



CITY OF PACIFICA

Pacifica Police Department

2075 Coast Highway • Pacifica, California 94044-3038
(T) 650-738-7314 • (F) 650-355-1172 • www.pacificapolice.org

PERSONNEL COMPLAINT

The department believes that a relationship of confidence and trust with the public is essential to effective law enforcement. Police officers must be free to exercise their best judgment and to initiate law enforcement action in a reasonable, lawful and impartial manner without fear of reprisal. So, too, enforcers of the law have a special obligation to meticulously respect the rights of all persons.

The department acknowledges its responsibility to establish a system of complaint and disciplinary procedures, which will subject officers to corrective action when they conduct themselves improperly. To this end, we welcome constructive criticism of the department and valid complaints against its members and procedures.

COMPLAINT PROCEDURE

Any person who feels he or she has been the victim of misconduct by a member of the department may file a "Personnel Complaint." The complaint may be made at any time to any member of the department. Complaints of misconduct will be accepted and recorded on a "Personnel Complaint" form available at the Police Department.

Generally, complaints will not be accepted from persons who are intoxicated.

The person receiving the complaint will ask you to provide as much information as possible. The complaint will then be investigated in a timely, thorough, and professional manner. The investigation consists of taking formal statements from all persons concerned and the gathering and preservation of any physical evidence or other information related to the incident. Each allegation is examined on its own merits in an objective manner.

At the conclusion of the investigation, the assigned supervisor investigating the complaint will submit his comments and draw tentative conclusions on the evidence available. The employee's division commander will examine the investigation and make a recommendation to the Chief of Police. The Chief of Police makes the final determination of the allegations and will categorize all complaints according to the following criteria:

- (1) UNFOUNDED - When the investigation indicates the acts complained of did not occur.
- (2) EXONERATED - When the investigation indicates the act occurred, but that the act was justified, lawful and proper.
- (3) NOT SUSTAINED - When the investigation discloses insufficient evidence to prove or disprove the allegations made.
- (4) SUSTAINED - When the investigation discloses that the act complained of did occur.

The Chief of Police will take appropriate action as a result of the investigation and you will be advised by letter of the disposition of your complaint.

We pride ourselves on being a highly professional police organization. We realize, however, that occasionally an officer's conduct may not meet the professional standards expected of officers of the City. We, therefore, objectively investigate all formal personnel complaints fairly and impartially striving to provide high quality police services to the community.

The statement below is required under California Penal Code Section 148.6b:

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 CITIZENS' 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.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understand the above statement.

Complainant/Signature

Witness

Date/Time

I understand, and it is my desire, that this complaint will be investigated diligently. I further understand that if the investigation proves the allegations contained in the complaint to be knowingly false, I may be subject to both criminal and civil prosecution. I also understand that in some cases I may be asked to submit to a polygraph examination as a part of this investigation.

I hereby swear under penalty of perjury that the above information is true and correct to the best of my knowledge.

Signature of Reporting Party	Date	Time
------------------------------	------	------

Signature of Parent/Guardian [If complainant is under 18 years.]	Date	Time
--	------	------

Signature of Receiving Officer	Date	Time
--------------------------------	------	------

- c: Division Commander
- c: Chief of Police
- c: Named Employee(s)