



Council Meeting: August 27, 2013

SUBJECT: Discussion and Possible Action to Approve the City's response to the 2012-2013 Santa Clara Civil Grand Jury Final Report, "Law Enforcement Public Complaint Procedures"

BACKGROUND

On June 18, 2013, the Santa Clara County Civil Grand Jury (Grand Jury) released a report *Law Enforcement Public Complaint Procedures*. The report details the findings and recommendations from the Grand Jury's investigation into current public complaint procedures for law enforcement agencies in Santa Clara County. The Grand Jury studied the procedures employed by Santa Clara County law enforcement agencies in accepting complaints from members of the public about their officers or deputies. California Penal Code 832.5 (a)(1) requires entities that employ peace officers establish a procedure to:

- Investigate complaints from the public against their personnel, and
- Make a written description of the complaint procedure available to the public

During the investigation, the Grand Jury employed the following methodology:

- Distributed a survey to the Office of the Sheriff and to 11 municipal law enforcement agencies within the county
- Compiled and analyzed survey results
- Reviewed relevant Penal Code & Civil Code sections
- Reviewed on-line information available to the public relating to filing complaints
- Visited the surveyed law enforcement agencies between December 2012 and May 2013 to acquire their respective hard copy complaint materials available to the public
- Reviewed the law enforcement agencies' procedures for receiving a complaint
- Reviewed Independent Police Auditor (IPA) Annual Reports from the cities of San Jose and Palo Alto

California Penal Code 933(c) requires the government body of the public agency that has been the subject of the Grand Jury report respond to the Presiding Judge of the Superior Court on the findings and recommendations. This

response, which is included as Attachment A to this report, is due no later than September 16, 2013.

EXISTING POLICY

California Penal Code 933(c): No later than 90 days after the Grand Jury submits a final report on the operations of any public agency to its reviewing authority, the governing body of the public agency shall comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to the matters under the control of the governing body.

CEQA REVIEW

N/A

DISCUSSION

The Grand Jury investigation resulted in four findings and four recommendations for SDPS. The four recommendations for SDPS were:

- Add content guidance to the on-line complaint form
- Make complaint materials available on all SDPS websites
- Make multilingual complaint materials available in the front lobby
- Remove the 148.6 PC criminal advisory from the complaint materials

SDPS staff reviewed the recommendations and found two of the four recommendations by the Grand Jury had been implemented prior to the release of the report on June 18, 2013. The remaining two recommendations have been implemented as of August 20, 2013.

SDPS agrees with all of the Grand Jury's findings and recommendations to improve our public complaint process. Detailed responses to the Grand Jury's report recommendations are included in Attachment A. For reference, the Grand Jury report has been included as Attachment B. Copies of the new Citizen Complaint/Commendation forms have been included as Attachment C. There is no further action required of Council beyond approval of the City's response to the Presiding Judge of the Santa Clara County Superior Court.

FISCAL IMPACT

There is no fiscal impact from the City's response to the Grand Jury report.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

ALTERNATIVES

1. Approve the City's response to the Santa Clara County Civil Grand Jury report as presented in Attachment A.
2. Approve the City's response to the Santa Clara County Civil Grand Jury report as presented in Attachment A with modifications.

RECOMMENDATION

Staff recommends Council authorize the Mayor to sign the attached letter (Attachment A) in response to the Santa Clara County Civil Grand Jury Report.

Reviewed by:

Frank Grgurina, Director, Public Safety

Prepared by: David Chong, Lieutenant, Public Safety

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Detailed response to the Civil Grand Jury Report: "*Law Enforcement Public Complaint Procedures*"
- B. Santa Clara Civil Grand Jury Final Report "*Law Enforcement Public Complaint Procedure*"
- C. Copies of revised Citizen Complaint/Commendation forms in Chinese, English, Hindi, and Spanish

Attachment A

August _____, 2013

Honorable Brian C. Walsh
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

Honorable Judge Walsh,

The Sunnyvale City Council received the 2012-2013 Santa Clara County Civil Grand Jury's Final Report on *Law Enforcement Public Complaint Procedures*. The following is the Council's response to the Findings and Recommendations per authority section 933.05(a) of the California Penal Code.

Law Enforcement Public Complaint Procedures

Finding 27

The Sunnyvale Department of Public Safety on-line complaint form provides little guidance to the complainant about what information is needed.

Response: Agreed

The current on-line question and comment form for the Sunnyvale Department of Public Safety is a standard on-line form used by all departments within the City of Sunnyvale. This on-line format has been in use since 2007 to comply with City Policy regarding "Customer Service in a Customer-Driven Organization". The on-line form has fields for filling in your name, email, phone, location of incident, and narrative explaining your concern(s). The drop down menu on the form allows the user to select the city department to send the comments to. Once submitted by the user, the form is emailed to an inbox which is checked by an employee of the department Monday through Friday.

