



Southgate Police Department

Director of Public Safety
Joseph L. Marsh

Chief of Police
Mark A. Mydlarz

Subject		Directive	Number of Pages	
Citizen Complaint Procedures		8-21	8	
<i>*This Directive Supersedes All Previously Issued Correspondence Relative To This Topic*</i>				
Accreditation Standards:	MACP: 1.3.1		Effective Date	Revised Date
			May 15, 2002	February 17, 2021

I. PURPOSE

To establish procedures for addressing misconduct complaints while standardizing the procedures for receiving and investigating citizen complaints.

II. POLICY

It is the policy of the Southgate Police Department to accept and investigate all alleged complaints against the police department, and its personnel. This includes those complaints filed anonymously. The department will support employees falsely accused of wrong doing and will implement corrective action to improve the quality of services. [M-1.3.1b]

III. PROCEDURES

A. RECEIVING COMPLAINT PROCEDURES [M-1.3.1d]

1. The Southgate Police Department will accept and investigate all complaints against a member of the department within 30 days of the date of contact.
2. All complaints will be politely and promptly referred to a department supervisor. If a citizen refuses to wait for a supervisor, the employee shall offer a complaint form and ask for a telephone number for the supervisor to call the citizen. **No attempt shall be made to discourage the filing of a complaint, nor shall any person be intimidated, threatened, or harassed for doing so. Complaint forms shall be mailed out upon request.**
3. The receiving supervisor is authorized to:
 - a. Accept and document the complaint, including distributing the department complaint form.
 - b. Explain and clarify a department procedure, law or legal procedure to resolve a complaint.
 - c. Explain a miscommunication or misunderstanding to resolve a complaint.
 - d. Resolve minor complaints to the satisfaction of the complainant.
 - e. A copy of the completed form shall be given to the citizen, and the original forwarded to the police administration. No other copies of the received

complaint forms are to be produced, maintained, or disseminated without the express authorization of the Police Administration.

4. Resolved minor complaints require the shift supervisor to submit a correspondence through the chain-of-command to the Chief of Police or Director of Public Safety explaining the circumstances of the complaint and the action taken to resolve the complaint, i.e. “clarified a department procedure, explained a misunderstanding, explained to the employee a better way to handle a situation, etc.” The intent of the notification is to ensure there have been no past similar complaints and to identify training needs or necessary changes in operating procedures.
5. Unresolved minor complaints do not require immediate chain of command notification, but must be submitted to the Chief of Police on a correspondence as soon as possible. The correspondence shall document the facts of the allegation.
6. Serious complaints and all reports of criminal misconduct shall be immediately reported to the Chief of Police. A written confidential correspondence explaining the facts shall also be submitted to the Chief of Police.
7. NOTE: Supervisors shall encourage citizens to fill out a written formal complaint form regarding unresolved complaints and serious allegations of misconduct.

B. COMPLAINT INVESTIGATIVE PROCEDURES [M-1.3.1d]

1. The Chief of Police will review all formal unresolved complaints and determine who will investigate the complaint.
2. The Chief of Police shall assign a Complaint Tracking Number for the purpose of tracking and documenting the complaint. The number will include the year and the order by which the complaint was received. (Example: 20-01)
3. The officer in charge of investigating the complaint or alleged misconduct shall have direct access to the Chief to determine prior similar incidents or other extenuating circumstances surrounding the allegations. [M-1.3.1a]
4. All investigations will be completed in compliance with legal and contractual guidelines.
5. The investigation will be conducted on a “need to know” basis and department members may be ordered not to discuss the investigation.
6. The investigator shall submit the written investigative findings report through the chain of command to the Chief who will then share the report with the Director.

7. No supervisor will investigate an employee of higher or equal rank.
8. Criminal complaints will be investigated before and separately from an allegation of departmental misconduct.
9. Complaints against command personnel:
 - a. Complaints against Sergeants shall be taken by a Lieutenant, or in his/her absence, by the Chief of Police
 - b. Complaints against Lieutenants shall be taken by another Lieutenant or in his/her absence, by the Chief of Police.
 - c. Complaints against the Chief of Police will be investigated by the Director.
 - d. Complaints against the Director will be investigated by the City Manager or his/her designee.

c. COMPLAINT DISPOSITION [M-1.3.1d]

