2.8.00 Purpose

The purpose of this Policy is to improve the quality of services provided by the Marquette University Police Department (MUPD), to improve the relationship between the MUPD and the communities it serves, and to establish a process through which complaints alleging misconduct by MUPD personnel can be fairly and effectively investigated and adjudicated.

2.8.10 Policy

It is the policy of the Marquette University Police Department to accept and investigate all complaints alleging misconduct by an employee of the MUPD.

2.8.15 Scope

This policy applies to complaints alleging misconduct by any employee of the MUPD.

2.8.20 Definitions

A. **Advisory Board** means the Marquette University Police Department Advisory Board.

B. **Chief of Police** means the Chief of the Marquette University Police Department.
C. Complainant means a person who files a complaint alleging misconduct by an MUPD employee. Under ordinary circumstances the complainant must be the person directly affected by the alleged misconduct or must have been an eyewitness to the alleged misconduct.

D. Complaint means an allegation of misconduct by an MUPD employee that is made pursuant to the procedures prescribed in this policy.

E. Misconduct means conduct by an employee of the MUPD which violates (1) law, (2) MUPD rules, regulations, policies or procedures, or (3) other standards of conduct that must be observed by University employees.

F. MUPD means the Marquette University Police Department.

G. UNIVERSITY means Marquette University.

2.8.25 Procedure

A. Initiating the Complaint Process

As an initial matter a complaint may be made in person, in writing, by telephone, or by any other means of electronic communication. Once received, the complaint will be processed utilizing the procedures described below. No member of the MUPD may discourage a complainant from filing a complaint.

B. 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 complainant may invoke the formal complaint process. In either event the Shift Commander will file a report with the Chief of Police on the matter.
C. Formal Complaint Process

1. 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.

2. The formal complaint process is commenced with the filing of a written complaint by the complainant using a form provided by the MUPD for this purpose. Once submitted to the MUPD, the complaint shall immediately be referred to the Chief of Police, who shall provide notice of the complaint to the University’s Office of General Counsel and to the Chair of the Advisory Board within one business day.

3. Investigation

The Chief of Police will review the complaint to determine whether, on its face, it alleges an act of misconduct by an MUPD employee. If it does not, the Chief of Police will close the investigation and notify the complainant. If the complaint alleges facts that, if true, would constitute misconduct by an MUPD employee, the Chief of Police shall appoint one or more members of the MUPD Command Staff to conduct an internal investigation of the complaint to determine whether any acts of misconduct were committed and by whom. The investigating officer(s) shall file a written report of the investigation with the Chief within 30 days (unless an extension of time is granted by the Chief).

4. Complaint Disposition

Upon receipt of the internal investigation report, the Chief of Police shall determine whether the complaint is sustained by a preponderance of the evidence.

   a. If the complaint is sustained, the Chief of Police will determine an appropriate disposition and notify the complainant, the MUPD personnel against whom the complaint was filed, the University official to whom the Chief reports, and the Chair of the MUPD Advisory Board.

   b. If the complaint is not sustained, the Chief of Police will close the investigation and notify the complainant, the MUPD
personnel against whom the complaint was filed, the University official to whom the Chief reports, and the Chair of the MUPD Advisory Board.

5. Review by the MUPD Advisory Board

If either the complainant or the MUPD personnel against whom the complaint was filed is dissatisfied with the outcome of the formal complaint process, he or she may file a written request with the MUPD Advisory Board asking that the Advisory Board review the matter. The Advisory Board will thereupon conduct a review utilizing procedures it has designed for this purpose and will provide its own recommendations with respect to the matter to the Chief of Police and to the University official to whom the Advisory Board reports. Review by the Advisory Board is not an appeal of the Chief's decision; rather, it is a mechanism through which the Chief of Police and the University official to whom the Advisory Board reports can receive the Board's advisory opinion with respect to the merits and the disposition of the complaint.

6. Special Situations

a. **Anonymous Complaints.** Anonymous complaints pose special challenges inasmuch as the source of the complaint is unknown and cannot be contacted for such additional information as may be necessary for a thorough investigation of the matter complained about. Should the MUPD receive an anonymous complaint alleging misconduct by MUPD personnel, it is the responsibility of the Chief of Police to determine whether there is sufficient information to initiate an investigation and, if so, to select an appropriate investigative response.

b. **Complaints Involving Allegations of Remote Misconduct.** In the typical case an allegation of misconduct can most effectively be investigated if it is made soon after the misconduct allegedly occurred. Evidence can become stale with the passage of time. Accordingly, if a complaint is received more than 60 days after the alleged misconduct occurred, the Chief of Police will make an initial determination whether sufficient information or evidence remains available to permit an effective investigation. In making this decision the Chief of Police may consult with the MUPD Advisory Board.
7. Confidentiality

Investigations of alleged misconduct will be conducted with confidentiality, except insofar as disclosure of information related to the investigation is required by law.

8. Record Retention

The MUPD will maintain a record of all complaints against MUPD personnel and will protect the confidentiality of the records by storing them in a secure area in conformity with the University’s records management policy.
Appendix A

MARQUETTE UNIVERSITY POLICE DEPARTMENT
CITIZEN COMPLAINT FORM

All citizen complaints will be courteously accepted and fully investigated. Investigations will be conducted in conformity with the MUPD Citizen Complaint Policy and Procedure in a manner that is respectful of the rights of all concerned.

Complainant Notification of Wis. Stat. § 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 § 946.66(2) Notice – Signature Date of Acknowledgement

NAME: ___________________________________________________________
Print full Name
ADDRESS: _______________________________________________________
CITY: ________________________ STATE: _________ ZIP: _________
PHONE: ______________________ E-mail: ___________________________
DATE OF INCIDENT: ___________ TIME OF INCIDENT: ___________
LOCATION OF INCIDENT: ____________________________________________

Factual basis of complaint:
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

Complainant Signature Date

Continue on reverse if necessary