YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST THE STANISLAUS COUNTY DISTRICT ATTORNEY (SCDA) BUREAU OF INVESTIGATION AND/OR AGAINST A PEACE OFFICER (CRIMINAL INVESTIGATOR) FOR ANY IMPROPER CONDUCT

- California law requires agencies that employ peace officers to have a procedure to investigate citizen complaints (Penal Code § 823.5 (a)(1)). SCDA Bureau of Investigation (BI) employs sworn peace officers who are criminal investigators with full arrest powers.
- You have a right to a written description of the complaint process/procedure. (SCDA Policy 1010)
- SCDA may find, after investigation, there is not enough evidence to warrant action on your complaint. Even if that is the case, you have a right to make a complaint, and have it investigated if you believe a criminal investigator behaved improperly.
- Citizen complaints and any reports or findings related to complaints not amounting to a sustained finding, shall be retained by the SCDA for a minimum of 5-years. Likewise, a sustained finding of misconduct, will be maintained for 15-years Penal Code § 832.5 (b) and SCDA Policy 1013)
- It is against the law to make a complaint that you know to be false. If you make a complaint against a peace officer knowing that it is false, you could be prosecuted on a misdemeanor charge (Penal Code § 148.6).

Who would investigate my complaint?

The immediate supervisor or another supervisor will investigate the complaint.

Do I have to complain in person?

No. We prefer to talk to you in person. However, if there are valid reasons that cannot be done, your complaint can be made over the phone or by mail. Generally, we do not accept a complaint from another party on your behalf, as this would be considered hearsay information and could leave out important facts needed for an investigation. After receiving your complaint, a supervisor will contact you.

I am under 18. Do I have the right to make a complaint?

Yes. Just bring one or both of your parents/guardians in with you.

Will I have to write my complaint out?

Yes. We have found it is much easier to investigate a written complaint. If there are valid reasons this cannot be done, we will make other arrangements.

How thoroughly will you investigate my complaint?

We take complaints very seriously and will explore every aspect of your complaint to determine whether there is misconduct or a policy violation.

Will I be notified with the results of the investigation?

Yes. You will be notified of the disposition of our investigation. However, the release of specific details concerning the investigation may be limited by law.

Every citizen complaint investigation will contain one of the following dispositions (SCDA Policy 1010):

- 1) **Unfounded** when the investigation discloses the alleged acts did not occur or did not involve SCDA employees;
- 2) **Exonerated** when the investigation discloses the alleged act occurred but was justified, lawful, within policy and/or proper;
- 3) Not Sustained when the investigation discloses there is insufficient evidence to sustain the complaint or fully exonerate the employee;
- 4) **Sustained** when the investigation discloses the action(s) were found to violate law or SCDA policy;
- 5) **Closed** used for an employee who either resigns or retires prior to the completion of an investigation.

Where do I make a complaint?

Stanislaus County District Attorney's Office 832 12th Street Rm 300 Modesto, CA 95354 209.525.5550 <u>Bureau of Investigations - District Attorney - Stanislaus County (stanislaus-da.org)</u>

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Office of the District Attorney Stanislaus County

Birgit Fladager District Attorney Assistant District Attorney Jeffrey M. Laugero

> Chief Deputies Marlisa Ferreira Wendell Emerson Michael D. Houston Mark Zahner

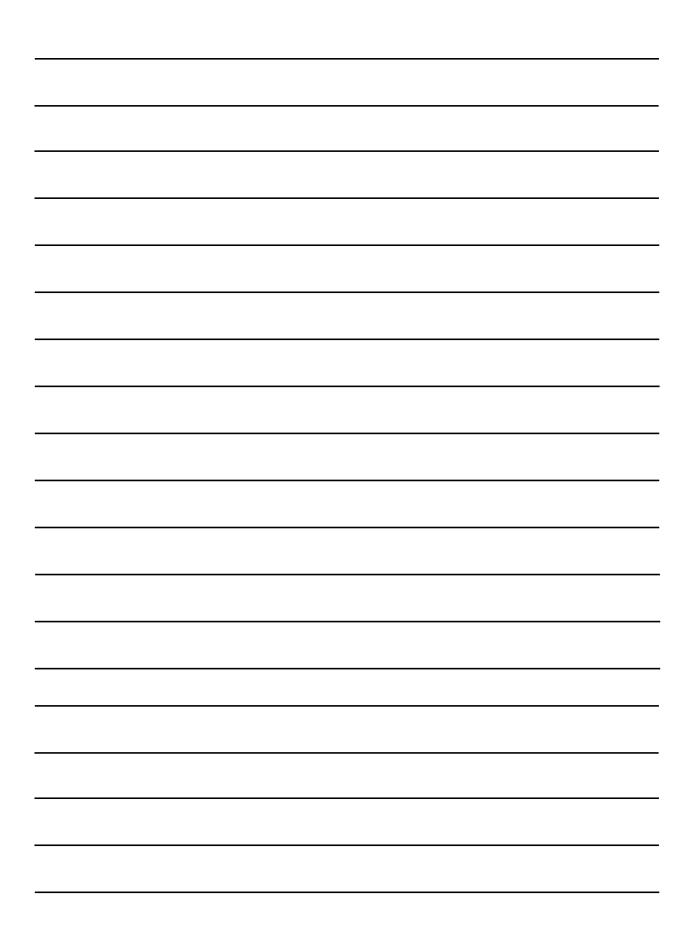
Bureau of Investigation Chief Terry L. Seese

CIVILIAN COMPLAINT FORM - PEACE OFFICER

| Name | Date of birth | |
|---|---------------|-----|
| Street Address | | |
| City | _State | Zip |
| Day Telephone | Evening | |
| Message | | |
| Name of employee(s) involved, if known: | | |
| | | |
| Date and time of incident | _ | |

Incident location

Complaint details (please be as detailed as possible):



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 CIVILIAN 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.