Recommendation 27

The Sunnyvale Department of Public Safety should add content guidance to their on-line complaint form.

Response: Implemented

The Sunnyvale Department of Public Safety's webpage now consists of (2) two separate on-line comment forms. The generic city comment form was preserved to comply with existing City Policy. This on-line form is available under a link titled "Generic City Comment Form".

The new link titled "Compliments and Complaints" is positioned just below the Generic City Comment Form. The new link takes you to an on-line version of the "Compliments and Complaints" form available at the Public Safety lobby. The on-line complaint form explains the investigation process, notification timelines, instructions to preserve any possible evidence and possible investigative outcomes. The on-line complaint form can be submitted electronically and will be forwarded to the Sunnyvale Department of Public Safety Internal Affairs Lieutenant.

Finding 28

The Sunnyvale Department of Public Safety does not make all of their complaint materials available in all Department of Public Safety websites operated by the City of Sunnyvale.

Response: Agreed

The Sunnyvale Department of Public Safety's first webpage was initially www.sunnyvaledps.com. A different complaint form was used on the old website prior to the implementation of the city-wide comment system in 2007. Eventually all city departments were consolidated under the new website www.sunnyvale.ca.gov. The old website www.sunnyvaledps.com was never linked to the new website or removed.

Recommendation 28

The Sunnyvale Department of Public Safety should make their complaint materials available in all Department of Public Safety websites operated by the City of Sunnyvale.

Response: Implemented

The Sunnyvale Department of Public Safety has removed www.sunnyvaledps.com. Any user attempting to visit the old website will be automatically directed to the Sunnyvale Department of Public Safety's website at <http://publicsafety.insunnyvale.com>. This is the only Sunnyvale Department of Public Safety website operated by the City of Sunnyvale. The official website address to the Sunnyvale Department of Public Safety has been added to all hard copy "Compliments and Complaints" forms. In addition, all

“Compliments and Complaints” forms are available for download on the Sunnyvale Department of Public Safety website in English, Chinese, Hindi and Spanish.

Finding 29

The Sunnyvale Department of Public Safety does not make their multilingual complaint materials freely available in hard copy form in their lobby.

Response: Agreed

The Sunnyvale Department of Public Safety translated the “Compliments and Complaints” forms into Chinese and Spanish and made them available to the public on May 17, 2013. When the Grand Jury report was received on June 20, 2013, the Sunnyvale Department of Public Safety was in process of translating the form into Hindi as well.

Recommendation 29

The Sunnyvale Department of Public Safety should make multilingual complaint materials freely available in hard copy form in their lobby.

Response: Implemented

The Sunnyvale Department of Public Safety has made the “Compliments and Complaints” forms available in the front lobby in Chinese and Spanish since May 17, 2013. As of August 20, 2013, the “Compliments and Complaints” form is also being offered in Hindi in response to the large Asian-Indian population in Sunnyvale. In addition, the “Compliments and Complaints” forms are now available for download on the Sunnyvale Department of Public Safety website in English, Chinese, Spanish and Hindi.

Finding 30

The Sunnyvale Department of Public Safety complaint materials include reference to the unconstitutional California Penal Code Section 148.6 criminal advisory.

Response: Agreed

The Sunnyvale Department of Public Safety removed the unconstitutional California Penal Code Section 148.6 criminal advisory from its hard copy complaint forms February 13, 2012. The new hard copy complaint forms in Chinese, Hindi and Spanish were created without the 148.6 criminal advisory.

Recommendation 30

The Sunnyvale Department of Public Safety should remove the reference to the unconstitutional California Penal Code 148.6 criminal advisory from their complaint forms.

Response: Implemented

After the Grand Jury report was received on June 20, 2013, old hard copy complaint forms containing the 148.6 criminal advisory were located in the front lobby. Through investigation it was determined the employee responsible for restocking the forms was using an old stack of complaint forms printed before 2012 to restock the documents rack. The old complaint forms were destroyed and the new complaint forms were given to the employee responsible for restocking. In addition, a department wide email was sent out to all Sunnyvale Department of Public Safety employees instructing them to destroy any of the old complaint forms in their possession.

If you have any comments or questions, please contact me at (408) 730-7473

Sincerely,

Anthony Spitaleri, Mayor
City of Sunnyvale

Attachment B



June 24, 2013

Honorable Anthony Spitaleri
Mayor
City of Sunnyvale
456 West Olive Avenue
P. O. Box 3707
Sunnyvale, CA 94088-3707

Dear Mayor Spitaleri and Members of the City Council:

The 2012-2013 Santa Clara County Civil Grand Jury is transmitting to you its Final Report, **Law Enforcement Public Complaint Procedures**.

