



SUBJECT		
C - 14.0 Citizen Complaints		Department Policy
ISSUED BY	EFFECTIVE DATE	REVISED DATE
Brian Cadwell – Director/Chief of Police	04/01/16	03/19/25
BUREAU / DIVISION / UNIT RESPONSIBLE FOR REVIEWS AND UPDATES	AFFECTED PERSONNEL	IACLEA Reference
Office of the Chief	All personnel	4.2.1, 4.2.2, 4.2.3, 4.2.5, 4.2.6, 4.2.7, 4.2.8, 4.2.9, 4.2.10, 4.2.11, 4.3.2

I.PURPOSE

This policy outlines the acceptance of citizen complaints and the subsequent investigative process that will occur when the Department receives reports of employee or agency misconduct or illegal behavior.

II.POLICY

It is the policy of the Michigan Tech Department of Public Safety and Police Services to thoroughly investigate reports of employee misconduct in a transparent manner that will promote the public's trust in law enforcement while ensuring the rights of citizens and department employees are protected.

III.DEFINITIONS

- A. Citizen Inquiry – A citizen expresses a concern as to whether a DPSPS employee's act or omission was consistent with federal, state or local law or University or department policy.
- B. Citizen Complaint - An allegation by a citizen, whether oral or in writing, in which it is alleged that a DPSPS employee committed an act or omission of required duties or violated federal, state or local law or University or department policy.
- C. Complaining Party - The person or persons who are making a citizen's complaint or inquiry.
- D. Complaint Log - A chronological log of all citizen complaints.
- E. Professional Standards Investigation – A formal internal

process into allegations of employee misconduct.

- F. Punitive Action - For purposes of this directive, punitive action is defined as a verbal warning, written reprimand, demotion, suspension, or termination.
- G. Law Enforcement Officer – In accordance with MCL 15.391, "Law enforcement officer", for the purposes of involuntary statements, means all of the following:
 - (i) A person who is trained and licensed or certified under the Michigan Commission on Law Enforcement Standards Act, 1965 PA 203, MCL 28.601 to 28.615.
 - (iii) An emergency dispatch worker employed by a law enforcement agency.
- H. Law Enforcement Agency – The department of state police, the department of natural resources, or a law enforcement agency of a county, township, city, village, airport authority, community college, or university, that is responsible for the prevention and detection of crime and enforcement of the criminal laws of this state.
- I. Involuntary Statement – Information provided by a law enforcement officer, if compelled under threat of dismissal from employment or any other employment sanction, by the law enforcement agency that employs the law enforcement officer.

IV. PROCEDURES

A. Receiving Citizen Complaints and Inquiries

1. General

- a. Citizens may file a complaint or make an inquiry alleging misconduct, violation of department or University policy, or violation of local, state, or federal law. A citizen will not be discouraged from filing a complaint or making an inquiry by any member of this department.

2. Form or Manner of Complaint or Inquiry

- a. Citizens may file the complaint or make the inquiry in person, by telephone, e-mail, through

the Department's website, or traditional mail. The initial complaint does not have to be in writing.

- b. Per University Policy 5.08.1 — *Formation and Duties of the Public Safety Oversight Committee*, citizens may also make a complaint directly to the University's Public Safety Oversight Committee.

Any person may file a complaint against a University law enforcement officer or the Department of Public Safety and Police Services with the Oversight Committee by:

- Emailing psoversight-1@mtu.edu
- By calling 906-487-2800.

Any actions taken by the committee shall be in compliance with University policy and federal, state, and local law.

- c. Citizen complaints may be anonymous. Anonymous reports will be investigated the same as reports where the complainant is known. However, where appropriate, those wishing to make an anonymous complaint should be advised that not being able to follow-up with the complaint could limit any subsequent investigation.

B. Receipt of Citizen Complaint or Inquiry

1. All complaints or inquiries will be forwarded to the Chief of Police. The Department's online form will have responses sent directly to the Chief and Deputy Chief. In the event the complaint or inquiry involves the Chief of Police, the complaint will be forwarded to the University's General Counsel.
2. If a person calls or walks into the Public Safety station to make a complaint and the Chief of Police is not available, the next available supervisor in the chain of command should speak with the person. If no supervisor is available, the complainant should

be notified of this and given an opportunity to either wait for a supervisor to become available, if appropriate, or have the current dispatcher or officer take initial information and advise the complainant that the information will be forwarded to the Chief of Police. The complainant, if appropriate, may also be advised to:

- fill out the complaint form on the Department's website, with the officer or dispatcher explaining how to access it
- Asked to email the Chief directly.