I have read and understood the above statement.

Complainant

I hereby verify the facts, and circumstances I have detailed above are true and correct to the best of my knowledge. I understand and acknowledge this is a formal complaint and I could be interviewed regarding this complaint. I agree to cooperate fully with the investigation.

| Print name | Signature | |
|------------|-----------|--|
| | 0 | |

Date_____ Parent/Guardian signature if under 18______



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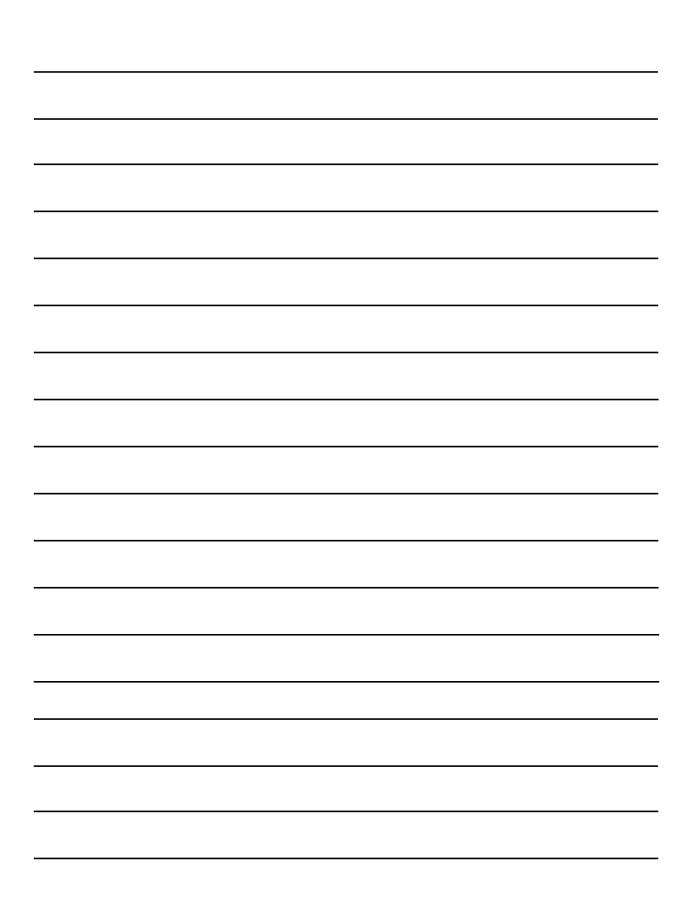
> Chief Deputies Marlisa Ferreira Wendell Emerson Michael D. Houston Mark Zahner

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QUEJA DEL EMPLEADO POLICIAL

| Nombre | | Fecha de | |
|-----------------|---------------------------------|---------------|--|
| Nacimiento | | | |
| Domicilio | | | |
| Ciudad | Estado | Codigo Postal | |
| | | | |
| Telefono | Telefono de Noche | Mensaje | |
| | Nombre de empleado, si se sabe: | | |
| | | | |
| Fecha y hora de | incidente | | |
| | | | |
| Locacion de Ine | cidente | | |
| | | | |

Detalles de queja (por favor denos detalles):





USTED TIENE EL DERECHO DE HACER UNA QUEJA CONTRA UN OFICIAL DE POLICIA POR CUALQUIER CONDUCTA INAPROPRIADA. LA LEY DE CALIFORNIA REQUIERE QUE ESTA AGENCIA TENGA UN PROCEDIMIENTO PARA INVESTIGAR QUEJAS. USTED TIENE EL DERECHO DE TENER UNA DESCRIPCION ESCRITA DE ESTE PROCEDIMIENTO. ESTA AGENCIA PUEDE ENCONTRAR DESPUES DE UNA INVESTIGACION QUE NO HAY SUFICIENTE EVIDENCIA PARA TOMAR ACCION DESPUES DE SU QUEJA; AUNQUE ESO SEA EL CASO USTED TIENE TODAVIA TIENE EL DERECHO HACER LA QUEJA Y QUE SEA INVSTIGADA SI USTED CREE QUE UN OFICIAL SE COMPORTO INAPROPRIADAMENTE. QUEJAS Y REPORTES O LO QUE SEA DESCUBRIDO RELACIONADO A UNA QUEJA TENDRAN QUE SER RETENIDAS POR ESTA AGENCIA POR LO MENOS CINCO ANOS. ES CONTRA LA LEY HACER UNA QUEJA QUE USTED SABE SER FALSA. SI USTED HACE UNA QUEJA CONTRA UN OFICIAL SABIENDO QUE ES FALSA, USTED PUEDE SER PROCESADO POR UN DELITO.

He leido y entiendo la declaracion de arriba.

Nomber de person haciendo queja

Yo verifico que los hechos y circumstancias que he detallado son verdad y correcta segun entiendo. Yo entiendo y reconozco que esta es una queja formal y puedo ser intrevistado a cerca de esta queja. Yo estoy de acuerdo a cooperar completamente con la investigacion.

Escriba su Nombre______ Firme su Nombre______

Fecha _____ Firma de padre si menor de 18 anos _____