



City of Atascadero

## POLICE DEPARTMENT

### PERSONNEL COMPLAINTS

#### MESSAGE FROM THE POLICE CHIEF

Any organization is only as good as its personnel. Here in Atascadero, our employees and volunteers are, without question, our most valuable resource. For us to be a professional, effective, and trusted organization, we must deliver a consistently superior level of service to the public. The Mission of the Atascadero Police Department is to work in partnership with our community to provide the highest level of police service. Feedback from community members regarding the service we provide is an important measuring tool to monitor our performance as an organization. Therefore, it is the policy of the Atascadero Police Department to accept and investigate all complaints of alleged misconduct against police employees. The information provided below will help you understand our complaint procedures and investigation process.

#### PERSONNEL COMPLAINT DEFINED

Personnel complaints are defined as any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, or federal, state, or local law. Personnel complaints may be classified as **Informal** where the complaining party upon reporting their concerns is satisfied that a supervisor has taken appropriate action, and which does not require a formal complaint to be documented on a personnel complaint form. A **Formal** complaint is a matter in which the complaining party requests further investigation or which a supervisor determines that further action is warranted. In such case, the Police Chief will direct a formal investigation into the matter.

#### HOW TO MAKE A COMPLAINT

Any person desiring to report misconduct or improper job performance by a police employee will be directed to the Watch Commander or employee's supervisor. The supervisor will meet with you to initially discuss your complaint. Sometimes issues can be resolved at this point by the supervisor, who may be able to answer your questions and concerns. Should you request further investigation after speaking with the supervisor or the supervisor determines that further action is warranted, the supervisor will assist you with completing the complaint form (attached). It is not mandatory that you complete the form, speak to a supervisor, or personally write out your written statement. You may submit the completed Personnel Complaint Form to the Watch Commander or take the form with you and mail it to the Department at a later time. The written complaint will be forwarded to the Police Chief for review and assignment to an investigator to fully investigate your complaint.

Working together to **serve**, build **community** and enhance **quality of life**.

## INVESTIGATION

The Department must follow certain procedures when conducting Personnel Complaint investigations due to the provisions of Government Code Section 3303. The employee is notified of the impending complaint and investigation. The investigator will contact you, all available witnesses, and involved employees. Taped interviews are conducted, and the investigator will examine any relevant physical evidence and gather information pertinent to each allegation made in the complaint. Each allegation will be examined on its own merit objectively. The investigator completes a comprehensive investigative report and submits it to the Police Chief. A finding is made on each allegation, and each is classified as follows:

**Unfounded:** The alleged act(s) did not occur or did not involve department personnel.

**Exonerated:** The alleged act(s) occurred, but were justified, lawful, and/or proper.

**Not Sustained:** There is insufficient evidence to prove or disprove the allegation.

**Sustained:** There is sufficient evidence to establish the act(s) occurred and that it constituted misconduct.

## NOTIFICATION OF FINDINGS

You will be notified in writing of the disposition (finding) of the complaint after the investigation. CA Penal Code Section 832.7 prohibits the Department from disclosing what discipline (if any) was taken against the employees. If the complaint allegation(s) is sustained, the Police Chief will administer appropriate disciplinary action against the employee(s), which may vary depending on the severity of the offense, the employee(s) past performance, and other associated factors. Discipline may range from remedial training, counseling, verbal or written reprimand, suspension, demotion, termination, and or prosecution.

To comply with State law, the Police Department retains personnel complaints for a period of five (5) years (Penal Code 832.5). All Peace Officer personnel files including personnel complaints are considered confidential (Penal Code 832.7). However, Evidence Code 1043 allows defense attorneys to motion to the court to review personnel complaints and retrieve the names and phone numbers of complaining parties and witnesses.

## COURT PROCEEDINGS

Often as a violator, the only “complaint” a person will make is that they are innocent of the charge. The validity of the arrest and the guilt or innocence of the person arrested or cited must be determined by a court of law, not the Police Department. The court proceedings provide an impartial forum where both sides of the case can be heard, and the truth determined. If you are charged with a criminal offense or traffic violation associated with your complaint, the investigation may be suspended until the completion of the criminal trial.

What if you are not satisfied with the results of the investigation?

We sincerely hope this will never happen however if it does, please call the Police Chief at 470-3200. If you are still unhappy, you may contact the San Luis Obispo County Grand Jury, District Attorney’s Office, Attorney General of California, or the United States Attorney’s Office.

# ATASCADERO POLICE DEPARTMENT PERSONNEL COMPLAINT FORM

## INCIDENT INFORMATION

Date of Incident	Time of Incident
Location of Incident	

## COMPLAINANT INFORMATION

Your Full Name			Date of Birth	Employer	
Address		City		State	Zip
Home Phone	Work Phone	Cell Phone	Other Phone	Email	

## WITNESS INFORMATION

Full Name			Date of Birth	Employer	
Address		City		State	Zip
Home Phone	Work Phone	Cell Phone	Other Phone	Email	

Full Name			Date of Birth	Employer	
Address		City		State	Zip
Home Phone	Work Phone	Cell Phone	Other Phone	Email	

## POLICE EMPLOYEE'S INVOLVED

Employee Name		Employee Name	
Badge No.	Vehicle No.	Badge No.	Vehicle No.
Employee Name		Employee Name	
Badge No.	Vehicle No.	Badge No.	Vehicle No.

**YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZEN'S COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.**

I have read and understand the above statement. \_\_\_\_\_ Date \_\_\_\_\_

