

◇ What is an Internal Affairs Investigation?

The process of gathering facts to prove, or disprove, allegations of misconduct against Department employees.

◇ Who will investigate my complaint?

Your complaint will be taken by a Lieutenant or Sergeant. If the complaint is resolved, no other action will be taken. If further action is warranted, the complaint is processed through the Internal Affairs Unit for tracking purposes, and assigned to the employee's supervisor or the Internal Affairs Unit to investigate.

◇ What types of complaints does the Modesto Police Department recognize?

Both "informal" and "formal" complaints are recognized. An "informal" complaint is a minor issue that may be handled by the employee's supervisor with no other action. A "formal" complaint is any complaint that is not an informal complaint, and is handled through official channels and documentation.

◇ How can I assist in making a complaint?

- Complete a "Citizen's Complaint Form", which is a written format to express your concerns.
- If requested, provide a detailed taped statement.
- Help identify evidence and witnesses if possible.
- Identify any damaged property or injuries.
- Provide an address and contact numbers where you can be reached for follow-up information.

◇ How will I know when the investigation into my complaint is complete?

You will be notified by letter of the outcome or "disposition" of your complaint within 30 days of the final findings.

◇ What if I have more questions?

You may contact the Internal Affairs Unit at (209) 572-9615.

MISSION STATEMENT

The mission of the Modesto Police Department is to provide professional police services.

Together, in a partnership with our community and through the effective use of resources, we will achieve a safe and secure environment in which to live and prosper.



*An Internationally Accredited
Law Enforcement Agency*

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MODESTO POLICE DEPARTMENT

Citizen Complaint Process

The Modesto Police Department strives to provide professional service. Citizen input, both positive and negative, is vital to our organization's goals.



**600 Tenth Street
Modesto, California 95354
(209) 572-9500**



MODESTO POLICE DEPARTMENT



Citizen Complaint Process

◇ The law and Department Policy

California Penal Code Section 832.5 requires that agencies that employ peace officers establish a complaint investigation procedure. It also requires that a written description of the procedure be available to the public.

Complaints will be received in a courteous and impartial manner. No attempt will be made to dissuade a citizen from making a complaint.

◇ What is a complaint?

A complaint is an allegation of misconduct by an employee, which if found to be true, could result in disciplinary action.

◇ Who can make a complaint?

A complaint may be made by anyone who is dissatisfied with the conduct of the employees.

◇ How to file a complaint

You may file a complaint in person, or by writing to the Modesto Police Department at 600 Tenth Street, Modesto, CA 95354. You may telephone the Watch Commander at (209) 572-9500.

Complaint forms are also available at the Northeast Area Office, 10th Street Place (City Hall) and at all City of Modesto Fire Departments.

◇ What to expect

Complaint investigations can be lengthy depending on the number of witnesses and the seriousness of the allegations. The Modesto Police Department makes every effort to complete investigations within 60 days. Additional time is then required for review and determining a disposition of the allegations of misconduct.

◇ Dispositions

After all evidence and testimony are obtained, the investigator files a report which is reviewed by command staff personnel.

The Chief of Police reviews the completed investigation and at the conclusion of the Chief's review, one of four dispositions will be determined for each allegation of misconduct. They are:

Sustained: The employee has committed the act, or acts, of misconduct alleged in the complaint, or the employee omitted a required duty.

Not Sustained: There is insufficient evidence to clearly prove or disprove the allegations made.

Exonerated: The act occurred but the act was justified, lawful, and proper, or the complainant is satisfied with an explanation of the incident and requests no further action taken.

Unfounded: The allegations were without basis.

◇ Confidentiality

California law states sworn peace officer personnel records are confidential, and can only be divulged through a special court order during criminal or civil proceedings.

This means you will be notified of the disposition of the complaint, but by law the Department cannot divulge any information regarding discipline or other administrative actions.

◇ Employee rights

Typically complaints reflect legitimate concerns. However, occasionally a complaint is fictitious and made with malice. Police Officers also have the right to review and respond to allegations of misconduct, as well as any proposed discipline resulting from such allegations.

◇ Community involvement

Please remember the Modesto Police Department is here to serve and assist our citizens. As such, we value your input concerning our ability to serve the public properly. We encourage anyone to contact us when they have a complaint or concern. With your help, we can work together to improve our community.