California Penal Code § 933(c) requires that a governing body of the particular public agency or department which has been the subject of a Grand Jury final report shall respond within 90 days to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. California Penal Code § 933.05 contains guidelines for responses to Grand Jury findings and recommendations and is attached to this letter.

1. As stated in Penal Code § 933.05(a), attached, you are required to "Agree" or "Disagree" with each APPLICABLE Finding(s) 27, 28, 29 & 30. *If you disagree, in whole or part, you must include an explanation of the reasons you disagree.*
2. As stated in Penal Code § 933.05(b), attached, you are required to respond to each APPLICABLE Recommendation(s) 27, 28, 29 & 30, *with one of four possible actions.*

Your comments are due in the office of the Honorable Brian C. Walsh, Presiding Judge, Santa Clara County Superior Court, 191 North First Street, San Jose, CA 95113, no later than **Wednesday, September 25, 2013**.

Copies of all responses shall be placed on file with the Clerk of the Court.

Sincerely,

A handwritten signature in black ink that reads "Steven P. McPherson". The signature is written in a cursive, flowing style.

STEVEN P. McPHERSON
Foreperson
2012-2013 Civil Grand Jury

SPM:dsa
Enclosures (2)

cc: Mr. Gary Luebbbers, City Manager, City of Sunnyvale
Chief Frank Grgurina, Sunnyvale Department of Public Safety



2012-2013 SANTA CLARA COUNTY
CIVIL GRAND JURY REPORT

Attachment B
(ENDORSED)
FILED
JUN 24 2013
DAVID H. YAMASAKI
Chief Executive Officer/Clerk,
Superior Court of CA County of Santa Clara
BY D. ALDYCKI DEPUTY

LAW ENFORCEMENT PUBLIC COMPLAINT PROCEDURES

Summary

The Santa Clara County Civil Grand Jury (Grand Jury) reviewed and evaluated the procedures and methods utilized by local law enforcement agencies in receiving complaints from members of the public involving law enforcement agencies.

The State of California requires that each local law enforcement agency establish a procedure to investigate complaints from members of the public against their personnel and make a written description of their procedure available to the public. This report evaluates the complaint procedures employed by the Office of the Sheriff and municipal law enforcement agencies in Santa Clara County, notes differences among jurisdictions, and offers suggestions for improvement.

Background

The function of the Grand Jury is to examine aspects of county and city government and special districts' operations to ensure that the best interests of the public are being served. The Grand Jury studied the procedures employed by law enforcement agencies in accepting complaints from members of the public about their officers or deputies. California Penal Code Section 832.5 (a)(1) requires that entities that employ peace officers establish a procedure to:

- investigate complaints from the public against their personnel, and
- make a written description of the complaint procedure available to the public¹

Law enforcement functions in the county are performed by police departments in the cities of Campbell, Gilroy, Los Altos, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale, the Town of Los Gatos, and by the Office of the Sheriff in the unincorporated county areas and to the contracted cities of Cupertino, Los Altos Hills, and Saratoga. The Town of Los Gatos provides law enforcement services to the City of Monte Sereno.

Two cities, Palo Alto and San Jose, have an Independent Police Auditor (IPA). IPAs provide civilian oversight of the police department. The work and functions of the IPA are beyond the scope of this report. This report focuses on the practices and procedures of the law enforcement agencies regarding the complaint procedure.

¹ California Penal Code § 832.5

Methodology

During its investigation, the Grand Jury:

- Distributed a survey to the Office of the Sheriff and to 11 municipal law enforcement agencies within the county, with follow-up e-mail clarifications when necessary
- Compiled and analyzed survey results
- Reviewed California Penal Code Sections 148.6, 832.5, and 832.7
- Reviewed California Civil Code Section 47.5
- Reviewed on-line information available to the public relating to filing complaints
- Visited the surveyed law enforcement agencies between December 2012 and May 2013 to acquire their respective hard copy complaint materials available to the public
- Reviewed the law enforcement agencies' procedures for receiving a complaint
- Reviewed IPA Annual Reports from the cities of San Jose² and Palo Alto³

Discussion

The Complaint Procedure Overview

California Penal Code Section 832.5 (a)(1), shown in Appendix A, defines the requirements of a complaint procedure, which requires that each entity establish a procedure to investigate complaints against peace officers and make a written description of the procedure available to the public.

