



**Division of State Patrol
Policy and Procedure**

Number
11-15

Subject INVESTIGATION OF PERSONNEL COMPLAINTS AND EMPLOYEE CONDUCT	
Author/Originator Office of the Superintendent	Approved by <i>Stephen Fitzgerald</i> Superintendent
Records Management Statement Supersedes P&P 11-15 dated February 12, 2014 and P&P 7-1 dated May 21, 2001 Posted on WisDOT Internal Website (SharePoint) at https://wigov.sharepoint.com/sites/dot-dsp/policy/SitePages/Home.aspx	

I. POLICY

It is the policy of the Division of State Patrol (DSP) to thoroughly investigate complaints made against employees of the Division and to regulate employees conduct and activities only to the extent necessary to ensure the continued efficiency and proper operation of the Division and the effectiveness of its employees.

This policy sets the standards for applying Article I, Section 1, of the Division of State Patrol Work Rules.

Conduct

Employees shall conduct themselves both on and off duty in such a manner as not to reflect unfavorably on the Division. Unbecoming conduct shall include that which tends to bring the Division into disrepute or reflects discredit upon the employee as a member of the Division, or that, which tends to impair the operation and efficiency of the Division or the employee.

II. BACKGROUND

Members of the Division of State Patrol are held to a higher standard of conduct both on and off-duty than the general public. This is especially true for sworn law enforcement officers because of the nature of their work. Work in the Division of State Patrol requires public trust, respect, and honesty to be exhibited off-duty as well as on-duty.

Wisconsin State Patrol Troopers and Inspectors possess specific police powers 24 hours a day, even while off-duty. In many cases, State Patrol officers are recognizable to members of the public on sight and are perceived as representatives of the State Patrol even while off-duty. Public trust and the ability to function effectively as a member of the State Patrol requires all members of the Division to act reasonably and with good judgment both on and off-duty.

III. OBJECTIVES

The Division of State Patrol seeks to maintain the best possible reputation for integrity and to earn the continued respect of the State's citizens through professional conduct on and off-duty by its employees. Department and Division work rules and regulations have been established to encourage proper employee conduct in the positions of public trust they hold.

IV. GENERAL PROVISIONS

A. Definitions

1. **On-duty activities**: Activities performed while in uniform or as part of a "tour of duty" and include those occasions when an employee is performing under his or her statutory police powers, or is in uniform, even though the employee may not be compensated.
2. **Off-duty activities**: All activities not included in the on-duty definition. Off-duty conduct is conduct exhibited while engaged in off-duty activities.

B. Before any investigation of alleged misconduct is commenced, verbal approval must be received from the appropriate bureau director or higher level.

In some cases it may be necessary for the benefit of the Division, the Department, or the employee, that the employee be placed on leave in pay status or reassigned during the course of the investigation. Unless an emergency exists, approval of the appropriate bureau director or higher level is required before such action is taken. Such action shall be promptly confirmed in writing.

C. Any of the following criteria for initial investigation could be the basis for recommending and approving an investigation.

1. The employee is alleged to have engaged in conduct, which is subject to punishment under the laws or administrative rules of the State of Wisconsin or the work rules of the Department or Division.
2. The employee is alleged to have engaged in conduct, which has the potential of, or is currently impairing the ability of the employee to objectively complete work assignments or to handle confidential information.
3. The employee is alleged to have engaged in conduct, which has the potential of, or is currently diminishing public confidence and respect for the Division of State Patrol.
4. The employee is alleged to have engaged in conduct, which has the potential of, or is currently damaging the efficiency of the Division of State Patrol.

5. The employee is alleged to have engaged in conduct, which has the potential of, or is currently damaging the interest of the State of Wisconsin as an employer.

V. PROCEDURE

A. Receipt of a Complaint or Information of Alleged Misconduct

1. Personnel complaints and/or information alleging misconduct may be anonymous and/or received from a variety of sources or in a diverse number of formats. Non-supervisory Division employees who are provided information concerning a complaint or alleged misconduct of another employee shall promptly forward that information to a Division supervisor.
2. Management will determine whether or not information received alleging employee misconduct on or off-duty warrants further investigation as a “citizen complaint investigation” or “internal investigation.” Management will further determine, based on the source of information and circumstances pertaining to the alleged misconduct, as to whether or not the individual or “source” providing the information is deemed a “complainant” under State Statute 66.0511(3) which requires law enforcement agencies to have a “specific procedure for processing and resolving a complaint by any person regarding the conduct of a law enforcement officer.”
3. Division supervisors receiving complaints/information of alleged employee misconduct in accordance with s.66.0511(3) shall summarize the information on the Personnel Commendation and Complaint Form (SP4561) and the information will be referred via the chain-of-command to the Region/Academy Commander, Bureau Director, Deputy Superintendent or the Superintendent, as applicable, to determine the necessity of further investigation
4. A citizen complaint determined to warrant further investigation shall have a Division Complaint number assigned and it is the responsibility of the Region/Academy Commander, Bureau Director, Deputy Superintendent or the Superintendent or respective designee, as applicable, to assure that all complaint investigations are completed in a timely manner.
5. The complainant will be notified by letter or telephone (*recorded line if practical*) that the complaint/information of employee misconduct has been received and will be investigated in accordance with Division policy. This notification will include the following complaint advisory:

“You have the right to make a complaint against a State Patrol employee for improper conduct. The Wisconsin State Patrol has a complaint investigation Policy and Procedure. You may, upon request, view or obtain a copy of our complaint investigation policy and procedure. You have the right to file a complaint and have it investigated if you believe an employee of the Wisconsin

State Patrol has acted improperly. It is against the law (s.946.66) to make a complaint against a law enforcement officer that you know to be false.

6. Division supervisors will discuss the alleged conduct with the bureau director or higher level to determine if leave with pay or reassignment is required.
 7. Division supervisors will forward completed investigation to appropriate bureau director or higher level, as applicable, for review.
 8. Division supervisors will provide information and recommendation to an administrative review board, when appropriate.
 9. Division supervisors will ensure that any investigation of a citizen complaint and/or internal investigation regarding alleged misconduct shall be conducted in a manner which affords the investigated employee due process.
- B. Bureau Director, Deputy Superintendent, or Superintendent as applicable
1. Approve investigations as provided for in this policy when one or more of the criteria described in IV. C. has been met.
 2. Approve necessary leave with pay or reassignment as appropriate.
 3. Receive and review investigations.
 4. Convene an administrative review board to consider possible work rule violations, if appropriate.

VI. REFERENCES

Wis. Stat. 66.0511(3)
Law Enforcement Code of Ethics
Wisconsin Administrative Code of Ethics, PERS-24
P&P 2-1, Use of Force
P&P 2-1, Authorization, Use and Care of Firearms
P&P 11-3, Department of Transportation and Division of State Patrol Work Rules
P&P 11-8, Requests for Approval of Outside Work or Activity
SP4561, Personnel Commendation and Complaint Form