1. The Director and his/her designee will determine the final disposition. [M-1.3.1c]
2. If discipline is imposed, it will be administered according to lawful and contractual guidelines.
3. The Director and/or Chief may immediately suspend an employee pending investigation and disposition in matters where any complaint or charge against any employee under such circumstances that if the facts alleged to be true, the employee would be guilty of the commission of a crime or offense under State or Federal law, or a traffic violation involving the death or serious injury of a citizen. [M-1.3.1e]
4. Possible complaint dispositions may include, but are not limited to, unfounded, unsubstantiated, no action, turned over to another agency, policy or training revisions, correcting counseling, written reprimand, verbal reprimand, suspension, reduction in rank, discharge and prosecution.
5. The department will pursue criminal charges against persons who make false police reports.
6. The Director and his/her designee shall be responsible for coordination of the disposition notification to the accused officer and the complainant in a timely manner. [M-1.3.1c]

D. COMPLAINT RETENTION & REPORTING [M-1.3.1d]

1. The Director shall maintain all formal complaint records. Such records will be secured in a Director's office. To protect and maintain the confidentiality of employee internal affairs records, only the Director, Chief, and his/her Administrative Assistant shall have access to employee discipline files. [M-1.3.1f]
2. Complaint records shall be maintained for three (3) years.
3. A copy of formal discipline shall be placed in the employee's personnel file.
4. Unsubstantiated complaints shall not be placed in personnel files.
5. The Director or his designee will complete an annual analysis of all employee misconduct complaints and dispositions. This analysis shall be made available to the public, as well as to the employees.

E. CITIZEN COMPLAINT FORM [M-1.3.1d]

1. The citizen complaint form is attached to this policy. Citizens who request to complete a complaint form outside our presence shall be allowed to mail or return the completed form to a supervisor.

WARNING

This directive is for departmental use only and does not apply in criminal or civil proceedings. The department policy should not be construed as a creation of higher legal standard of safety or care in any evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

IV. AUTHORITY



Joseph L. Marsh
Director of Public Safety

Enclosure(s)
Citizen Complaint Form

SOUTHGATE POLICE CITIZEN COMPLAINT FORM

PART I (To Be Completed By the Officer Receiving the Complaint)

Complaint #: _____ **Tracking #** (Assigned by Administration) _____

Officer Received By: _____ Date: _____ Time: _____

Type of Complaint (Check all boxes that apply):

☐ Criminal ☐ Non-Criminal ☐ Formal ☐ Minor ☐ Facially Invalid

Location Complaint Filled Out: ☐ At Police Station ☐ Other (location)(specify) _____

PART II (To Be Completed By the Complainant)

Instructions: TYPE or neatly PRINT the information requested below. If unknown, please indicate. If you have any questions or need help completing this form, the officer taking your complaint will assist you.

Complainant's Name: _____ **Date of Birth** _____ M ☐ F ☐
(Last, First, Middle)

Address: _____
(Street number, City, State, zip code)

Home Phone: _____ **Work Phone:** _____ **Other :** _____

Incident Date: _____ **Time:** _____

Location: _____

Employee Against Whom Complaint is Made (include any identifying information such as physical description, badge #, patrol car number, etc.):

List Witnesses to the Incident (Include address and phone number(s), if known)

1. _____
2. _____
3. _____
4. _____

Complaint Narrative: Please describe your complaint in detail, including the behavior or actions of the employee that led to this complaint. Use as many additional pages as necessary.

[illegible]

(Use additional page if needed)

X _____

(Complainant Signature & Date)

X_____

(Officer Taking Complaint & Date)

Narrative Continued:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(Use back if needed)

X _____
(Complainant Signature, Date)

X _____
(Officer Taking Complaint, Date)

PART III (To Be Completed By the Police Administration)

COMPLAINT DISPOSITION:

☐ *Officer Exonerated*

☐ *Unfounded*

☐ *Insufficient Evidence*

☐ Sustained; disciplinary action taken or recommended: _____

☐ Criminal:

Detective or Outside Agency Referred To: _____

Date Referred: _____

NOTIFICATION OF DISPOSITION:

COMPLAINANT: ☐ Yes (date notified) _____

☐ No (reason) _____

MAYOR: ☐ Yes (date notified) _____

☐ No (reason) _____

EMPLOYEE(S): ☐ Yes (date notified) _____

☐ No (reason) _____

OTHER: ☐ Yes (name of person & date notified) _____

☐ No

ADDITIONAL

COMMENTS: _____

x _____

(Signature of Chief or Deputy Chief & Date)