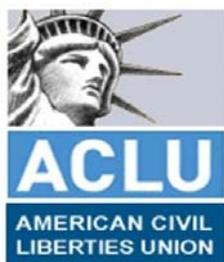


Butte County Sheriff's Office

COMPLIMENTS and COMPLAINTS

Resource and Information Guide

Prepared in partnership with the listed community individuals to provide access for all in commenting on the conduct of law enforcement.



What do I do if I want to compliment or commend a Sheriff's Office employee?

If you would like to compliment the actions or efforts of a Sheriff's Office employee, you may direct those comments to the Sheriff. Details of the circumstances and the name or description of the involved employee help us to make sure that the information becomes a part of the permanent record of the involved employee.

Complaints against a Sheriff's Office employee – All law enforcement agencies in the State of California are required by law to have a process by which individuals may make a complaint against law enforcement personnel (Penal Code 832.5). This process is required to be available to the public. Complaints against a Sheriff's Office employee are required to be retained by the Department for a period of at least 5 years.

What is a "citizen complaint"?

A citizen complaint, as they are most commonly called, is an allegation that an employee of the Sheriff's Office violated a policy, procedure, rule, regulation or law.

Who can make a complaint?

Complaints can be made by any person at any time.

How do I make a complaint?

Complaints can be made any time of the day or night, in person, by telephone, e-mail, fax, letter, anonymous or otherwise. They may be made at the Sheriff's Office, a substation or in the field. Although not required, every effort will be made to have a complainant meet in person with a Sheriff's Office supervisor who will receive the complaint.

What if I feel uncomfortable coming to the Sheriff's Office to complain?

No problem! We can have somebody meet you at your home, your office, a neutral public location or your advocate's office. As long as there is no reason to be concerned about the safety of our representative, we can meet you just about anywhere you would feel most comfortable.

Can I bring a support person or advocate with me when I make my complaint?

Absolutely. It is important to us that you feel comfortable in sharing your information and concerns. If a support person helps you in that regard, then you are welcome to have one present. It is important to note that the investigator will need to get firsthand information from the complainant, so your advocate may not speak for you or interrupt the interview, but may help in clarifying information or perspective.

What types of complaints are there?

Service Complaint – When an individual doesn't understand the actions taken by a Sheriff's Office employee and is seeking clarification or explanation of a policy or procedure used, these are handled by having a supervisor provide an explanation of the policy or procedure. Example: A person complains that they were detained by a deputy in handcuffs, but ultimately released without being arrested. The supervisor explains that it is for the safety of individuals and deputies that people are often legally detained while restrained in handcuffs and then released.

Complaint Regarding Official Action – When an individual does not agree with official action that has been taken by a Sheriff's Office employee, like a citation being issued or being arrested, these are handled by referring the person to the appropriate venue for resolution of the disagreement. Example: An individual complains that they were issued a citation, and they don't believe they committed the violation or deserve a citation; the individual is referred to court where the citation may be contested.

Frivolous Complaint – When a complaint is silly, ridiculous or preposterous on its face, these will be received, but not handled as complaints. Rather, individuals may be referred for other services as appropriate. Example: A person complains that a sheriff's deputy has planted monitoring devices in the citizen's brain and are controlling the citizen's activities. In such a case, this citizen may be referred to Behavioral Health for assistance.

Misconduct – When the allegation is commission or omission of any act on the part of an employee that would constitute a criminal offense, or a violation of rules, regulations, policies or procedures, the matter may be handled formally or informally with an inquiry or an investigation, depending upon the circumstances. Example: It is alleged that a Sheriff's Office employee used excessive force in making an arrest. In such a case, typically a formal investigation would be initiated.

What information do I need to provide?

If you can provide as much of the following as possible, it will be very helpful in completing the investigation:

- The day, time and exact location of the incident.
- The Sheriff's Office employee's name, badge number and description.
- Witnesses names, addresses and phone numbers.
- Vehicle descriptions and/or license numbers for any vehicles involved.
- Any other evidence or supporting documents or information, including copies of citations, reports, photographs, video and medical records.
- A complete description of the incident with as much factual detail as possible.

