduct or a procedural concern, the inquiring supervisor shall advise the employee of the nature of the allegation and that it is his or her intent to resolve the matter through informal inquiry. The employee shall be permitted to have a representative if he or she desires.
- (g) In the event an informal inquiry will take more than 30 days to complete, the assigned supervisor shall provide the complainant with a status report, and will continue to do so on 30-day intervals, thereafter.
- (h) Upon conclusion of an informal inquiry, the assigned supervisor shall take the following action:
 - 1. Make a preliminary determination regarding the proposed final disposition of the complaint, and review with the internal affairs coordinator.
 - 2. Forward the report to the internal affairs coordinator for approval.
 - 3. Notify the employee of the final disposition of the complaint.
 - 4. Notify the complainant of the final disposition of the complaint.
 - 5. Take any appropriate corrective action

1007.9 ADMINISTRATIVE INVESTIGATIONS

The professional standards lieutenant shall have direct access to the Chief of Police or the authorized designee.

Allegations of misconduct will be administratively investigated as follows.

1007.9.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor or Professional Staff Captain personnel investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Shift Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Commander and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Shift Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1007.9.2 RIGHTS AND RESPONSIBILITIES OF AN EMPLOYEE UNDER INVESTIGATION

- (a) When an employee is notified that he or she is the subject of an internal investigation, the employee shall be provided a written notice of the allegations and his or her rights

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

and responsibilities relative to the investigation, pursuant to the Law Enforcement Officers' Bill of Rights (Wi Stat § 164.02).

- (b) At the request of an employee under investigation, he or she may have a representative of his or her choice present during any interview.
- (c) If it is desirable or necessary to compel statements from the employee, the investigator shall read the employee the Administrative Investigation Rights .
- (d) In cases that are purely administrative (include no potential criminal charges), the employee has no Sixth Amendment right to counsel for internal investigations and interviews, as the interview does not serve criminal prosecution.
- (e) During an internal investigation, an employee may be compelled to answer questions directly related to his or her official duties. All questions asked of the employee under investigation that are specifically related to employment must be fully and truthfully answered. Answers received in such a manner may not be used in a criminal proceeding involving the employee. Refusal to answer may result in corrective action.

1007.9.3 INVESTIGATIVE TOOLS AND RESOURCES

Note: If, at any time, the investigator determines the investigation is likely to result in criminal charges being referred against the employee under investigation, the investigator shall confer with the Chief of Police and the City attorney's office before proceeding under this section.

- (a) Medical and Laboratory Examination
 1. Any supervisor may, based on his/her reasonable suspicion, require a department employee to submit to a test for alcohol or drug use while on duty, in accordance with the City's personnel policies.
 2. When ordered by the Chief of Police or designee, employees shall be required to submit to any additional medical and laboratory examinations that are specifically directed and narrowly related to an internal investigation of the employee's performance or fitness for duty.
 3. Whenever an employee is ordered by a supervisor to undergo a medical or laboratory examination as a condition of his or her employment, the examination will be provided at no cost to the employee.
 4. Ordered evaluations will be conducted with a provider chosen by the police department/city. Employees may seek a second opinion from their chosen provider at their own expense.
- (b) Photograph Identification Procedures
 - (a) When ordered by a member of the command staff, an employee shall submit to being photographed for the purpose of creating a photograph array when needed to identify an employee accused of misconduct.
- (c) Financial Disclosure Statements
 1. When ordered by a member of the command staff, an employee shall be required to make financial disclosure statements when such statements are directly and narrowly related to an internal investigation.

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

1007.10 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1007.11 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1007.12 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The chief or authorized designee of the Neenah Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1007.13 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

A conclusion of fact shall support the final complaint classification.

All completed investigations will be maintained in the department's internal affairs files.

1007.14 CORRECTIVE ACTIONS

Corrective action shall be administered fairly and impartially, consistent with the seven steps of just cause (ss 62.13 (5)em) considering the nature of the offense and prior violations, and considering mitigating circumstances.

- (a) Counseling/Coaching
 - (a) If the nature of an offense is determined to be of a minor nature where documentation wouldn't be required, a verbal counseling may be utilized and any remedial training required can be directed.
- (b) Documented verbal reprimand
 - (a) Documented verbal reprimands are appropriate for offenses more serious in nature where a simple verbal counseling is not sufficient and documentation is determined to be required.
 - (b) The issuing supervisor shall make clear to the employee the standard or policy being violated, the action that created the violation, and any remedial training required.
 - (c) The verbal reprimand should be memorialized in a written note to the employee indicating the date and time of the offense, the date and time of the reprimand, a specific description of the violation, and a warning regarding future violations.
 - (d) The employee, the employee's immediate supervisor, and the internal affairs coordinator should all receive copies of the written documentation. A copy will be placed in the employee's personnel file.
- (c) Written reprimands
 - (a) Written reprimands are appropriate for continued offenses that would normally be verbal reprimands or for more serious offenses that would not be serious enough to warrant suspension, demotion, or dismissal.
 - (b) Written reprimands include:
 - (a) A heading of "Written Reprimand."
 - (b) The policy or standard being violated.
 - (c) The date and time of the violation.

