

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 1 - ADMINISTRATIVE
GENERAL ORDER

March 21, 2019
INDEX NO. 1.17

CITIZENS' COMPLAINTS

I. PURPOSE

The purpose of this General Order is to establish submission standards and procedures which enable the Department to process complaints against public safety employees and to facilitate the handling of those complaints. This procedure is to protect the employees from unfair complaints and from complaints that if left uninvestigated would create an unfavorable situation for all parties involved. The procedure also gives private citizens a means to present their views if they have been treated unfairly, abused, discriminated against or just felt that a public safety employee did not behave in a manner equal to his / her position.

II. DEFINITION OF A COMPLAINT:

A valid complaint can come from both an external and internal source and must be:

- A. An allegation of circumstance(s) amounting to a specific act or omission which if sustained would amount to employee misconduct, or
- B. An expression of dissatisfaction from an external source with a policy, procedure, practice or service level of the Department.

III. DEFINITION OF MISCONDUCT:

Misconduct is an act or omission by an employee which if sustained would normally result in some form of discipline, sanction or remediation. This would include, but is not limited to:

- A. Commission of a criminal act,
- B. Neglect of duty,
- C. Violation of a policy, procedure, rule or regulation, core value, training standard, or
- D. Conduct which may tend to reflect unfavorably upon the employee and / or the Department.

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IV. SOURCES OF COMPLAINTS

No complaint should be eliminated or refused due to some arbitrary criteria. A complaint is an indication of a potential problem or misunderstanding. The openness of the department to the acceptance of a complaint is a principal element of public safety professionalism and community responsiveness. If the complaint meets the elements defined in the definition of a complaint, the complaint or allegation of misconduct should be accepted from any of the following sources:

- A. Individual aggrieved person
- B. Individuals who wish to remain anonymous
- C. Governmental agency or court proceeding
- D. News media
- E. Department or department employee
- F. Notice of civil claim

V. DEPARTMENT EMPLOYEE DUTIES:

Any Department of Public Safety employee who observes or becomes aware of any act of misconduct by another department member shall immediately report the incident to the most available supervisor. Failure to report such activity is misconduct and subject to investigation.

VI. RECEIVING A COMPLAINT:

A complaint alleging misconduct may be presented to the department in person, by telephone, by email, by a social media platform or by letter. No employee shall attempt to discourage, interfere or delay an individual from making a complaint. Every effort shall be made to facilitate the making of the complaint by ensuring that the process is convenient, courteous and prompt. No employee shall be subjected to any criticism, retaliation or reprisal for accepting or initiating a complaint.

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VII. ACCEPTANCE OF THE COMPLAINT:

When a person indicates they desire to make a complaint which meets the definition of a complaint, that complaint will be taken.

- A. The complainant shall be immediately referred to the most available supervisor.
- B. If a supervisor is not immediately available, the employee receiving the complaint shall record as much of the information as possible on a Citizens' Complaint Form, and advise a supervisor at the earliest moment.
- C. When the person makes initial contact with an employee, the employee shall:
 - 1. Ensure that the person is referred directly to an available supervisor even if it necessitates the dispatch of a supervisor to the person's location in the field, or
 - 2. Ensure that the person is contacted by a supervisor, and
 - 3. The person should never be allowed to leave without contact, however,
 - 4. If the employee is unable to accomplish any of these contacts, it is required that all possible information be recorded and given to a supervisor at the earliest moment for immediate follow-up and contact with the complainant.
- D. When receiving the complaint by mail, the complaint will be forwarded to the Public Safety Director or designee for assignment.
- E. When the complainant is intoxicated, the complaint shall be accepted. However, the complainant will be re-interviewed as soon as practicable after becoming sober.
- G. Complaints from juveniles will be accepted. As soon as practicable the juvenile's parents will be contacted and advised that a complaint has been received.

VIII. CITIZENS' COMPLAINT FORM:

The department has developed a specific form for recording complaints of alleged misconduct. This is an attempt to ensure that such complaints are recorded in a uniform manner. This form is designed simply to record the elements of the complaint and not the results of any preliminary or subsequent investigation.

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- A. A person wishing to make a complaint will be given a copy of this form.
 - 1. If the person does not wish to fill out a complaint form, this does not negate the need to investigate the complaint.
- B. If necessary, assistance will be given in completing the form.
- C. The person making the complaint will be given a copy of the completed complaint form as a receipt of their complaint.

IX. ACKNOWLEDGEMENT OF THE COMPLAINT:

A "Confirmation Letter" acknowledging receipt of the complaint will be prepared and sent to the complainant. This letter will contain the complaint number, the investigator assigned, and the investigator's contact information.

X. PROCEDURE

- A. Any complaints against public safety officers, police officers, firefighters or civilian employees shall be referred to and handled by the respective Station Commander or Shift Commander. The Station / Shift Commander shall take whatever action he / she can at the time to handle the complaint and to satisfy the complainant, if possible.
- B. If available, the Station Commander shall view the body camera footage of the incident giving rise to the complaint. If there is no apparent evidence to substantiate the complaint, the Station Commander shall offer to allow the complainant to view the footage. If the complainant withdraws their complaint, no further action is required except documentation.
- C. The Station / Shift Commander shall then complete a fact finding, including a memorandum from the employee(s) named in the complaint and a cover memorandum. The Station / Shift Commander shall then sign the complaint and forward it along with the fact finding to the respective Division Commander (Patrol Captain, Support Captain or Fire Chief) through the chain of command. The Division Commander will make a recommendation and forward the complaint and the fact finding to the Deputy Public Safety Director and the Public Safety Director.

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- D. The Public Safety Director shall determine if an internal investigation is to be conducted. Internal investigations may be assigned to the command officer that is the supervisor of the employee(s) involved in the complaint or the Professional Standards Sergeant.

- E. Upon receiving the complaint for investigation, the command officer involved or the Professional Standards Sergeant will begin the investigation as soon as possible. The employee(s) involved in the complaint will be notified of the investigation, except when circumstances dictate otherwise.

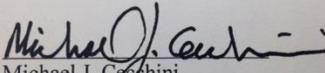
- F. If the supervisor of the employee involved was assigned the investigation, the results of the investigation shall be forwarded to the Deputy Public Safety Director through the chain of command for review. If the Professional Standards Sergeant was assigned the investigation, the results of the investigation shall be forwarded directly to the Deputy Public Safety Director for review.

- G. Upon review by the Deputy Public Safety Director, the investigation shall be forwarded to the Public Safety Director for further review. The Public Safety Director makes the final determination on the disposition of the complaint. The Public Safety Director may delegate a complaint to the Deputy Public Safety Director for disposition.

XI. NOTICE OF FINDINGS:

A "Findings Letter" detailing the findings of an investigation will be prepared and sent to the complainant. This letter will explain the outcome of the investigation, but will not discuss specific personnel action taken in sustained investigations. When the disposition of the complaint is determined, the employee(s) involved will be notified of the disposition in writing.

By order of:


Michael J. Cecchini
Public Safety Director

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