



# Bismarck Police Department



From: Lieutenant Roger Marks III  
Administrative Services

To: Citizens of Bismarck

Re: Bismarck Police Department Complaint Procedure

The Bismarck Police Department has a responsibility to the community it serves and to its employees to seek out and discipline those employees whose conduct discredits the Department or impairs its effective operation and community commitment goals. Discipline has, as its immediate purpose, the channeling of individual effort into effective and productive action. It may involve encouragement, inspiration, training or the imposition of negative sanctions. Negative sanctions administered may range from a morning, where the immediate effect is on the individual, to termination, where the positive result is reassurance to other employees of the limitations placed upon unacceptable conduct.

The Bismarck Police Department has three basic categories for complaints, Exonerated, Sustained, and Not Sustained.

**Exonerated:** a fair preponderance of the evidence established that:

1. The act, acts complained of, did not occur;
2. The employee named in the complaint is not involved in the alleged misconduct; or,
3. The act(s) provided the basis for the complaint occurred; however, the investigation determined that such act(s) were justified, lawful, or proper.

**Sustained:** a fair preponderance of the evidence obtained in the investigation establish that the employee action(s) constituted misconduct.

**Not Sustained:** the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint.

Complaints of officer misconduct are accepted from all persons wishing to file a complaint, regardless of the hour or day of the week. This includes reports from anonymous sources, juveniles and persons under arrest or in custody. Citizens are encouraged to submit their complaints as soon after the incident as possible. Complaints may be filed by the following methods: Direct verbal communication to a Supervisor or Commander, telephone communication to a Supervisor or Commander, a letter or email to a Supervisor, Commander or the Chief of Police.

The person who is filing the complaint shall be informed they may make a formal complaint which includes the completion of the Bismarck Police Department Citizen Complaint Form (BPD Form 282).

If the person wishes to file a formal complaint, he/she shall be provided a Citizen Complaint Form (the form shall be mailed as necessary). If the person does not wish to file a formal written complaint, the supervisor shall complete an ICA Report (BPD Form 279). The Supervisor or Commander shall inform the person filing the complaint that the complaint will be reviewed and investigated and that he/she will be contacted within five (5) days by the Supervisor responsible for the investigation. They will also be informed that the investigation will be concluded within 45 days unless extenuating circumstances warrant a longer time period to properly conclude the investigation. Depending on the nature of the complaint, the Chief of Police may order this investigation to be conducted as an Internal Affairs investigation, usually conducted by the Administrative Services Lieutenant.