

Gridley-Biggs Police Department



COMPLIMENTS

and

COMPLAINTS

Resource and Information Guide



What do I do if I want to compliment or commend a police employee?

If you would like to compliment the actions or efforts of a police employee, you may direct such to the Chief of Police. Details of the circumstances and the name or description of the involved employee help us to make sure that the information becomes a part of the permanent record of the involved employee.

Complaints against the Police

All law enforcement agencies in the State of California are required by law to have a process by which individuals may make a complaint against law enforcement personnel (Penal Code 832.5). This process is required to be available to the public. Complaints against the Police are required to be retained by the Department for a period of at least 5 years.

What is a “civilian complaint”?

A civilian complaint, as they are most commonly called, is an allegation that an employee of the Police Department violated a policy, procedure, rule, regulation or law.

Who can make a complaint?

Complaints can be made by any person at any time. If a complaint is received from an individual who is under age 18, they must be accompanied by a parent or guardian when making the complaint.

How do I make a complaint?

Complaints can be made any time of the day or night, in person, by telephone, e-mail, fax, letter, anonymous or otherwise. They may be made at the Police Department or in the field. Although not required, every effort will be made to have a complainant meet in person with a police supervisor or command officer who will receive the complaint.

What if I feel uncomfortable coming to the Police Department to complain?

No problem! We can have somebody meet you at your home, your office, a neutral public location or your advocate’s office. As long as there is no reason to be concerned about the safety of our representative, we can meet you just about anywhere you would feel most comfortable.

Can I bring a support person or advocate with me when I make my complaint?

Yes. It is important to us that you feel comfortable in sharing your information and concerns. If a support person helps you in that regard, then you are welcome to have one present. It is important to note that the investigator will need to get firsthand information from the complainant, so your advocate may not speak for you or interrupt the interview, but may help in clarifying information or perspectives.

What types of complaints are there?

Service Complaint – When an individual doesn't understand the actions taken by a police employee and is seeking clarification or explanation of a policy or procedure used, these are handled by having a supervisor or command officer provide an explanation of the policy or procedure. Example: A person complains that they were detained by an officer in handcuffs, but ultimately released without being arrested. The supervisor explains that it is for the safety of individuals and officers that people are often legally detained while restrained in handcuffs, and then released.

Complaint Regarding Official Action – When an individual does not agree with official action that has been taken by a police employee, like a citation being issued or being arrested, these are handled by referring the person to the appropriate venue for resolution of the disagreement. Example: An individual complains that they were issued a citation, and they don't believe they committed the violation or deserve a citation; the individual is referred to court where the citation may be contested.

Frivolous Complaint – When a complaint is silly, ridiculous or preposterous on its face, these will be received, but not handled as complaints. Rather, individuals may be referred for other services as appropriate. Example: A person complains that the police have planted monitoring devices in the civilian's brain and are controlling the civilian's activities. In such a case, this civilian may be referred to Behavioral Health for assistance.

Misconduct – When the allegation is commission or omission of any act on the part of an employee that would constitute a criminal offense, or a violation of rules, regulations, policies or procedures, the matter may be handled formally or informally with an inquiry or an investigation, depending upon the circumstances. Example: It is alleged that a police employee used excessive force in making an arrest. In such a case, typically a formal investigation would be initiated.

What information do I need to provide?

If you can provide as much of the following as possible, it will be very helpful in completing the investigation:

- The day, time, and exact location of the incident.
- The police employee's name, badge number, and description.
- Witnesses names, addresses, and phone numbers.
- Vehicle descriptions and/or license numbers for any vehicles involved.
- Any other evidence or supporting documents or information, including copies of citations, police reports, photographs, video, and medical records.
- A complete description of the incident with as much factual detail as possible.

What will happen once I make my complaint?

- Depending on the circumstances, it may be handled formally or informally.
- If informally, the complaining party will be contacted by a supervisor or manager, who will discuss the matter and seek an agreeable resolution. If an individual is not satisfied with the efforts to resolve the matter informally, a complaint form may be completed and it will be handled formally.
- If formally, an investigation will be initiated. The investigation will either be handled by the an investigator assigned by the Police Chief.
- As part of the investigation, it will be necessary to conduct a formal interview with you. You will be asked to provide as much detail as you can about the incident, and you may be voice or video recorded.
- Additional witnesses and the involved police employees will be interviewed.

How long does it take for a complaint to be investigated/ handled?

If handled informally, there can be a response to a complaint in a matter of minutes or hours. In cases of a formal complaint, it may take weeks or months. In the cases of formal complaints, you will be provided with the name of the investigator so you may inquire as to the status of the investigation.

Will I have to testify against a police employee?

Normally, a complainant does not have to provide any formal testimony against police employees. However, if the allegation is criminal in nature and charges are filed, or if the employee receives discipline and exercises their right to have an appeal hearing, it may be necessary for a complainant to testify.

What happens when the police have finished handling my complaint?

If it is handled informally, the matter will be considered closed at such time as the complainant and handling employee have discussion to that effect. If it is handled formally, and there is a documented investigation, the Chief of Police will render one of the following findings on each of the allegations:

Sustained – The investigation disclosed sufficient evidence to prove the truth of the allegations in the complaint by preponderance of evidence.

Not Sustained – The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.

Exonerated – The investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.

Unfounded – The investigation clearly established the allegation is not true. Complaints which are determined to be frivolous will be categorized as unfounded.

How will I know the handling of my complaint has been completed?

Within 30 days of the completion of the final review of formal complaints by the Chief of Police, a written notice of the findings will be sent to the complainant.

What happens to complaints against the police that are not sustained?

If a complaint against an employee is not sustained, per Penal Code 832.5, it is retained for a period of at least five years in Department files. Such complaints are utilized by the Police Department as part of its early warning system to identify trends and issues in employee job performance, and may be revisited in the future if similar allegations are made.

Will there be discipline against the Police employee?

Members of the Police Department are in fact employees. As such, they are afforded certain rights including, the right to review complaints against them, due process and the right to appeal proposed discipline. Thus, in order for discipline to be taken, if it is appropriate, the Chief of Police must be certain that the proposed discipline is based on allegations which are sustained and supported by a preponderance of evidence and otherwise legally appropriate.

Where do I obtain information on how to commend or complain about the Gridley-Biggs Police Department?

Information and additional copies of this brochure are available at the following locations:

- Gridley-Biggs Police Department, 685 Kentucky St, Gridley, California, 95948, (530) 846-5670, FAX: (530) 846-0411, e-mail: records@gridley.ca.us
- Gridley-Biggs Police Department via the web: <http://www.gridley.ca.us/city-departments/police-department>
- City of Biggs, City Hall, 465 C St., Biggs, California, 95917 (530) 868-5493