



# Gonzales Police Department

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SERVE • CARE • CONNECT

KEITH WISE  
CHIEF OF POLICE

## **Citizen's Complaints against Department Personnel, Policies and Procedures**

### **POLICY**

The Gonzales Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members. The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### **ACCEPTANCE OF COMPLAINTS**

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to interview the complainant in person. The following should be considered before taking a complaint:

- (a) When an uninvolved supervisor or the on-duty Sergeant determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of Department policy or procedure, a complaint need not be taken
- (b) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form. The complainant shall be contacted by the investigating supervisor on the next business day
- (c) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public. Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.



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## COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Shift Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaint will be forwarded to the Police Chief for a determination on whether an internal affairs investigation is warranted and to whom it will be assigned, to be investigated.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Police Chief, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information

## SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

## ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate. Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary. If requested, a complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code§ 832.7).



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## DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

## COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

All investigations shall be conducted in accordance with procedures established in the Public Safety Officers Bill of Rights Act – Gov. Code Section 3303 et seq.

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

The assigned investigator or supervisor shall ensure that within 30 days of the final disposition of the complaint, the complainant is provided written notification of the disposition (Penal Code § 832.7(e)).

All personnel complaints shall be maintained for a period of no less than five years. (Penal Code § 832.5) All internally initiated complaints shall be maintained no less than two years (Government Code § 34090 et seq.).



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THE FOLLOWING ADMONITION IS REQUIRED BY PENAL CODE SECTION 148.6

## CITIZEN'S COMPLAINT AGAINST PEACE OFFICER ADMONITION

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 CIVILIANS' 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. CIVILIANS' COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY 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

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COMPLAINANT



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**GONZALES POLICE DEPARTMENT**

**KEITH WISE**  
CHIEF OF POLICE

## Citizen's Complaint Form

Complainant's Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Home Telephone number: \_\_\_\_\_ Work Telephone number: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Date complaint Reported: \_\_\_\_\_

Involved Officer(s) Name(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Badge Number(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In Uniform: Yes No

Other Identifying Information or Vehicle Description: \_\_\_\_\_

\_\_\_\_\_

Nature of Complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Continue on next page? Yes No



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## **Narrative Continues:**

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_



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## STATEMENT FORM

KEITH WISE  
CHIEF OF POLICE

Statement of: \_\_\_\_\_

Written By: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Relationship: \_\_\_\_\_

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The above information is true and correct and it is my desire that the complaint be investigated. I understand to knowingly and willingly allege false and incorrect information on this form may subject me to civil action in the form of a lawsuit under Civil Code Section 47.5.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Parent/Guardian if Under 18: \_\_\_\_\_



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## Witness to Incident:

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

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**For Department Use Only**

Complaint Received By: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_