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## WE WANT TO KNOW!

### HAVE OUR EMPLOYEES DONE SOMETHING GOOD?

A relationship of trust and confidence between members of the Police Department and the community they service is essential to effective law enforcement. Law enforcement officers must be free to exercise their best judgment and to initiate law enforcement action in a reasonable, lawful, and impartial manner. In this regard, enforcers of the law have a special obligation to respect the rights of all persons when conducting such enforcement actions.

When our employees have done their job in a manner which you appreciate, we feel it important to let them know.

### DO YOU THINK THEY MAY HAVE DONE SOMETHING WRONG?

The Clearlake Police Department acknowledges its responsibility to establish a system of complaint and disciplinary procedures for corrective action when officers conduct themselves improperly. It is the purpose of these procedures to provide a prompt, just, open, and expeditious conduct of officers and employees of the Department.

The Clearlake Police Department, in compliance with Section 832.5 of the California Penal Code, welcomes feedback from citizens of the community regarding the performance of our employees as well as the department.

#### Summing Up

Per California Penal Code Section 832.5(a): 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.

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“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 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 citizen’s 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. It is against the law to make a complaint 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.”

### WHEN YOU HAVE QUESTIONS OR RECOMMENDATIONS

The Clearlake Police Department is committed to providing the best police service possible. Citizen cooperation and input is essential, if the Department is to succeed in this goal. If you have questions about how the Department operates, or have a recommendation on how we can improve your police services, you can:

**Call the Police Department:**  
**(707) 994-8251**

**Visit or Write the Police Department**  
**14050 Olympic Drive**  
**Clearlake, CA 95422**

**CLEARLAKE POLICE DEPARTMENT**  
**CLEARLAKE, CALIFORNIA 95422**

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## CLEARLAKE POLICE DEPARTMENT

### COMMENDATION OR COMPLAINT

HOW TO OFFICIALLY COMMEND OR FILE A COMPLAINT ON A POLICE DEPARTMENT EMPLOYEE



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## HOW DO I COMMEND A POLICE DEPARTMENT EMPLOYEE?

If you wish to commend the actions of any Clearlake Police Department employee, you can

- Ask to speak to the employee's supervisor and verbally communicate your praise; or,
- You can write a letter to the Chief of Police explaining your praise.

Commendations received by the Chief of Police for any Clearlake Police Department employee result in advising the employee of your gratitude and in permanently recording the employee's actions and your appreciation in the employee's personnel files.

The employee, depending on the situation, could be considerate for other Department/community awards or recognition.

## HOW CAN A COMPLAINT BE FILED?

A complaint may be filed by contacting the Police Department either in person, by telephone, or in writing. The person receiving the complaint will ask for as much information as possible regarding the incident. It is extremely important to the investigation that a complete statement, which may be recorded, is obtained, and that a Citizen Contact form be completed and signed by the complainant.

While personal contact is desirable, if the initial complaint is made by telephone or letter, it will be necessary for the complainant to be available to the investigator for a personal interview.

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## WHO CAN FILE A COMPLAINT?

Anyone who is directly involved or witnesses an incident from which a complaint arises can file a complaint. In the case of juveniles it is desirable, but not necessary, that the parents/guardians be present. However, it is the Department's policy to notify the parents/guardians of the juvenile whenever a complaint is accepted.

## WHO TO CONTACT?

Complaints can be made any time during the day or night by either calling the Department, (707) 994-8251, or in person at 14050 Olympic Drive, Clearlake. The on-duty supervisor and/or watch commander will take the initial complaint.

## WHO WILL INVESTIGATE THE COMPLAINT?

The officer's immediate supervisor or on-duty watch commander will investigate the complaint. In more serious cases that warrant an internal affairs investigation, the Chief of Police will assign the complaint to the appropriate person for completion.

## HOW THOROUGH WILL THE INVESTIGATION BE?

Our objective is to complete a thorough and impartial investigation disclosing the truth. Every effort will be expended to satisfactorily conclude the investigation. This will require the investigators to contact all available witnesses, examine physical evidence, and gather all information pertinent to each allegation made in the complaint. This also includes referring the complaint to an outside agency such as the District Attorney's Office or to another investigative agency when necessary. If the complaint is found to be true, the officer may face discipline ranging from verbal reprimand to dismissal.

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## WHO MAKES THE FINAL DECISION?

The Chief of Police, after reviewing all of the facts, makes the final decision on the validity of the complaint and, if found to be true, the discipline to be administered. The Chief will rely on the investigative results. There are four possible findings:

**Sustained:** The investigation disclosed enough evidence to clearly prove the allegation.

**Non sustained:** The investigation failed to reveal enough evidence to clearly prove or disprove the allegation.

**Exonerated:** The act which proved the basis for the complaint did occur; however the 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.

When a finding of "Sustained" is determined, corrective action will be taken. This corrective action may include counseling, training, and action up to and including termination.

If punitive discipline is imposed, the employee has appeal rights. Therefore, you may be required to testify at one or more administrative proceedings.

The Police Department shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition. The law mandates that all other information remain confidential and not be disclosed except by order of the court.

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