

# JEFFERSON COUNTY SHERIFF'S OFFICE

## POLICY & PROCEDURE

SUBJECT: **HANDLING OF CITIZEN COMPLAINTS  
AGAINST SHERIFF'S OFFICE PERSONNEL**

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AMENDS: 103

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### **PURPOSES**

To ensure accountability to the public for actions of Jefferson County Sheriff's Office personnel;

To set forth a mechanism for reception and investigation of complaints made by citizens regarding the conduct of Jefferson County Sheriff's Office personnel;

To maintain the confidence of the citizens in the Jefferson County Sheriff's Office;

To ensure conformance with s.66.0511(3), Wis. Stats. (citizen complaint procedures);

To provide uniformity and documentation in response to citizen complaints.

### **POLICY**

The trust and cooperation of citizens in their Sheriff's Office is the very foundation of law enforcement.

The rights of both Sheriff's office personnel and citizens shall be upheld while a complaint is being investigated in a fair and impartial manner.

This policy shall be premised on the following excerpt from the Sheriff's office policies and procedures manual: "The deputy sheriff has been specially empowered, by the Sheriff, to achieve his or her objectives and if they do so in a reasonable manner, they may use force and they may restrain liberty. With this power, the deputy is always subject to public scrutiny, yet the deputy welcomes all sincere criticism from the public they serve. All of this is undertaken because the deputy believes it is the way in which he or she can best contribute to the peace and development of the community they serve."

The Sheriff's Office will accept and address all complaints of employee misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements. It is also the policy of the Sheriff's Office to ensure that the community served can report misconduct without concern for reprisal or retaliation.

Procedures shall be in place, as outlined below, for reception and investigation of complaints by citizens regarding actions by members of the Jefferson County Sheriff's Office. Separate procedures shall be in place for handling of formal and informal complaints.

A complaint will be handled as a formal complaint if it cannot be readily handled as an informal complaint or if it is in regard to a more serious allegation of misconduct, including any of the following: alleged criminal activity, use of excessive force, an apparent violation of constitutional rights, or gross misconduct.

Records shall be kept on all complaints and the disposition of complaints.

Except where otherwise provided, this policy shall apply to all members of this Sheriff's Office.

This Sheriff's Office 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).

### **SOURCES OF COMPLAINTS**

- (a) Members of the public may make complaints in writing, by e-mail, in person or by telephone.
- (b) Any employee of this Sheriff's Office who becomes aware of alleged misconduct shall immediately notify a supervisor.
- (c) 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.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

### **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. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint.

Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her original personnel complaint.

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

Supervisors shall document all informal complaints in a log designated for such by the Sergeant. The log should include the nature of the complaint received and the actions taken to address the complaint. On an annual basis, the Sergeants should audit the log and send an audit report to their respective Chief Deputy.

### **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 take a verbal complaint, the receiving employee shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact of the complainant, shall complete and submit the personnel 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.

The following should be considered before taking a complaint:

- (a) If the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a personnel complaint form to be completed and submitted at a later time.
- (b) 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.

### **PROCEDURES**

#### **A. RECEPTION OF COMPLAINTS**

1. When a citizen complains to a deputy about that deputy's conduct, the deputy will attempt to satisfy the complainant with a brief explanation of the action taken. If the citizen is not satisfied with the deputy's explanation, the deputy will inform the person that a complaint may be made to the Sheriff's Office by contacting the employee's Shift Commander. Deputy will provide the person with the appropriate telephone number.
2. When the Dispatcher receives a complaint regarding conduct of police personnel, police services or the use of police equipment, he or she will refer the caller to the employee's Shift Commander.
3. When any deputy or other Sheriff's office employee receives a complaint concerning another deputy or other employee, he or she will advise the complainant to report the incident to the Shift Commander of the involved person, and will provide the complainant with the appropriate telephone number.
4. Any person, including a member of the Sheriff's Office, will have the right to file a citizen complaint.
5. The Shift Commander or OIC will handle the initial complaint. If he or she is unavailable, the person taking the complaint will fill out the pertinent information and then turn the complaint over to the Shift Commander or OIC.
6. The Shift Commander or OIC will determine whether a complaint should be handled as an informal or formal complaint. After making such determination, Shift Commander will follow the appropriate procedure, as outlined below.

B. HANDLING OF INFORMAL COMPLAINTS

1. When a complaint appears to be based merely upon a misunderstanding or seems frivolous or seems to have been made for purposes of harassment, the Shift Commander or OIC will attempt to explain and resolve the matter informally, and will inform the complainant of the results - either verbally or in writing.
2. If the Shift Commander or OIC cannot resolve the complaint at the time it is made, he or she may inquire further into the matter, gathering any necessary information. If it can then be resolved informally, he or she will inform the complainant of the results.
3. Shift Commander or OIC will inform the deputy or other employee of the outcome of any informal complaint.

C. HANDLING OF FORMAL COMPLAINTS

1. As indicated in above policy statement, a complaint will be handled as a formal complaint if it cannot be readily handled as an informal complaint or if it is in regard to a more serious allegation of misconduct, including any of the following: alleged criminal activity, use of excessive force, an apparent violation of constitutional rights, or gross misconduct.
2. In attempting to resolve a formal complaint, Shift Commander or OIC will follow these steps:
  - a. Fill out the JEFFERSON COUNTY SHERIFF'S OFFICE CITIZEN-POLICE COMPLAINT FORM;
  - b. Obtain written statements from complainant(s) and witness(es);
  - c. Obtain a written or dictated report concerning the situation from the employee involved;
  - d. Investigate the situation as thoroughly as possible, in a timely fashion;
  - e. Present a written finding of facts to the Sheriff or his/her designee, with a recommendation of appropriate action.
3. If criminal activity is alleged, the District Attorney will be asked to review the complaint for possible charges.
4. If a violation of Sheriff's office rules and regulations or of policies and procedures is alleged, the Corporation Counsel will be asked to review such possible violations.
5. Shift Commander or investigating officer will respond to the complainant regarding disposition of the complaint, and will also inform the deputy or other employee of that disposition.
6. A copy of the complaint will be forwarded to the Sheriff by the appropriate Division Supervisor. The Sheriff, at his/her discretion, may then follow up with a letter to the citizen regarding the outcome and action taken reference to their citizen complaint.

D. RECORDS

1. Patrol Captain will maintain separate files of informal and formal complaints. This will include copies of any complaint forms, as well as records regarding the disposition of all complaints.
2. There will be no records of complaints placed in the personnel files of involved employees, unless disciplinary actions were taken as the result of a complaint.