



VALLEJO POLICE DEPARTMENT
Citizen Complaint Process
Sergeant S. DeJesus



California Penal Code Section

- 832.5 PC (a) (1)

Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.



Three-Keys for Success

- Strong Leadership and Supervision
- Effective Organizational Policies which promote professionalism among our members which enhance public trust and confidence in the police service
- Ability to adopt an unbiased approach toward each and every investigation resulting in a fair and reasonable conclusion.



Department Goals Related to the Complaint Process

- Maintain a constant check on the efficiency and fairness of our policies and procedures
- Establish measures of accountability for ALL members of this organization
- Establish responsibility for improper conduct when and where it exist



- Facilitate prompt and just discipline in accordance with the City of Vallejo Personnel Rules, Regulations, and Department General Orders.
- Enhance communication to resolve misunderstandings and improve service levels



Two Types of Complaints

- Citizen Complaints: Externally generated by citizens who have had contact in some way with the police and are dissatisfied with the service provided
- Internally generated administrative investigations related to procedural or policy violations



Most common Types of Complaints

- Allegations of misconduct
 - Discourtesy/Harassment
 - Use of Force
- Policy or Procedural Violations
 - Laws and Regulations
 - Improper Procedures



- The vast majority of complaints which are investigated, establish that officers actions to be justified, lawful and proper.
- Most complaints stem from a citizen's misunderstanding of departmental policies, procedures or laws.
- Citizens dissatisfied or in disagreement with enforcement action or end result.



VALLEJO POLICE DEPARTMENT GENERAL ORDER: B-17 CITIZEN COMPLAINT PROCEDURES

POLICY

In order to *Enhance Public Trust* and confidence in the police service and to protect members and employees from unwarranted allegations of misconduct, complaints against personnel shall be received promptly and courteously and investigated in a thorough, timely, confidential and impartial manner.



Complaint Dispositions

- Informal Resolution
- Unfounded
- Exonerated
- Not Sustained
- Sustained
- Not involved
- Procedural
- No finding
- Frivolous



Who decides the final disposition of the complaint?

- ▶ The Chief of Police reviews the final investigative documents and decides the disposition
- ▶ The Chief of Police also reviews each complaint for purposes of evaluating any potential departmental policy or procedural deficiencies.
- ▶ The Chief of Police is also the final authority on any discipline if applicable



Investigations pertaining to alleged misconduct shall be conducted in accordance with the provisions of the Public Safety Officers' Procedural Bill of Rights Act, as set forth in California Government Code Section 3300. For purposes of this order, the provisions of that Act shall pertain to all employees.



POBAR- AB 301

Police Officers Procedural Bill of Rights was introduced on December 19, 1974 by Assemblyman Jim Keysor, and became effective on January 1, 1977.

The largest supporter of POBAR was the American Civil Liberties Union (ACLU) in an attempt to rectify gross abuses of power by Internal Affairs against their own.



Why is this Important

Because it professionalizes the investigative process to ensure a stable employer/employee relationship, and to further assure that effective services are provided to all people of the state of California.



832.5 PC (b)

Complaints and any reports or findings relating to these complaints shall be retained for a period of at least five years before they can legally be purged from an officers file.



Common Questions

Why does the department investigate its own personnel, policies and services; wont you have a tendency to "COVER UP" or "STICK TOGETHER"



NO!

If an officer or employee is acting improperly, we have a duty and an interest in correcting the problem. This department has maintained a good record of taking appropriate action when complaints are sustained by sound evidence in support of the complaint.



What Recourse Do You Have

If you believe, after an investigation is concluded, that the department has acted inappropriately, you may consult a private attorney, the Solano County District Attorney, or the California Office of the Attorney General



Retaliation or Revenge By The Police If I Complain

Officers are aware that acts of retaliation are prohibited and could result in loss of career. However, if you feel that you are a victim of retaliation because you filed a complainant, you should bring that to the attention of the Police Department's Watch Commander, Internal Affairs Supervisor, or the Chief of Police.



What if I don't want to File a Formal Complaint

You just want to bring a concern to our attention.

We encourage this type of involvement from the public. Many times, minor or informal complaints can be handled by speaking to a Watch Commander or calling (707) 648-5291



How Is An Allegation Proven

- An allegation is sustained by the preponderance of the evidence.
- Preponderance means proof that more likely than not the alleged conduct occurred



If I am Facing Criminal Charges, will my Complaint Affect My Case

Absolutely not

The investigation of a citizen complaint is totally separate from any criminal or civil process

Filing a citizens complaint will not make your criminal case go away



Is Discipline Information Provided in Written Notification

No...State Law prohibits the
release of this information as
outlined under Penal and
Evidence Code sections



OFFICER INVOLVED FATAL INCIDENTS



WHAT IS PUBLIC INFORMATION

In most if not all Officer involved Fatal incidents in which an Officer utilizes deadly force in defense of his/her life or the life of another, or when that officer loses his/her life in the performance of duty, there is not much information which can legally be released

WHY?



DUE PROCESS

Aside from a standard press release in the early stages of an incident, information related to the specifics of the incident can not be released in the interest of those involved, and in the interest of maintaining the integrity of the criminal investigation.



OTHER REASONS

- Gag Orders
- State and Federal Litigation
- Civil Claims
- On-Going Criminal Investigation



RUMOR CONTROL

- Realizing that with many officer involved shootings or fatal incidents, there are a wide-array of opinions and concerns expressed by citizens of the community in relation to the event.
- How can we or How should we address these issues.



- Establishing better lines of
 - Communication
 - Trust
 - Collaboration on all issues of community



MISSION STATEMENT

To provide professional law enforcement services that enhance, protect, and promote the quality of life for persons residing, visiting, or doing business in the City of Vallejo.