



## **CITY OF MILWAUKEE**

### **Fire and Police Commission**

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May 3, 2010

TO: Fire and Police Commissioners

FROM: Michael G. Tobin, Executive Director

SUBJECT: Amendment to FPC Rule XV, Sections 4 and 5 Citizen Complaint Procedure

As we gain more experience working with the new citizen complaint system, certain inefficiencies have been identified for improvement. Currently, in minor misconduct complaints that do not require imposition of an unpaid suspension, but do require correction of an employee's behavior through retraining or additional training, the Board must conduct a disciplinary hearing. A hearing requires significant staff time, Commissioner time, FPC expenditures of \$2-3,000 for hearing examiner and court reporter fees, and expenses related to the appearance of department and citizen witnesses.

This amendment will allow the Executive Director, after conducting a complete investigation in accordance with the Citizen Complaint Investigation Guidelines and consultation with applicable department discipline matrix and related information, to require a member to participate in a prescribed policy training program. Policy training is a non-disciplinary procedure that is not subject to administrative appeal.

This amendment will allow disposition of minor misconduct citizen complaints in a more efficient, cost-effective manner and minimize complainant inconvenience, without compromising a member's disciplinary record. We recommend adoption of this amendment.

MGT:mk

## RULE XV – CITIZEN COMPLAINT PROCEDURE

Section 4. REFERRAL. The Executive Director, within ten (10) days after receiving the results of the investigation, will refer the complaint for resolution in accordance with the FPC Citizen Complaint Intake Investigation Guidelines utilizing one of ~~four~~ **five** methods: rapid resolution complaint inquiry, trial, dismissal, ~~or~~ mediation, **or policy training**.

Section 5. RESOLUTION. Complaints will be resolved by the following methods:

(a) RAPID RESOLUTION COMPLAINT INQUIRY.

1. A Rapid Resolution Complaint Inquiry (RRCI) is a complaint filed with the FPC and then forwarded to the department for quick resolution. The complainant is questioning the actions of an employee of the Fire or Police Department concerning a matter that does not, on its face, appear to be a violation of a department rule.
2. The department that receives a RRCI referral will follow its applicable standard operating procedures to resolve the complaint.
3. The Executive Director will review the completed RRCI.

(b) TRIAL. Trials will be conducted in accordance with FPC Rule XVI Trial Procedures.

(c) DISMISSAL. The complainant will be advised in writing of the reason(s) for the dismissal. A complainant may, within thirty (30) days after the date of the notice of dismissal, request in writing that the dismissal be reviewed by the Board.

(d) MEDIATION. Mediation is the process in which both the complainant and employee agree to resolve a complaint with the assistance of a neutral mediator. Information disclosed during a mediation session is confidential and cannot be used in any subsequent proceeding. When making a referral to mediation, the Executive Director will consider whether mediation is likely to result in greater complainant satisfaction; improve citizen understanding of department procedures and actions; result in improved employee conduct; or contribute to increased community relations. Normally a complaint will not be referred to mediation if the case involves an allegation of criminal conduct against an employee, use of force involving bodily injury, or if the employee is a witness against the

complainant in a court proceeding.

Procedure:

1. Complaint is received by an FPC investigator, and a complaint number is assigned.
  2. The FPC investigator conducts an initial review and forwards to the Executive Director.
  3. The Executive Director makes the determination to refer the complaint to the mediation resolution process.
  4. Complainant and employee(s) are contacted and confirm they are willing to participate in the mediation process.
  5. Complaint is scheduled for mediation conducted by mediator.
  6. Mediation session is conducted at a neutral location.
  7. Complainant and employee(s) acknowledge resolution of the complaint, or the mediator certifies that the employee participated in the mediation session.
  8. Complaint is dismissed.
- (e) **POLICY TRAINING. The Executive Director may require a member to participate satisfactorily in a specified policy training program.**