



# MENIFEE POLICE DEPARTMENT COMPLAINT PROCESS

29714 HAUN ROAD MENIFEE, CA 92586 (951) 723-1500

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## **THE COMPLAINT PROCESS**

The Meniffee Police Department is open to review and is strictly accountable for its conduct.

Police employees are expected to maintain themselves in a manner consistent with a standard of professionalism necessary to ensure safety in the community.

To fulfill this obligation, as well as meet statutory requirements, the Department supports a readily available process in which citizens and employees can have confidence that complaints against either employees or the Department will be fairly and thoroughly investigated. Such investigations will ensure that proper corrective actions are taken when appropriate, as well as protect employees against unwarranted criticisms when the procedures or actions by the employees or Department were proper.

The Meniffee Police Department acknowledges the responsibility it has to accept and investigate all complaints brought to the attention of the Department and is committed to resolving those complaints. Further, the Department is also committed to taking appropriate action when necessary against those employees involved in unacceptable behavior or actions of misconduct, including training, counseling, or an appropriate level of discipline.

In the event the complainant is a minor (under 18 years old), a responsible parent or guardian will be promptly notified so they are made aware of the nature of the complaint, and provided the opportunity to be present with the minor when the complaint is filed.

Complaints involving employee misconduct or customer service complaints will be promptly reviewed, investigated, and/or resolved in an appropriate manner and in compliance with all applicable statutory provisions.

### **Misconduct**

Misconduct is defined as actions involving a violation of any law, written Department Procedure, Policy, Order, or Regulation. Failure to obey written or verbal orders or any conduct that may tend to reflect unfavorably upon the employee or the Department may also be deemed to be misconduct.

### **Customer Service Complaints**

Other complaints that do not rise to the level of employee misconduct are considered customer service complaints. Although the Police Department provides public safety services, the application of private sector customer service standards has some application to the manner in which we provide our services.

Complaints of this nature are generally complaints against employees or the Department relating to expressed dissatisfaction regarding our departmental operations, actions, or conduct. Customer Service complaints of this nature do not involve violations of laws, written Department Procedures, Policies, Orders, or Regulations.



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## The Steps of filing a Complaint

### Step One: NOTICE

You are welcome to come to the station to fill out or pick up a complaint form:

Menifee Police Department 29714 Haun Road, Menifee, CA 92586

You may also DOWNLOAD A COMPLAINT FORM.

If you are unable to pick up or download a form, we will mail you one. Contact our Records Bureau at (951) 723-1500 and ask for a Complaint Form to be mailed to you.

### Step Two: The Complaint Form

The Department has developed a form to be used for the complaint procedure. You may complete the form yourself or a supervisor may complete it on your behalf. Once the complaint is accepted, you will receive a copy of the complaint form. After a written complaint has been accepted, it becomes a recorded document and part of the investigation.

## The Investigation Process

### Step Three: TYPES OF INVESTIGATIONS

Based on the information provided in the complaint, a supervisor can determine if the investigation required is criminal or administrative. The supervisor will forward the information to the Internal Affairs Unit where the complaint will be reviewed and assigned to the appropriate Division Commander.

1. In the event the complaint alleges criminal activity, the matter will be investigated by the Criminal Investigations Bureau.
2. If the complaint appears to be personnel misconduct, the matter will be investigated administratively within the assigned division.

### Step Four: FINDINGS

Unfounded: The alleged act did not occur.

Exonerated: The alleged act occurred but was justified, legal and proper.

Not Sustained: The investigation produced insufficient information to prove or disprove the allegation.

Sustained: The employee committed all or part of the alleged acts of misconduct or poor service.

## The Disposition

### Step 5: NOTIFICATION OF PARTIES

Internal Affairs will notify, in writing, the complainant within forty five (45) days of the disposition of the complaint. However, if the complaint is sustained, California law prohibits the Police Department from releasing the type of discipline taken against the employee. In addition, if the complaint is sustained for criminal activities, the police employee would be subject to criminal proceedings.



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## **Related Matters**

Impact of the Complaint on the Underlying Matter

Arrests or traffic citations which occurred are legal proceedings which remain separate from the police misconduct complaint.

## **Age Limitations**

All complaints will be accepted without age discrimination. In any case where a minor is the complainant, care will be taken to ensure the minor is not too young to understand the complaint process, in which case parental guidance may be useful.

## **Citizenship**

Non-citizens also have the right to file complaints. If the complainant does not speak English and does not have an interpreter, the Department will attempt to assist in completing the complaint form.

## **False Complaint**

A complainant should be aware that a peace officer, under provisions of 47.5 of the California Civil Code, may bring civil action against an individual who knowingly makes a false personnel complaint.

In 1996, the California legislature added section 148.6 to the Penal Code. That section makes it a misdemeanor for a person to file an allegation of misconduct against a peace officer if the person knows that the report is false. In addition a law enforcement agency who accepts an allegation of misconduct against a police officer shall require the complainant to read and sign the following advisory statement:

**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 CITIZENS' COMPLAINTS. YOU HAVE THE 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 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.**

## **Other**

If the complainant does not agree with the finding regarding a criminal allegation, the complainant may contact the Riverside County District Attorney's Office which is responsible for investigating criminal proceedings within the City of Meniffee.