



PASO ROBLES POLICE DEPARTMENT

PERSONNEL COMPLAINTS

Policy Statement

A proper relationship between the public and its police, fostered by confidence and trust, is essential if there is to be effective law enforcement. The police officer must be able to act independently and make decisions within the bounds of the authority granted to him/her. The officer must also be free to exercise their best judgment and to initiate action in a reasonable, lawful and impartial manner without fear of reprisal, while meticulously observing the rights of all the people. Upon the Chief of Police rests the responsibility of providing a system of disciplinary procedures which will not only subject personnel to corrective action when improper conduct is determined, but which will also serve to vindicate personnel from unwarranted charges of criticism when duties are properly performed.

As police officers we must professionally and objectively investigate all personnel complaints as expeditiously as possible in order to arrive at all the facts.

Our goal at the Paso Robles Police Department is that you will never need to use a personnel complaint form.

Personnel Complaint Defined

Personnel complaints are defined as any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

How to make a complaint

Any person desiring to report misconduct or improper job performance by a police employee will be directed to the Watch Commander or employee's supervisor. The supervisor will meet with you to initially discuss your complaint. Sometimes issues can be resolved at this point by the supervisor, who may be able to answer your questions and concerns. Should you request further investigation after speaking with the supervisor or the supervisor determines that further action is warranted, the supervisor will assist you with completing the complaint form (attached). The supervisor receiving the complaint form shall provide the complainant with a copy of their statement (Penal Code 832.7(b)).

It is not mandatory that you complete the form, speak to a supervisor, or personally write out your written statement. You may submit the completed Personnel Complaint Form to the Watch Commander or take the form with you and mail it to the Department at a later time. The written complaint will be forwarded to the Police Chief for review and assignment to an investigator to fully investigate your complaint.

Investigation

The Department must follow certain procedures when conducting Personnel Complaint investigations due to the provisions of Government Code Section 3303. The employee is notified of the impending complaint and investigation. The investigator will contact you, all available witnesses and involved employees. Taped interviews may be conducted and the investigator will examine any relevant physical evidence and gather information pertinent to each allegation made in the complaint. Each allegation will be examined on its own merit in an objective manner. The investigator completes a comprehensive investigative report and submits it to the Police Chief. A finding is made on each allegation and each is classified as follows:

- Unfounded: The alleged act(s) did not occur or did not involve department personnel.
- Exonerated: The alleged act(s) occurred, but were justified, lawful, and/or proper.
- Not Sustained: There is insufficient evidence to prove or disprove the allegation.
- Sustained: There is sufficient evidence to establish the act(s) occurred and that it constituted misconduct.

Notification of Findings

You will be notified in writing of the disposition (finding) of the complaint at the completion of the investigation. CA Penal Code Section 832.7 prohibits the Department from disclosing what discipline (if any) was taken against the employees. If the complaint allegation(s) is sustained, the Police Chief will administer appropriate disciplinary action against the employee(s), which may vary depending on the severity of the offense, the employee(s) past performance, and other associated factors. Discipline may range from remedial training, counseling, verbal or written reprimand, suspension, demotion, termination, and or prosecution.

To comply with State law, the Police Department retains personnel complaints for a period of five (5) years (Penal Code 832.5). All Peace Officer personnel files including personnel complaints are considered confidential (Penal code 832.7). However, Evidence Code 1043 allows defense attorneys to motion to the court to review personnel complaints and retrieve the names and phone numbers of complaining parties and witnesses.

Court Proceedings

Often as a violator, the only “complaint” a person will make is that they are innocent of the charge. The validity of the arrest and the guilt or innocence of the person arrested or cited must be determined by a court of law, not the Police Department. The court proceedings provide an impartial forum where both sides of the case can be heard and the truth determined. If you are charged with a criminal offense or traffic violation associated with your complaint, the investigation may be suspended until the completion of the criminal trial.

What if you are not satisfied with the results of the investigation?

We sincerely hope that would never happen. But if it does, we encourage you to contact the Chief of Police to discuss the outcome of the investigation. We may be able to provide you additional information and explanation that would be helpful to you. If this does not bring you satisfaction, you may call the City Manager.

Should you have any additional questions regarding the personnel complaint process, please feel free to call the on duty watch commander at (805) 237-6464. If you are mailing your complaint form, please mail it to the address on the letterhead of the previous page, attention Chief of Police.

PASO ROBLES POLICE DEPARTMENT PERSONNEL COMPLAINT FORM

INCIDENT INFORMATION

Date of Incident	Time of Incident
Location of Incident	

COMPLAINANT INFORMATION

Your Full Name			Date of Birth	Employer / School
Address		City	State	Zip
Home Phone	Work Phone	Cell Phone	Other Phone	Email

WITNESS INFORMATION

Full Name			Date of Birth	Employer / School
Address		City	State	Zip
Home Phone	Work Phone	Cell Phone	Other Phone	Email

Full Name			Date of Birth	Employer / School
Address		City	State	Zip
Home Phone	Work Phone	Cell Phone	Other Phone	Email

POLICE EMPLOYEES INVOLVED

Employee Name		Employee Name	
Badge No.	Vehicle No.	Badge No.	Vehicle No.

Allegation of Racial or Identity Profiling? Yes No

Per Penal Code Section 13519.4(e) Racial or identity profiling is the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description.

Form continued on next page.