What will happen once I make my complaint?

- Depending on the circumstances, it may be handled formally or informally.
- If informally, the complaining party will be contacted by a supervisor or manager, who will discuss the matter and seek an agreeable resolution. If an individual is not satisfied with the efforts to resolve the matter informally, a complaint form may be completed and it will be handled formally.
- If formally, an investigation will be initiated.
- As part of the investigation, it will be necessary to conduct a formal interview with you. You will be asked to provide as much detail as you can about the incident, and you may be voice or video recorded.
- Additional witnesses and the involved Sheriff's Office employees will be interviewed.

How long does it take for a complaint to be investigated/handled?

If handled informally, there can be a response to a complaint in a matter of minutes or hours. The investigation of a formal complaint may take weeks or months. In the case of a formal complaint, you will be provided with the name of the investigator so you may inquire as to the status of the investigation.

Will I have to testify against a Sheriff's Office employee?

Normally, a complainant does not have to provide any formal testimony against Sheriff's Office employees. However, if the allegation is criminal in nature and charges are filed, or if the employee receives discipline and exercises their right to have an appeal hearing, it may be necessary for a complainant to testify.

What happens when the Sheriff's Office has finished handling my complaint?

If it is handled informally, the matter will be considered closed at such time as the complainant and handling employee have discussion to that effect. If it is handled formally, and there is a documented investigation, the Sheriff will render one of the following findings on each of the allegations:

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 investigation concludes that the act which provided the basis for the complaint occurred, but the facts of the investigation reveal that the act was justified, lawful and/or proper.

Unfounded – The investigation concludes that the alleged acts) did not occur, or did not involve department personnel. Complaints which are determined to be frivolous will be categorized as unfounded.

How will I know the handling of my complaint has been completed?

Within 30 days of the completion of the final review of formal complaints by the Sheriff, a written notice of the findings will be sent to the complainant.

What if I disagree with the finding in my complaint?

If you disagree, or are otherwise unsatisfied with the findings in your complaint, you may make arrangements to speak with the Sheriff, or you may contact one of the other resources described in this brochure.

What happens to complaints against Sheriff's Office employees that are not sustained?

If a complaint against an employee is not sustained, it is retained for a period of at least five years in Department files, per Penal Code 832.5. Such complaints are utilized by the Sheriff's Office to identify trends and issues in employee job performance, and may be revisited in the future if similar allegations are made.

Will there be discipline against the Sheriff's Office employee?

Members of the Sheriff's Office are, in fact, employees. As such, they are afforded certain rights including, the right to review complaints against them, due process and the right to appeal proposed discipline. Thus, in order for discipline to be taken, if it is appropriate, the Sheriff must be certain that the proposed discipline is based on allegations which are sustained and supported by a preponderance of evidence and otherwise legally appropriate.

Where do I obtain information on how to commend or complain about the Butte County Sheriff's Office?

Information and additional copies of this brochure are available at the following locations:

- Butte County Sheriff's Office, 33 County Center Drive, Oroville, California 95965, (530) 538-7321, via the Web: <http://www.buttecounty.net>
- Butte County Sheriff's Chico Substation, 479 E Park Ave, Chico, California, 95928 (530) 538-7321
- Butte County Sheriff's Magalia Substation, 14166 Skyway, Magalia, California, 95954 (530) 538-7321

The offices of any of our community partners listed on the cover of this brochure.

Is there somewhere else I can take my complaint if I don't feel comfortable bringing it to the Butte County Sheriff's Office, or if I disagree or am dissatisfied with their conclusion?

