



Oroville

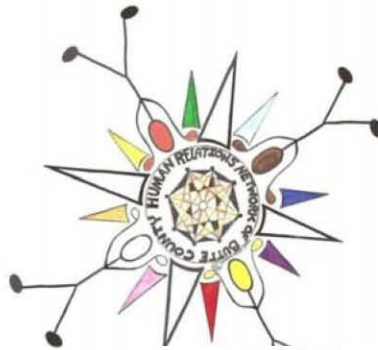
POLICE

Department

Resource and Information Guide Regarding

COMPLIMENTS AND COMPLAINTS

Prepared in partnership with the listed community organizations to assist individuals and provide access for all in commenting on the conduct of the police



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.

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.

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?

Absolutely. 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 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 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 Professional Standards Unit, or a command officer.
- 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 enough evidence to clearly prove the allegation.

Not Sustained – The investigation failed to reveal enough evidence to clearly prove or disprove the allegation.

Exonerated – The investigation concludes that the act which provided the basis for the complaint occurred, but the facts of the investigation reveal that the act was justified, lawful and/or proper.

Unfounded – The investigation concludes that the alleged acts) did not occur, or did not involve department personnel. 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 if I disagree with the finding in my complaint?

If you disagree, or are otherwise unsatisfied with the findings in your complaint, you may make arrangements to speak with the Chief of Police, or you may contact one of the other resources described in this brochure.

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.

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.

Where do I obtain information about how to complain or commend the Oroville Police Department?

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

- Oroville Police Department, 2055 Lincoln St, Oroville, California, 95965, (530) 538-2448, FAX: (530) 538-2409, e-mail: police@cityoforoville.org
- Oroville Police Department via the web: <http://www.cityoforoville.org>
- Oroville City Hall, 1735 Montgomery Street, Oroville, California, 95948, (530) 538-2401
- The offices of any of our community partners listed on the cover of this brochure.

Is there somewhere else I can take my complaint if I don't feel comfortable bringing it to the Oroville Police Department, or if I disagree or am dissatisfied with their conclusion?

- Butte County District Attorney's Office, 25 County Center Drive, Oroville, California, 95965, (530) 538-7411, via the web: <http://www.buttecounty.net/da/FraudForm.htm>
- Butte County Grand Jury, via the web: <http://www.buttecounty.net/Grand%20Jury.aspx>
- California Department of Justice: Public Inquiry Unit, Office of the Attorney General, P.O. Box 944255, Sacramento, California 94244-2550, (800) 952-5225, via the web: http://oag.ca.gov/sites/all/files/pdfs/consumers/le_complaint_policy.pdf?
- Federal Bureau of Investigation, Chico Office, 101 Raley Boulevard, Suite 203, Chico, California, 95928, (530) 893-0655
- U.S. Department of Justice, Civil Rights Division, Criminal Section, PHB, 950 Pennsylvania Avenue NW, Washington, DC, 20530, (202) 514-3204, via the web: www.usdoj.gov

How can I contact the community partner/local agencies represented on the cover of this guide?

- Human Relations Network of Butte County, email: humanrelationsnetwork@gmail.com
- NAACP Butte County, email: bcnaacp1029@gmail.com
- Chico Peace and Justice Center, 526 Broadway Steet, Chico, California 95928, (530) 893-9078, email: chico-peace@sbcglobal.net
- Stonewall Alliance Center, (530) 893-3336, email: center@stonewallchico.org
- Chico ACLU, email: leslie.aclu@gmail.com

Oroville Police Department

Civilian Complaint

Investigation

Complainant's Full Name _____

Residence Address _____

Complainant Information: Male ___ Female ___ Age ___ Date of Birth _____

Victim (if other than complainant) _____

Victim's Address _____ Phone _____

Incident Location _____ Date _____

Police Agency Involved _____ Officer _____

Description of Police Vehicle _____ Uniform _____

Action Complained of _____

Injured Person _____ Address _____

Type of Injury _____

Injured Person _____ Address _____

Type of Injury _____

Witness _____ Address _____

Witness _____ Address _____

Witness _____ Address _____

Witness _____ Address _____

What was complained of at the time of the incident? _____

Does Complaint involve an arrest? _____ Case Number _____

Name/Description of person(s) arrested: _____

Complaint Received by: Supervisor _____ Date/Time _____

___ In Person ___ By Telephone ___ By Mail ___ Other

If possible, have the complainant submit a written statement.

