



Citizen's Complaints:

While it is rare, from time to time someone that has dealt with a member of the Winfield Police Department feels that the Officer's actions were wrong. This page contains the explaining how the Police Department accepts, processes and investigates complaints concerning allegations of employee misconduct. The Winfield Police Department will accept and investigate, fairly and impartially, all complaints of employee conduct to determine the validity of all allegations. By clicking on the "Citizen's Complaints" link you will be able to learn the established practice of how a complaint is filed, why the practice is in place as it is and if you so choose, begin the process of filing a complaint against an Officer.



Dear Citizen,

This page contains the information pertaining to accepting, processing and investigating complaints concerning allegations of employee misconduct. The complaint procedures adopted by the Winfield Police Department ensure that fair and proper action is taken when an employee is accused of misconduct.

Establishment of procedures for investigating complaints and allegations of employee misconduct is crucial to demonstrate and protect the Winfield Police Department's integrity. The Winfield Police Department will accept and investigate, fairly and impartially, all complaints of employee conduct to determine the validity of all allegations.

Sincerely,

Dave Schar, Chief of Police

WINFIELD POLICE DEPARTMENT POLICY AND RESPONSIBILITIES

The Winfield Police Department recognizes its responsibility to maintain the public confidence and trust, and the need to ensure integrity and accountability both by the agency and by its employees. Specific complaint procedures have been adopted by the Winfield Police Department to ensure that fair and proper action is taken when an employee is accused of misconduct. This also protects the employees from unwarranted or false accusations. Additionally, this system provides a means of identifying and correcting deficiencies in policies, procedures, supervision, or training.

COMPLAINT PROCEDURES:

Who May Make A Complaint?

Any person may make a complaint. Normally, the person most directly affected by the alleged conduct should be the person to complain. An example of this is that a complaint of rudeness to a driver should be made by the driver, not a passenger in the vehicle. The exception to this would be when a parent files a complaint for a minor child.

In What Form Should A Complaint Be Made?

Complaints may be made in person or in writing. The Winfield Police Department's Citizen Complaint form is available on this page in order to allow you to complete it before you travel to the police station should you so choose. Complaints should concisely and specifically describe the conduct of the

employee that was alleged to be improper. Rather than say the employee was rude, explain how the employee was rude by providing the specific words or phrases, describing the employee's tone of voice, or citing particular acts of rudeness. Identify the employee to the best of your ability. This can be accomplished by providing the employee's name, badge number, patrol vehicle number or license plate number, and the date, time, and location of the incident. Department employees are required by policy to properly identify themselves upon request. If available, include the names, addresses, and telephone numbers of all witnesses.

To Whom Should The Complaint Be Submitted?

Citizens appearing in person, or calling by telephone will be referred to a supervisor. If no supervisor is available, the citizen may leave their name and telephone number and a supervisor will contact them as soon as possible. The supervisor will record or assist the citizen in recording pertinent information concerning the complaint. A citizen may also file a complaint by completing the department's Citizen Complaint form and sending it through the US Mail. All complaints will be received courteously and handled promptly.

When May Complaints Be Made?

Complaints may be made anytime. Complaints should be made within a reasonable time after the alleged misconduct occurred to help ensure evidence is still available and recollections of the incident are fresh.

What Things Can Be Complained About?

The focus of department procedures is on alleged misconduct by a department employee. This encompasses violations of the laws or department rules and regulations. A disagreement with a policy or a law or the application of a policy or law is not considered a "complaint", and will normally be referred to the supervisor most directly involved with the employee.

How Does Making A Complaint Affect Present Or Future Charges Against Me?

Any charges or legal issues must be decided by the appropriate court. The investigation of your complaint will focus on the conduct of the employee, not the charges against you. Therefore, the charges against you are a separate issue which you will have to resolve in court. Information may be provided to you related to the court process, but details of the case will not be discussed. Information learned during the investigation of the complaint may be used during your criminal proceedings. Employees are prohibited from retaliating against you, either in the present case or in the future, for lodging a complaint against them.

Can I Make An Anonymous Complaint?

Anonymous complaints are investigated; however, investigations are less likely to reveal all the facts surrounding an alleged incident when the investigator is deprived of the opportunity to contact the complainant. Also, an anonymous complainant cannot be made aware of the results of the investigation. For these reasons we strongly encourage anyone with legitimate concerns to sign the complaint form and fully cooperate with the investigating supervisor.

INVESTIGATIVE PROCESS:

Other than those complaints which are immediately resolved, every complaint of misconduct by an employee will be investigated.

Upon receipt of a complaint, the department will acknowledge the receipt through communication with the complainant. The department may request to conduct a preliminary inquiry by telephone or in person to clarify specific issues. The complaint form contains an affirmation to the truth of the information provided and a cautionary statement regarding false allegations. This statement is not intended to dissuade persons from lodging legitimate, factual complaints, but is intended to forewarn persons that consider making false or malicious complaints that officers and/or the department do in fact have legal recourse if such action takes place.

Upon receipt of a signed complaint form, the department will assign the case to a supervisor for investigation. The supervisor will attempt to contact the complainant, the accused employee, and witnesses; examine physical evidence; review reports and records; and thoroughly document the facts surrounding the incident.

The Chief of Police will render a finding in each case. There are four possible findings:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

The complainant will be notified of the finding in writing at the conclusion of the investigation. When a finding of "Sustained" is determined, corrective action will be taken. The corrective action may include counseling, training, and action up to and including termination.

WITHDRAWING A COMPLAINT:

Any person may voluntarily withdraw a complaint at any point during the investigative process. Complaint withdrawal is appropriate in situations where additional information is learned which cause the complainant to realize the department employee's actions were proper. The department may, however, elect to continue the investigation if circumstances warrant.

WHAT IF I AM NOT SATISFIED WITH THE HANDLING OF MY COMPLAINT?

If, at the conclusion of the investigation, you are not satisfied with the manner in which the Chief of Police has dealt with your complaint you may address the complaint to the Winfield Board of Fire and Police Commission or to the Village Managers Office.

QUESTIONS

Questions about complaint procedures should be directed to the:
Winfield Police Department
27W465 Jewell Road
Winfield, IL 60190
(630)933-7160

Office Hours:
Monday – Friday
8:00 A.M. to 4:30 P.M.

GENERAL ORDER: 52A

(Addendum I cont.)

Witness

Name _____

Witness

Address: _____ Telephone# _____

Witness Name: _____

Witness Address: _____ Telephone# _____

Witness Name: _____

Witness Address: _____ Telephone # _____

I, _____ (insert name of Affiant/Complainant) do hereby certify, swear and affirm that the above information is correct, accurate and truthful to the best of my knowledge. I further certify, swear and affirm that the above information is based upon my personal knowledge of the facts stated above. I further understand that I am filing an **Official Police Report** and that knowingly providing false or untrue information can constitute an offense that can result in arrest, pursuant to 720 ILCS 5/26-1(4).

Signature (Affiant/Complainant)

Date

SWORN and SUBSCRIBED to before me this _____ day of _____

Notary Public

I.A.R. NUMBER _____ CASE NUMBER _____