- Butte County District Attorney's Office, 25 County Center Drive, Oroville, California, 95965, (530) 538-7411, via the web: <http://www.buttecounty.net/da/FraudForm.htm>
- Butte County Grand Jury, via the web: <http://www.buttecounty.net/Grand%20Jury.aspx>
- California Department of Justice: Public Inquiry Unit, Office of the Attorney General, P.O. Box 944255, Sacramento, California 94244-2550, (800) 952-5225, via the web: http://oag.ca.gov/sites/all/files/pdfs/consumers/le_complaint_policy.pdf?
- Federal Bureau of Investigation, Chico Office, 101 Raley Boulevard, Suite 203, Chico, California, 95928, (530) 893-0655
- U.S. Department of Justice, Civil Rights Division, Criminal Section, PHB, 950 Pennsylvania Avenue NW, Washington, DC, 20530, (202) 514-3204, via the web: www.usdoj.gov

How can I contact the community partner/local agencies represented on the cover of this guide?

- Human Relations Network of Butte County, email: humanrelationsnetwork@gmail.com
- NAACP Butte County, email: bcnaacp1029@gmail.com
- Chico Peace and Justice Center, 526 Broadway Street, Chico, California 95928, (530) 893-9078, email: chico-peace@sbcglobal.net
- Stonewall Alliance Center, (530) 893-3336, email: center@stonewallchico.org
- Chico ACLU, email: leslie.aclu@gmail.com

		BUTTE COUNTY SHERIFF'S OFFICE PERSONNEL COMPLIMENT			Case No.	
					Related Case/CAD/Cite No.	
Day/Date/Time Occurred		Day/Date/Time Reported		Location of Occurrence		
Reporting Party Name				Age	Date of Birth	Sex
Residence Address				Zip Code	Residence Phone	
Business Address				Zip Code	Business Phone	
NATURE OF COMPLIMENT:						
(Attach additional pages as necessary)						
WITNESSES:						
Name		Age	DOB	Sex	Race	Residence Phone
Residence Address				State	Zip Code	Business Phone
Name		Age	DOB	Sex	Race	Residence Phone
Residence Address				State	Zip Code	Business Phone
EMPLOYEE(S) INVOLVED:						
Name		Badge	Sex	Race	Description	Vehicle Number
Name		Badge	Sex	Race	Description	Vehicle Number

Date: _____

Signature: _____

Received By: _____ Date: _____

CITIZEN'S COMPLAINT INFORMATION

The Butte County Sheriff's Office is responsible for protecting the lives of the citizens of Butte County. Our employees are highly trained and educated. They serve with professional pride and they want you, the citizen, to share this pride.

Each year, this office is responsible for the processing and care of more than 9,000 individuals booked into our Correctional Facilities. The Deputies assigned to patrol services respond to more than 20,000 calls for service annually. Deputies serve as arbitrators in thousands of cases when they are asked to resolve differences between individuals and groups. Many times the decisions made by the Deputies will restrict the freedom and liberty of these persons. Often these decisions materially affect the course of the people's lives.

We fully realize that our involvement in these complex and often emotionally charged situations may not always result in a level of performance that you, the citizen, have grown to expect. For this reason, the Sheriff's Office has a well-defined procedure for assisting citizens who wish to voice their grievances against our operations, policies, or employee conduct.

All citizen complaint investigations are thorough and objective, and are aimed at maintaining public confidence and departmental integrity. The goal is to neither condemn nor exonerate, but rather to identify and evaluate all the facts surrounding the incident in question.

AFFECT ON CRIMINAL PROSECUTION

The citizen's complaint investigation within the Sheriff's Office of the conduct of its employees and the District Attorney's prosecution of criminal case are two entirely separate matters. If a person who is arrested by a Deputy of the Sheriff's Office files a citizen complaint against that Deputy, such action will in no manner affect the prosecutor's independent decision to proceed with the criminal action.

CITIZEN'S OBLIGATION

A mandatory requirement in the making of a citizen complaint against an employee is that it be made as accurately and honestly as possible. Simple errors, omissions, and inaccurate perceptions are understandable and not uncommon. However, a complaint which is false and made with knowledge of its falseness, hatred, ill will, spite and which accuses an employee of misconduct, criminal conduct or incompetence will not be tolerated. This advisement is not made to dissuade the making of a bona fide complaint, as complaints should be made and investigated.