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

- (d) The specific action creating the violation.
 - (e) Specific mention of previous actions taken to correct similar behavior.
 - (f) A warning regarding the consequences of future violations.
 - (g) Any remedial training required (if applicable).
 - (h) Notification that the employee may appeal the decision to the Chief of Police.
 - (i) The supervisor's signature.
- (c) The employee may appeal the written reprimand to the Chief of Police within five days after the issuance. The appeal should be in written form indicating why the written reprimand is not warranted. The chief's decision will be final.
 - (d) The employee, the employee's immediate supervisor, and the internal affairs coordinator should all receive copies of the written reprimand. A copy will be placed in the employee's personnel file.
 - (e) The employee may submit a rebuttal to be placed in the personnel file with the reprimand.
- (d) Suspension, Demotion, or Dismissal
 - (a) When a preliminary investigation indicates that a violation may result in a suspension, demotion, or dismissal, the internal affairs coordinator shall be notified as soon as practical.
 - (b) Once the investigation is complete, a command officer shall draw up the charges in accordance with the parameters of the seven steps of just cause (ss 62.13(5)em).. The charges should include:
 - (a) A listing of all the policies or standards violated.
 - (b) The specific action or lack thereof, which created the violation(s).
 - (c) The specific date, time, and location of each violation.
 - (d) Specific mention of any prior actions taken to correct similar behavior(s).
 - (e) The date, time, and place of a pre-disciplinary meeting with the Chief of Police.
 1. At the meeting, the Chief of Police will provide a copy of the charges and will ensure the employee understands them.
 2. The Chief of Police will allow the employee to make a statement or present any relevant information.
 3. The employee may have union representation present at the meeting.
 - (c) A command officer or other appropriate officer shall serve the charges on the employee as soon as practical. If the employee is on a temporary paid leave the service can be done by inviting the employee to the department, delivering

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

at the employee's residence, or by sending registered mail with return receipt requested.

- (d) The Chief of Police will dispose of the investigation by either:
 - (a) Concluding the evidence does not warrant this level of correction, in which case the matter may be referred back to a command officer for a verbal or written reprimand.
 - (b) Taking corrective actions, which may include suspension without pay, or filing charges with the commission for demotion or dismissal. For sworn employees, the Chief of Police shall file a report of any suspension with the police commission, with a copy to the involved employee.
- (e) The employee may request a hearing before the Police Commission as described in the Police Officer's Bill of Rights, Chapter 164, Wis. Stats.

1007.15 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1007.16 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1007.17 POST-DISCIPLINE APPEAL RIGHTS

A non-probationary employee may have the right to appeal the imposition of a disciplinary suspension, transfer, demotion or termination as provided in a collective bargaining agreement,

Neenah Police Department

Neenah PD Policy Manual

Personnel Complaints

local ordinance or police commission rule (Wis. Stat. § 62.13(5)(i); Wis. Stat. § 62.50(13); Wis. Stat. § 59.26(8)(b)(6)).

1007.18 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1007.19 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.

1007.20 RELEASE OF INFORMATION

- (a) During the course of an internal investigation the department or its members will not identify any employee under investigation
- (b) Informal inquiries and internal investigation reports will be kept confidential. If an open records request is made for one of these reports, the Chief of Police will review the request. If it appears the report is subject to release, the employees named as subjects of the investigation will be notified at least two weeks prior to any release, in order to allow them to seek a court injunction blocking such release.
- (c) On an annual basis, the internal affairs coordinator shall prepare a statistical summary of internal affairs activities for administrative review. This report will not contain any names of employees investigated. The Chief of Police will provide this report to the police commission and the news media.

Attachments:

[See attachment: Rules While On Administrative Leave Letter.pdf](#)

[See attachment: Notice Letter.pdf](#)

[See attachment: Admin Investigation Rights Ltr.pdf](#)

[See attachment: Admin Investigation Miranda Rights.pdf](#)

[See attachment: Admin Investigation Forms.pdf](#)

Attachments

Rules While On Administrative Leave Letter.pdf



Department of Police

2111 Marathon Avenue, Neenah, WI 54956-4771

Phone: 920-886-6000 Fax: 920-886-6054

website: www.ci.neenah.wi.us - e-mail: police@ci.neenah.wi.us

Date:

To:

From:

Re: **Rules While On Administrative Leave**

An allegation of misconduct has been made against you. This action is alleged to have occurred on (date, time, and location of incident). An internal investigation will be conducted. The investigation is a fact-finding process to determine the truth. The facts obtained may exonerate you or may be used in disciplinary proceedings resulting in reprimand, demotion, suspension or dismissal.

