



SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT CIVILIAN COMPLAINT

CALIFORNIA PENAL CODE SECTION 148.6 MANDATES ANY LAW ENFORCEMENT AGENCY ACCEPTING AN ALLEGATION OF MISCONDUCT AGAINST A PEACE OFFICER REQUIRE YOU, AS 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 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.

I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT. _____
COMPLAINANT SIGNATURE

A WORD OF CAUTION IS OFFERED CONCERNING PERSONS KNOWINGLY MAKING FALSE COMPLAINTS ABOUT PEACE OFFICERS. CIVIL CODE 47.5 (PEACE OFFICERS; DEFAMATION ACTION AGAINST PERSON FILING FALSE COMPLAINT ALLEGING MISCONDUCT, CRIMINAL CONDUCT, OR INCOMPETENCE)... A PEACE OFFICER MAY BRING AN ACTION FOR DEFAMATION AGAINST AN INDIVIDUAL WHO HAS FILED A COMPLAINT WITH THAT OFFICER'S EMPLOYING AGENCY ALLEGING MISCONDUCT, CRIMINAL CONDUCT, OR INCOMPETENCE, IF THAT COMPLAINT IS FALSE, THE COMPLAINT WAS MADE WITH KNOWLEDGE THAT IS WAS FALSE AND THAT IS WAS MADE WITH SPITE, HATRED, OR ILL WILL.

INCIDENT DETAILS

DAY AND DATE OF INCIDENT	TIME OF INCIDENT	LOCATION OF INCIDENT
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REPORTING PERSON

NAME (LAST, FIRST, MIDDLE)	PHONE NUMBER	DOB
ADDRESS (CITY, STATE, ZIP CODE)		

PERSONS INVOLVED (IF OTHER THAN ABOVE)

NAME (LAST, FIRST, MIDDLE)	DOB
ADDRESS (CITY, STATE, ZIP CODE)	

WITNESSES

NAME	ADDRESS	PHONE NUMBER

NAME OR DESCRIPTION OF EMPLOYEE(S) INVOLVED

NAME	BADGE OR ID NUMBER	PHYSICAL DESCRIPTION



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SUMMARY OF COMPLAINT

Large empty rectangular area for the summary of the complaint.

SIGNATURE OF REPORTING PERSON		SIGNATURE OF PARENT OR GUARDIAN (IF COMPLAINANT IS UNDER 18 YEARS)	
DATE RECEIVED	PERSON RECEIVING COMPLAINT	EMPLOYEE ID NO.	BUSINESS TELEPHONE NO.

The San Bernardino County Sheriff's Department believes that a relationship of confidence and trust with the public is essential to effective law enforcement. Deputies must be free to exercise their best judgment to initiate law enforcement action in a reasonable, lawful, and impartial manner without fear of reprisal. So too, enforcers of the law have a special obligation to respect the rights of all persons meticulously.

It is essential to maintain public confidence in the ability of the Sheriff's Department to investigate and properly adjudicate complaints against its members. Additionally, the Department is responsible for seeking out and disciplining those whose conduct discredits the Department or impairs its effective operation. The rights of the employee, and the public, must be preserved. Any investigation or hearing arising from a complaint must be conducted openly and fairly, with truth-seeking as its primary objective. The Department accepts complaints against its members and thoroughly investigates all such complaints to the appropriate disposition.

To this end, the Department acknowledges its responsibility to establish a system of complaint and disciplinary procedures, that not only subject an employee to corrective action when the employee conducts themselves improperly, but also protect the employee from unwarranted criticism when they appropriately discharge their duties.

COMPLAINT PROCEDURE

Any civilian who feels they have been the victim of misconduct by a member of the Sheriff's Department may file a "Civilian Complaint." The complaint may be made to any Department member; however, a supervisor will handle the matter whenever possible.

Misconduct complaints will be accepted and recorded on a "Civilian Complaint" form, available at all Sheriff's stations.

The Department will investigate the complaint in a timely and professional manner. Generally, the investigation consists of taking formal statements from all persons concerned and gathering and preserving any physical evidence or other information related to the incident.

Each allegation is examined objectively on its own merits. The employee's Deputy Chief or a Disciplinary Review Board will examine the investigation and submit their recommendations to the Sheriff or their designee. After the investigation and review, the Department will advise you of the complaint's disposition by mail.

A completed investigation may result in the following determinations:

UNFOUNDED – The investigation clearly established that the allegation is not true.

EXONERATED – The investigation clearly established that the actions of the officer are not violations of law or department policy.

SUSTAINED – The investigation established that the actions of the officer constitute misconduct.

NOT SUSTAINED – The investigation established insufficient evidence to prove or disprove misconduct.

FRIVOLOUS – The investigation established that the complaint is totally and completely without merit or offered for the sole purpose of harassing the officer.