

	Marquette University Police Department	
	Policy and Procedure Manual Citizen Complaints	
Policy: 2.8	Issued: May 1, 2015	Date Revised: N/A
WILEAG Standards: 1.9.1, 1.9.1.4		IACLEA Standards: 4.2.1

2.8.00 **Purpose**

The purpose of this Policy is to improve the quality of police services, improve the relationship between the University and the citizens being served, and to provide citizens with a fair and effective avenue to remedy legitimate grievances against Marquette University Police Department (MUPD) officers, and by the same token, to protect accused officers from false charges of misconduct or wrongdoing.

2.8.10 **Policy**

It is the policy of the Marquette University Police Department to accept and investigate all complaints of officer misconduct or wrongdoing from any person. Complaints from anonymous sources will be accepted only if the complaint contains sufficient factual information to allege a violation of law or policy and to permit an effective investigation.

2.8.15 **Scope**

This policy applies to all agency employees.

2.8.25 **Procedure**

Officers shall courteously and promptly record in writing any complaint made by a citizen against any member of the Department. Shift Commanders may attempt to resolve the complaint but shall never attempt to dissuade any citizen from making or pursuing a complaint against any member of the Department. Officers shall follow this policy for processing complaints.

A. Informal Complaint Process

When a complaint does not allege criminal activity, use of excessive force, or violation of a constitutional right, it will be referred to the Shift Commander on duty for evaluation. The Shift Commander will attempt to resolve the complaint to the satisfaction of the complainant. If the complainant is not satisfied with the proposed resolution, the complaint will be handled under the formal complaint process.

B. Formal Complaint Process

The formal complaint process must be used whenever a complaint alleges criminal activity, excessive force, violation of a constitutional right, or when the complainant is not satisfied with the proposed resolution under the informal complaint process.

C. Acceptance of Complaints

All complaints against the Marquette University Police Department or its employees, including those anonymously, will be courteously received and thoroughly investigated.

1. When any member of the Department becomes aware of a complaint against another department member that must be processed under the formal complaint process, the complaint shall be immediately referred to the Chief of Police. The University's Office of General Counsel must also be notified within one (1) business day, either by the Chief of Police or by the Shift Commander.
2. Complaints received more than 60 days after the alleged incident will be evaluated to determine if sufficient information or evidence remains available to permit an effective investigation. The determination as to whether such a complaint will be investigated will be made by the University's President or Provost after the complaint has been reduced to writing and forwarded by the Chief of Police with his recommendation on how the Department should proceed.
3. The complaint shall either be made in writing by the complainant or reduced to writing by a senior officer who is aware of the substance of the complaint. The complaint must be a statement of facts and should be signed by the complainant where possible.

4. The report will be reviewed by the supervisor to insure its sufficiency. The complainant shall be informed that appropriate legal and/or University proceedings may be instituted for filing false and malicious allegations against Department Officers.

D. Investigation

Once reduced to writing, all complaints will be forwarded to the Chief of Police and to the University's Office of General Counsel. The Chief of Police shall appoint an investigative officer, who shall:

1. Obtain statements from complainants and any witnesses.
2. Advise complainants and witnesses that they may be asked to be available for further questioning.
3. Request a detailed written report of the situation from the member complained against after consultation with the Office of General Counsel.
4. Provide the member complained against an opportunity to review the complaint and explain to the member his/her rights after consultation with the Office of General Counsel.
5. Conclude the investigation as rapidly as possible and within 30 days of the appointment as investigator, unless an extension is granted in writing by the Chief of Police with notice to the member complained against and to the complainant.
6. Make a written finding of facts and a recommendation to the President or Provost on what action should be taken.

E. Complaint Disposition

Disposition of the complaint will be entered into one of the following five (5) categories:

1. Not Involved-Officer was not present at the time of the alleged incident.
2. Unfounded-Allegation is false or not factual.
3. Not Sustained-Insufficient evidence either to prove or disprove the allegation.

4. Exonerated-Incident occurred, but was lawful and proper.
5. Sustained-Allegation is supported by sufficient evidence to justify a reasonable conclusion that the complaint is factual.

F. Record Retention

The Marquette University Police Department will maintain a record of all complaints against the department or employees and protect the confidentiality of the records by storing them in a secure area, per the university records management policy.

G. Review

1. Upon completion of the Departmental investigation of a citizen complaint, the citizen complainant shall be advised of the result of the investigation.
2. Nothing in this policy shall be considered an exclusive remedy.

Appendix A

**MARQUETTE UNIVERSITY POLICE DEPARTMENT
CITIZEN COMPLAINT FORM**

All citizen complaints will be courteously accepted and fully investigated. All investigations arising from citizen complaints will be conducted in a fair and open manner, consistent with the rights of all concerned, and in a manner aimed at determining the facts of the action.

Complainant Notification of 946.66 (2): Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture.

Acknowledgement of Notice – Signature

Date Notice Acknowledged

NAME: _____
Print full Name

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ ALT. PHONE: _____

DATE OF INCIDENT: _____ TIME OF INCIDENT: _____

LOCATION OF INCIDENT: _____

Nature of complaint: _____

Complainant Signature

Date

Continue on reverse if necessary