

Winters Police Department
Personnel Complaint Procedures

Pursuant to California Penal Code § 148.6(a)(2):

A law enforcement agency accepting an allegation of misconduct against a peace officer shall require the complainant to read and sign the following advisory, all in boldface type:

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. CIVILIAN 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.

The Winters 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 policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone. Although not required, complainants are encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained, as necessary. All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. It is the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation. 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)

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 the 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.

In general, the primary responsibility for the investigation of a complaint shall rest with the immediate supervisor, unless the supervisor has any personal involvement regarding the alleged misconduct. The Chief of Police may direct that another supervisor or an authorized designee investigate any complaint. Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

If the personnel complaints can be resolved immediately, follow-up contact with the complainant will normally be made within 24 hours of receiving the complaint. If the complaint is not able to be resolved immediately, the complainant will be notified of the investigator's name and the complaint number within three (3) days after assignment to a supervisor or authorized designee. The supervisor or authorized designee shall ensure that the complainant is provided written notification of the disposition of the investigation within 30 days of the final disposition of the complaint, (Penal Code § 832.7(e)).

Any complainant not satisfied with the above procedures may seek additional action by making a complaint to any of the following:

- A. The Yolo County District Attorney's Office.
- B. The Yolo County Grand Jury.
- C. The Federal Bureau of Investigation, which has investigative jurisdiction of all matters relating to the violation of civil rights by police authorities.

Winters Police Department
Personnel Complaint Form

Date: _____

Complainant's Name: _____

Address: _____

Home Phone: _____ Cell Phone: _____

Email: _____

Officer(s) Name(s): _____

Nature of Misconduct: _____

Date/Time of Incident: _____

Please give as detailed a statement as possible, to include date, time and location, names of officers or witnesses, and what conduct you found offensive or considered misconduct. If more space is needed for details of incident, please use additional pages.

Details of Incident: _____

Signature of Complainant: _____ Date: _____

For Department Use:

Received by: _____ Date: _____

Copy provided to complainant: ____ Yes / ____ No

24 hour / 3 day notice to complainant: ____ Yes / ____ No

Notification by: _____ Date/Time: _____

Notice of final disposition: ____ Yes / ____ No

Notification by: _____ Date/Time: _____