Due to the seriousness of the allegations, you are placed on Administrative Leave as of (date and time). During such time, you must comply with the following rules:

1. You are not authorized to perform any official duties as a law enforcement officer to include conducting any official police business over the telephone. Additional restrictions include;
 - a. You shall not go armed with a department issued firearm;
 - b. Should you witness a violation of the law that you feel requires a law enforcement officer to investigate, you should contact the appropriate jurisdictional police authority to report the matter.
 - c. If you are contacted at home or while out in the community by a person who requests your assistance or advice about a law enforcement matter, you should refer them directly to the appropriate police department and not become involved.
2. You are required to return department issued equipment, including department-owned firearms, identification cards and badges, facility keys, squad car keys, police radio, and/or other specialized equipment not stored within the police facility. The above-mentioned equipment will be stored as directed by a supervisor.
3. You are required to report by telephone to [assigned supervisor(s)] as directed by the administrator ordering the leave.
4. You are required to check your department voice-mail at least 3 times between Monday and Friday each week and report any requests for service to your supervisors or to any on-duty supervisor if [assigned supervisor] is not available.
5. You must notify your district supervisors of any subpoena you receive that mandate your appearance in court during the Administrative Leave period.
6. You are not permitted in the secured areas of the police department, unless accompanied by a supervisor.

Notice Letter.pdf



Department of Police
2111 Marathon Avenue, Neenah, WI 54956-4771
Phone: 920-886-6000 Fax: 920-886-6054
website: www.ci.neenah.wi.us
e-mail: police@ci.neenah.wi.us

Date:

To: Employee

Re: **Internal Affairs #**

As part of this investigation, you have been alleged to have violated:

- [IDENTIFY POLICY OR RULES AND REGULATIONS VIOLATION(S)]

It is alleged on [DATE, BRIEF EXPLANATION AND INCIDENT NUMBER]

Please be prepared to meet with me to discuss these allegations on [DATE], at [TIME] hours. If you choose, a representative of your choice may accompany you during this meeting.

Prior to our meeting, I would encourage you to review our Internal Affairs policy to fully understand your rights and responsibilities concerning this investigation. Please do not discuss the nature of this investigation with anyone else other than what may be necessary to brief your representative/counsel.

I have enclosed a copy of the Administrative Rights pertaining to our interview. Please review, sign, and bring to our meeting.

If you have questions prior to our meeting, please feel free to contact me at my office [Phone #] or on my cell phone [Phone #].

Employee Signature

Date

Investigating Supervisor

Date

Admin Investigation Rights Ltr.pdf



Department of Police

2111 Marathon Avenue, Neenah, WI 54956-4771

Phone: 920-886-6000 Fax: 920-886-6054

website: www.ci.neenah.wi.us

e-mail: police@ci.neenah.wi.us

Date:

To: Employee

Re: **Administrative Investigation Rights**

I wish to advise you that you are being questioned as part of an official investigation of the police department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, or are untruthful, you will be subject to departmental charges, which could result in your dismissal from the police department. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

I understand the Administrative Investigation Rights that were read to me and I acknowledge that a written copy of the rights was provided to me.

Employee Signature

Date

Investigating Supervisor

Date

Admin Investigation Miranda Rights.pdf



Department of Police

2111 Marathon Avenue, Neenah, WI 54956-4771

Phone: 920-886-6000 Fax: 920-886-6054

website: www.ci.neenah.wi.us

e-mail: police@ci.neenah.wi.us

Date:

To: Employee

Re: **Administrative Investigation Miranda Rights**

I wish to advise you that you are being questioned as part of an official investigation of the police department. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to have an attorney present during this interview or at any other time during these proceedings.
4. If you cannot afford an attorney, one will be appointed for you with no charge, if you so wish.
5. You have the right to stop answering questions at any time.

If you do answer, the information or evidence gained by reason of such statements may be used against you in both criminal and departmental proceedings.

I understand the Administrative Investigation Rights that were read to me and I acknowledge that a written copy of the rights was provided to me.

Employee Signature

Date

Investigating Supervisor

Date

Admin Investigation Forms.pdf



Department of Police

2111 Marathon Avenue, Neenah, WI 54956-4771

Phone: 920-886-6000 Fax: 920-886-6054

website: www.ci.neenah.wi.us

e-mail: police@ci.neenah.wi.us

Date:

To: Employee

Re: **Administrative Investigation Garrity Warning**

I wish to advise you that you are being questioned as part of an official investigation of the police department. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to have an attorney present during this interview or at any other time during these proceedings.
4. If you cannot afford an attorney, one will be appointed for you with no charge, if you so wish.
5. You have the right to stop answering questions at any time.