PROCEDURES

Every citizen has the right to lodge a complaint against the Sheriff's Office or any individual employee employed by the Sheriff. Citizen's Complaint Forms are available at the Butte County Sheriff's Office or at one of the substations. While personal contact is desirable, initial complaints may be made by telephone or letter. However, it will be necessary that the complainant be available for a personal interview.

When a complaint is received, it is forwarded directly to the Sheriff for assignment. A thorough investigation will be conducted. Upon completion of the investigation, all findings are directed to the Division Commander for recommendation and disposition, with the Sheriff making the final decision. In all cases, the citizen making the complaint is informed of its final disposition to the extent allowed by law.

INSTRUCTIONS FOR COMPLETING CITIZEN'S COMPLAINT FORM

It is desirable that you come to the Butte County Sheriff's Office where your complaint can be received during a personal interview. All information will be treated confidentially by the Sheriff's Office.

When filing your complaint, you will be asked to provide the following information:

- Your name, address, telephone number, age, and race.
- The name, address, telephone number, age, and race of the alleged victim, if other than yourself.
- The date, time, and location of the incident.
- The name(s) of any witness, their address and telephone number if available. If witnesses are not known give their description, car license number, badge number, etc.
- The name, car number, badge number, and/or description of the employee involved.
- The name, address, and telephone number of any person arrested.
- The name, address, and telephone number of your attorney.
- A narrative, detailed description of the event.

The investigating officer will interview all parties listed on the complaint, examine any relevant evidence and gather all information pertinent to each allegation made in the complaint. After completing the investigation, a complaint disposition of sustained, not sustained, exonerated or unfounded shall be made, based on each allegation.

While citizen complaints are investigated by an officer assigned to the Internal Affairs Investigation Division, the final disposition on the case is made by the Division Commander. When complaints are found to be sustained, the Division Commander shall determine and administer corrective and/or disciplinary action. The Division Commander may consider one or more of the following: counseling, training, oral or written reprimand, suspension, demotion, or termination.

This office attempts to complete each investigation within thirty (30) days. Normally all complaint investigations are completed within this period.

You will be notified of the results of the investigation and to the complaint disposition. Any person may appeal a complaint disposition to the Sheriff. If the Sheriff is satisfied with the merits of the appeal, he/she may reopen the investigation and take appropriate action.

BUTTE COUNTY SHERIFF'S OFFICE

33 County Center Drive
 Oroville, CA 95965
 (530) 538-7321

CITIZEN COMPLAINT FORM

Complaint # _____

Name of Reporting Person: _____	Age: _____	Race: _____
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Address: _____	City: _____	State: _____	Zip: _____	Telephone: _____
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Name of Victim of Misconduct: _____	DOB: _____	Age: _____	Race: _____
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Address: _____	City: _____	State: _____	Zip: _____	Telephone: _____
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Date and Time of Incident: _____	Location of Incident: _____
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Witnesses (If unknown give description, car license, badge number, etc.):

Name	Address	Telephone

Name of Employee	Car Number	Badge Number	Description

Name of Person Arrested	Address	Telephone

Name of Attorney	Address	Telephone

Was any party to the complaint or any witness detained or interviewed by the Police? If so, whom?

May the Investigator interview the complainant at his/her place of work or at home?

Do you believe you were stopped, arrested, searched, or detained by law enforcement based, at least in part, on your race or ethnicity (including color), nationality/national origin, gender, age, religion, gender expression, sexual orientation, mental disability, or physical disability? Yes No

If yes, what specific type of racial or identity profiling do you allege? (Check all boxes that apply)

- Race or Ethnicity (including color)
- Nationality/National Origin
- Gender
- Age
- Religion
- Gender Expression
- Sexual Orientation
- Mental Disability
- Physical Disability

Explain what facts lead you to that conclusion:

Give a narrative description of the events giving rise to the complaint:

I certify these statements to be true and accurate to the best of my knowledge and belief.

Signature of Reporting Person

Date

Name \ badge number of
Employee Receiving Report

Signature of Employee Receiving Report