INTRODUCTION

San Joaquin Delta Community College District Police Citizen Complaint procedure helps you, the community and the police as well. If you have a concern about the practices or personnel of the San Joaquin Delta Community College District Police, what can you do about it? An Internal Affairs investigation will be conducted for citizen complaints regarding District Police personnel or policies. A positive relationship between the police and the public they serve, fostered by confidence and trust is essential to effective law enforcement. While the police are charged with vigorous enforcement of the law, they must meticulously observe the rights of all people. Police personnel, at the same time, must be free to take action in a reasonable, lawful, and impartial manner without fear of reprisal.

It is important, therefore, that adequate provisions be made for the prompt receipt, investigation and disposition of complaints regarding the conduct of Department personnel. To this end, the District Police welcomes criticism of the department and valid complaints against its members or procedures. The purpose of the Internal Affairs Section is to ensure complete, fair, and impartial investigations of citizen complaints.

HOW TO MAKE A COMPLAINT

The first step is to call, write, e-mail or come in person to:

The San Joaquin Delta Community College District Police, 5151 Pacific Avenue, Stockton, California, 95207.

You may phone the Dispatchers at (209) 954-5000 anytime day or night.

You may come in person to address your concern, or you can call or write anonymously, if you wish.

You may also file a complaint on-line, via the Internet: at <http://www.deltacollege.edu/dept/police/complaint.html>

INVESTIGATION PROCEDURE

The person receiving your concern will ask you to provide as much information as possible regarding the incident. If you were involved in or witnessed the incident, it is extremely important to the investigation that a statement is obtained from you. **You can also provide a written statement; however, it must be submitted to the San Joaquin Delta Community College District Police within ten days to be considered in the investigation.**

Each allegation is examined on its own merits. Formal investigations require investigators to contact all available witnesses, including police officers, examine any relevant physical evidence and gather all information pertinent to each allegation made in the complaint.

The Director of Police Services & Programs will render a finding in each case. There are four possible findings:

**Sustained**: The investigation disclosed enough evidence to clearly prove the allegation.
**Not sustained**: The investigation failed to reveal enough evidence to clearly prove or disprove the allegation.
**Exonerated**: The act, which provided the basis for the complaint, did occur; however, investigation revealed the act was justified, lawful and proper.
**Unfounded**: The investigation has produced sufficient evidence to prove that the act or acts alleged did not occur. This finding shall also apply when individual personnel named in the complaint were not involved in an act that did occur.

You will be notified of the finding in writing at the conclusion. When a finding of "Sustained" is determined, corrective action will be taken. The types of corrective action imposed are subject to the provisions of the laws of the State of California and are deemed confidential. Disciplinary action may include counseling, training, and action up to and including termination. If your complaint is sustained and punitive discipline is imposed, the employee has appeal rights. Therefore, you may be required to testify at one or more disciplinary appeal hearings conducted by the District.

SUMMARY

Your valid concerns and criticisms help us protect the community from possible misconduct by employees. At the same time, a thorough and impartial investigation procedure helps protect employees from unwarranted charges when they perform their duties properly.

Per California Penal Code Section 832.5 (a): "Each department or agency in this State which employs peace officers shall establish a procedure to investigate citizens' complaints against the personnel of such departments or agencies, and shall make a written description of the procedure available to the public."

Penal Code Section 148.6 (b) states that any law enforcement agency accepting a concern of misconduct against a peace officer shall require the complainant to read and sign the following information advisory:

*"****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 citizens' 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. Citizen complaints must be retained by this agency for at least five years.”***

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# David Main

**Director of Police Services & Programs**