If you do answer, the information or evidence gained by reason of such statements may be used against you in both criminal and departmental proceedings.

I understand the Administrative Investigation Rights that were read to me and I acknowledge that a written copy of the rights was provided to me.

Employee Signature

Date

Investigating Supervisor

Date



Department of Police

2111 Marathon Avenue, Neenah, WI 54956-4771

Phone: 920-886-6000 Fax: 920-886-6054

website: www.ci.neenah.wi.us

e-mail: police@ci.neenah.wi.us

Date:

To: Employee

Re: **Administrative Investigation Miranda Rights**

I wish to advise you that you are being questioned as part of an official investigation of the police department. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to have an attorney present during this interview or at any other time during these proceedings.
4. If you cannot afford an attorney, one will be appointed for you with no charge, if you so wish.
5. You have the right to stop answering questions at any time.

If you do answer, the information or evidence gained by reason of such statements may be used against you in both criminal and departmental proceedings.

I understand the Administrative Investigation Rights that were read to me and I acknowledge that a written copy of the rights was provided to me.

Employee Signature

Date

Investigating Supervisor

Date



Department of Police

2111 Marathon Avenue, Neenah, WI 54956-4771

Phone: 920-886-6000 Fax: 920-886-6054

website: www.ci.neenah.wi.us

e-mail: police@ci.neenah.wi.us

Date:

To: Employee

Re: **Administrative Investigation Rights**

I wish to advise you that you are being questioned as part of an official investigation of the police department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, or are untruthful, you will be subject to departmental charges, which could result in your dismissal from the police department. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

I understand the Administrative Investigation Rights that were read to me and I acknowledge that a written copy of the rights was provided to me.

Employee Signature

Date

Investigating Supervisor

Date



Department of Police
2111 Marathon Avenue, Neenah, WI 54956-4771
Phone: 920-886-6000 Fax: 920-886-6054
website: www.ci.neenah.wi.us
e-mail: police@ci.neenah.wi.us

Date:

To: Employee

Re: **Internal Affairs #**

As part of this investigation, you have been alleged to have violated:

- [IDENTIFY POLICY OR RULES AND REGULATIONS VIOLATION(S)]

It is alleged on [DATE, BRIEF EXPLANATION AND INCIDENT NUMBER]

Please be prepared to meet with me to discuss these allegations on [DATE], at [TIME] hours. If you choose, a representative of your choice may accompany you during this meeting.

Prior to our meeting, I would encourage you to review our Internal Affairs policy to fully understand your rights and responsibilities concerning this investigation. Please do not discuss the nature of this investigation with anyone else other than what may be necessary to brief your representative/counsel.

I have enclosed a copy of the Administrative Rights pertaining to our interview. Please review, sign, and bring to our meeting.

If you have questions prior to our meeting, please feel free to contact me at my office [PHONE #] or on my cell phone [PHONE #].

Employee Signature

Date

Investigating Supervisor

Date



Department of Police

2111 Marathon Avenue, Neenah, WI 54956-4771

Phone: 920-886-6000 Fax: 920-886-6054

website: www.ci.neenah.wi.us - e-mail: police@ci.neenah.wi.us

Date:

To:

From:

Re: **Rules While On Administrative Leave**

An allegation of misconduct has been made against you. This action is alleged to have occurred on (date, time, and location of incident). An internal investigation will be conducted. The investigation is a fact-finding process to determine the truth. The facts obtained may exonerate you or may be used in disciplinary proceedings resulting in reprimand, demotion, suspension or dismissal.

Due to the seriousness of the allegations, you are placed on Administrative Leave as of (date and time). During such time, you must comply with the following rules:

1. You are not authorized to perform any official duties as a law enforcement officer to include conducting any official police business over the telephone. Additional restrictions include;
 - a. You shall not go armed with a department issued firearm;
 - b. Should you witness a violation of the law that you feel requires a law enforcement officer to investigate, you should contact the appropriate jurisdictional police authority to report the matter.
 - c. If you are contacted at home or while out in the community by a person who requests your assistance or advice about a law enforcement matter, you should refer them directly to the appropriate police department and not become involved.
2. You are required to return department issued equipment, including department-owned firearms, identification cards and badges, facility keys, squad car keys, police radio, and/or other specialized equipment not stored within the police facility. The above-mentioned equipment will be stored as directed by a supervisor.
3. You are required to report by telephone to [assigned supervisor(s)] as directed by the administrator ordering the leave.
4. You are required to check your department voice-mail at least 3 times between Monday and Friday each week and report any requests for service to your supervisors or to any on-duty supervisor if [assigned supervisor] is not available.
5. You must notify your district supervisors of any subpoena you receive that mandate your appearance in court during the Administrative Leave period.
6. You are not permitted in the secured areas of the police department, unless accompanied by a supervisor.