NOTE: Officers and dispatchers should only take basic information down about the complaint and should avoid initiating an immediate investigation.

- a. If the complaining party makes a written statement, the statement and any other supporting documentation or information will be forwarded to the Chief of Police.
- b. If the complaining party does not wish to make a written statement, the officer or dispatcher taking the information will prepare a memorandum (via email), detailing the allegations made by the complaining party. The memorandum will then be sent to the Chief of Police for review.
- c. Any officer or dispatcher that intentionally fails to forward the Chief of Police any citizen complaint, and/or any materials associated with the complaint, shall be subject to discipline, up to and including termination.
- d. To ensure the integrity of any potential investigations, only the Chief of Police or their designee may notify members that they are the subject of a complaint. Therefore, department members are prohibited from intentionally notifying other members when a complaint has been filed, even if the other member is not directly involved in the complaint. Any member found violating this shall be subject to

discipline, up to and including termination

3. Timeliness

- a. The officer or dispatcher receiving the complaint shall notify the Chief of Police in the following manner:

i. For serious allegations, via a telephone call immediately after receipt of complaint. If the Chief is unavailable, the Deputy Chief shall be notified.

Serious allegations include, but are not limited to:

- Alleged misconduct that resulted in the death or personal injury to another person.
- Allegation that a department member has committed a felony.
- Allegation that a department member has been the assailant in a domestic assault.
- A personal protection order has been filed against a member of the department.
- The arrest of any member of the department.

NOTE: If there is uncertainty as to whether the allegation is considered serious, officers and dispatchers should notify the Chief of the Police.

ii. For minor infractions or allegations, via email. If it is known that the Chief of Police will be unavailable for an extended period of time (i.e., vacation, training, etc.), the Deputy Chief shall be copied on the email.

- b. If an initial interview occurred, the information obtained from the interview shall be documented via a memo or email as soon as practical and forwarded to the Chief of Police. The memo or email shall be completed before the officer's shift is completed.

C. Investigation of Complaints

- 1. All investigations into citizen complaints shall be in accordance with DPSPS policy *C - 6.0 Professional Standards Investigations*
- 2. Citizens may contact the Chief of Police to learn the status of their complaint.
 - a. Other DPSPS members are not permitted to inform citizens of the status of their complaint.
 - b. If a citizen complaint requires immediate action for the safety and wellbeing of others (example: A citizen calls in to make a complaint that an officer is believed to be under the influence of alcohol while driving the patrol vehicle), the DPSPS member receiving the complaint shall immediately notify the Chief or Deputy Chief, or their designee.

D. Responsibilities

- a. Members shall ensure all complaints are forwarded to the Chief of Police pursuant to this policy. Any member that violates any section of this policy may be subject to discipline. Specific examples of violating this policy include, but are not limited to the following:
 - i. Failing to forward a complaint
 - ii. Persuading or coercing a citizen from filing a complaint
 - iii. Omitting or providing false information when forwarding a complaint

- iv. Notifying other department members,
not specified in this policy, that a
complaint has been filed

By Order of

A handwritten signature in black ink, appearing to be 'B. J. L.' or similar, written in a cursive style.

Sources:

University of Nevada Reno, Department of Police Services General Order No: 02-521-1 "Citizen Complaints Professional Standards Investigations"

MCL Act 563 of 2006, 15.391, Definitions by Law Enforcement Officers Act "Definitions"

MCL Act 563 of 2006, 15.393, Disclosures by Law Enforcement Officers Act "Use of Involuntary Statement by Law Enforcement Officer in Criminal Proceeding: prohibition."

MCL Act 563 of 2006, 15.393, Disclosures by Law Enforcement Officers Act "Confidential Communication; Exception"

Garrity v. New Jersey, 385 U.S. 493

Virginia Tech, Virginia Tech Police Department Directive C – 10.0 "Personnel and Admin Complaints"

University of Michigan, Department of Public Safety Policy and Procedural Order 2.3 "Citizen Commendations and Complaints Against Employees"

Revised:

03/19/25