



## MERCED POLICE DEPARTMENT Citizen's Complaint Procedures

### POLICY

It is the policy of the Merced Police Department to accept and thoroughly investigate all complaints against its employees, policies, or service. In so doing, the department's goals are to:

1. Maintain a constant check on the efficiency and fairness of our policies and procedures.
2. Absolve the innocent.
3. Establish responsibility for improper conduct when and where it exists.
4. Facilitate prompt and just discipline in accordance with the City of Merced Personnel Rules and Regulations, and the Police Department Manual of General Orders.

### PROCEDURE

**Reporting:** You may make a complaint against the department's employees, policies or service in any fashion or format you choose. Whether received by mail, phone, or in person, your complaint will be thoroughly investigated by the department. You may even report complaints anonymously if you feel that you must; however, it is much more difficult to investigate an anonymous complaint fairly and thoroughly.

**Investigation:** Once your complaint is received, it will be reviewed by the appropriate management personnel and assigned an investigator. The investigator will probably need to re-contact you for a very detailed statement concerning your complaint. We would prefer that you sign a completed statement of the complaint so that we are sure that we understand all of the facts of your complaint.

You will need to give us the names of any witnesses to the incident which you are complaining about, and we will need to interview them. Once the investigation is completed, the appropriate commander will recommend a disposition based on the facts of the case. The disposition may be one of the following:

1. **Unfounded:** The investigation proved the act or acts complained of did not occur. This finding also applies when the individual member(s) or employee(s) named above were not involved in the act or acts which may have occurred.
2. **Exonerated:** The acts which provided the basis for the complaint or allegation occurred; however, investigation revealed that they were justified, lawful, and proper.
3. **Not Sustained:** Investigation failed to disclose sufficient evidence to prove the allegation made in the complaint or to disprove such allegation or the complaint failed to disclose essential information to further the investigation.
4. **Sustained:** The investigation disclosed sufficient evidence to prove the allegation made in the complaint. The ultimate decision of the final disposition of your complaint rests with the Chief of Police.

**Corrective Action:** If your complaint is found to be sustained, the Chief of Police may take formal disciplinary action against the employee(s) involved. You will be advised as to the final disposition of your complaint.

### COMMON QUESTIONS

**Q.** Why does the department investigate its own personnel, policies and services; won't you have the tendency to "cover up" or "stick together"?

**A.** No! If an officer or employee is acting improperly, we have a duty and an interest in correcting the problem. This department has a good track record for taking appropriate action when complaints are sustained by sound evidence.

**Q.** Won't I be subject to repercussions or revenge by the police if I complain?

**A.** It is not likely. Officers are aware of the seriousness of such actions and are normally not willing to jeopardize a career for revenge. If, however, you feel that you are a victim of revenge because you complained, you should immediately bring that to the attention of the Chief of Police.

**Q.** What if I don't want to make a "formal" complaint but just want you to be aware of a problem?

**A.** We encourage that type of input from the public. Many times, minor or informal complaints can be handled by the employee's supervisor or by a meeting between you and the employee involved.

**Q.** If I am facing criminal charges, will my complaint cause my case to be delayed or dismissed?

**A.** Absolutely not. A citizen's complaint investigation is totally separate from any criminal or civil proceedings.