

CITIZEN'S PERSONNEL COMPLAINT



HUMBOLDT COUNTY SHERIFF'S OFFICE

Name: _____ Sex: _____ Age: _____

Residence Address: _____ Phone: _____

Work/Other Address: _____ Phone: _____

Employee(s) Complained About: _____

Incident Location: _____ Date: _____

Time: _____

Incident Details:

(attach additional pages if necessary)

Checkmark if applicable: Racial Profiling Identity Profiling

PC 148.6 COMPLAINT ADVISEMENT

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 B 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 understood the above statement.

Complainant: _____ Date: _____

Witness: _____ Date: _____

POLICY:

The Humboldt County Sheriff's Office welcomes constructive criticism of the agency or valid complaints about its members or procedures. Prompt, thorough, and impartial investigation of each complaint and criticism are essential if our agency is to maintain the trust and confidence of the people we serve.

Although deputies must be free to use their best judgment and take action when necessary without fear of reprisal, they must at the same time, strictly observe the rights of all persons.

The how and why of Deputy Sheriff/ Correctional Officer decision-making is complex and is determined by the Officer's perception of the situation based on very brief time periods and frequently limited and/or conflicting information. Most citizen concerns involve a belief that the conduct of an employee violates policy, procedures, orders or regulations. Often, this is not the case. In these circumstances, the Sheriff's Office member's immediate supervisor can provide an explanation to aid in understanding the reasons for the actions of the Sheriff's Office member and resolve any outstanding issues. Most cases of misconduct that do occur involve mistakes of judgment or process not requiring severe discipline. **You may wish to simply speak to a supervisor to resolve your concern. Please ask.**

If your concern is that you were fully cooperative and were treated in a polite, professional and businesslike manner that still seemed abrupt, we apologize for the perception. Our personnel is expected to conduct themselves in appropriate ways while displaying good officer safety, as they were trained. Members of the public are expected to conduct themselves appropriately also. Courtesy, dignity, and respect are deserved by both members of the public and the Sheriff's Office to the extent possible for the immediate situation.

You may instead wish to have your concern resolved by simply speaking to a supervisor and having the supervisor explain your concern to the employee. This informal option is also available. Please ask.

Please be aware a court must adjudicate the legality of a complainant's arrest citation, notice of infraction, the legality of a warrant, or the legality of seized evidence. These areas are not resolved through the formal Personnel Complaint Process.

HOW TO MAKE A COMPLAINT:

A complaint may be made at any time, day or night. When you come into an office of this agency, any employee can assist you by answering questions and referring you to the Watch Commander or available on-duty supervisor. If you are under 18 and wish to file a complaint, please bring your parents or guardian with you.

This Personnel Complaint Form has been prepared in order to provide individuals with information regarding the complaint process and to facilitate a timely and thorough investigation. It is not mandatory that you complete this form or personally write out your complaint prior to contacting our agency. A supervisor may assist you in preparing your written statement. You should receive a copy of your statement at the time your complaint is filed. Also, you are required by law to read and sign the advisement on the reverse of this form.

You may submit a completed Personnel Complaint Form to the Watch Commander, or take the form with you and mail it to the Department at a later time. All complaints are routed directly to the Sheriff.

INVESTIGATIVE PROCEDURE:

The Sheriff will have an Investigator assigned to your complaint. The Investigator will contact all available witnesses, including the Deputies/ Officers involved. He/she will examine any relevant physical evidence and gather information pertinent to the each allegation made in the complaint. Each allegation will be examined on its own merit. The investigation of your complaint should be completed within 30 days.

If the allegations are substantiated and the officer's actions were criminal in nature, he/she will be dealt with like any other individual. If they were improper, but not criminal, he/she may be disciplined.

The Sheriff reviews all findings. If the complaint receives a sustained finding, the Sheriff decides whether to take immediate corrective action or to forward the report to the officer's supervisor for a recommendation regarding the appropriate corrective action. In all cases, the Sheriff makes the final decision.

NOTIFICATION OF FINDINGS:

You will be notified of the results of the investigation. There are four possible findings in each case:

1. **Unfounded:** The action complained of did not occur, or the employee accused was not involved.
2. **Exonerated:** The action complained of did occur, but was justified, lawful, and proper.
3. **Not Sustained:** The investigation failed to clearly prove or disprove the allegation.
4. **Sustained:** The action complained of occurred, and it was improper, unlawful, or unacceptable.

ACTION TO BE TAKEN:

The Sheriff may take/recommend a number of corrective actions. The actions include counseling, training, oral or written reprimand, or other appropriate actions such as suspension, dismissal, or prosecution.

WHAT IF YOU ARE NOT SATISFIED WITH THE RESULTS OF THE INVESTIGATION?

We sincerely hope that this will never happen. However, if it does, you may contact:

1. Humboldt County Grand Jury, Eureka
2. Attorney General of California, Sacramento
3. United States Attorney's Office, San Francisco