The Grand Jury surveyed the Office of the Sheriff and municipal law enforcement jurisdictions in the county to determine their respective complaint procedures.⁴ The survey responses revealed that the complaint procedure varied by jurisdiction. Differences noted were: (a) access to materials in hard copy or on-line; (b) the existence of a complaint form; and (c) the availability of multilingual materials. (Hereafter, "complaint materials" includes complaint procedure and complaint form.) Additionally, in the course of reviewing the jurisdictions' complaint materials, the Grand Jury discovered that advisory warnings to potential complainants cited legal advisories that have been found unconstitutional by various courts.

² <http://www.sanjoseca.gov/index.aspx?nid=200>

³ <http://www.cityofpaloalto.org/gov/depts/pol/auditor.asp>

⁴ Jurisdictions surveyed were: Campbell, Gilroy, Los Altos, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale, the Town of Los Gatos, and the Office of the Sheriff. The cities of Cupertino, Los Altos Hills, and Saratoga were not surveyed since their law enforcement duties are performed under contract to the Office of the Sheriff. The City of Monte Sereno was not surveyed since their law enforcement duties are performed under contract to the Town of Los Gatos.

Written Complaint Procedure

All jurisdictions surveyed responded that they have a procedure, as required by the Penal Code, to receive complaints from the public. Some jurisdictions make their procedures available on-line or in hard copy form. The City of Mountain View, however, does not make its written procedure available to the public, as required by the Penal Code.

Complaint Forms

Jurisdictions are not required to provide a specific complaint form. However, a complaint from the public is more likely to result in a thorough investigation if the complaint includes all relevant information. A detailed complaint form can provide guidance in this process.

The Grand Jury visited every jurisdiction's office(s), as well as their websites. Every jurisdiction, except the cities of Campbell and Santa Clara, had a specific form for a complainant to complete. In lieu of a form, the cities of Campbell and Santa Clara described in their respective procedures how and what information to include in a complaint.

The Grand Jury believes that either by the procedure or the form itself, the complainant should be clearly advised regarding what information to include in their complaint. For instance, some jurisdictions' complaint materials make it clear to the complainant that dates, badge numbers, witnesses, and other specific information are helpful to the investigation. Conversely, the complaint form of San Jose and the on-line version of Sunnyvale's complaint form provide little guidance to the complainant about what information the jurisdiction needs for its investigation.⁵

Public Access to Complaint Materials

As discussed above, all jurisdictions have a written complaint procedure, but Mountain View does not make their procedure available to the public. When the Grand Jury examined each jurisdiction's website and visited the jurisdiction's office(s), it found the following, as shown in Table 1:

- Some have a complaint form.
- Some make their complaint materials available only on their website.
- Some provide a hard copy of their complaint materials at their office.
- Some make their complaint materials available only upon request.

⁵ Notably, the San Jose IPA's complaint form is well detailed in this regard. However, a complainant might complain to the San Jose Police Department rather than the IPA.

Jurisdiction	Public Access to Complaint Procedure			Public Access to Complaint Form		
	On-line	Hard Copy		On-line	Hard Copy	
		In lobby*	On request		In lobby*	On request
Campbell	No	Yes	n/a	No	No	No
Gilroy	No	No	Yes	No	No	Yes
Los Altos	Yes	Yes	n/a	Yes	Yes	n/a
Los Gatos	Yes	No	Yes	No	No	Yes
Milpitas	Yes	No	Yes	No	No	Yes
Morgan Hill	Yes	No	Yes	Yes	No	Yes
Mountain View	No	No	No	No	No	Yes
Palo Alto	Yes	No	No	Yes	No	No
San Jose	Yes	No	Yes	Yes	No	No
City of Santa Clara	Yes	No	No	No	No	No
Office of the Sheriff	Yes	No	Yes	Yes	No	Yes
Sunnyvale	Yes	Yes	n/a	Yes	Yes	n/a

* "In lobby" means freely available *without request* in hard copy form

Table 1. Public Access to Complaint Materials

Many in the public may prefer to gain access to complaint materials via the internet rather than to physically go to the agency to secure a specific form or document. Of note, the City of Sunnyvale Department of Public Safety maintains two, independent, not mutually linked websites, www.sunnyvaledps.com/ and www.sunnyvale.ca.gov/Departments/PublicSafety.aspx. The first contains their complaint procedure; the second contains a complaint form.

For those in the public without easy internet access, using a hard copy form may be their only alternative. As set forth in Table 1 above, some jurisdictions provide hard copy complaint materials in the lobby of their office(s) and some provide the hardcopy complaint materials only upon request. In the City of Milpitas, a requested complaint form can only be obtained from the on-duty watch commander, a practice that some may find intimidating. The City of Mountain View does not make its complaint procedure available to the public in any form.

Law enforcement agencies should make complaint materials available both on their website and freely available in hard copy form in the lobby of their office(s).

Availability of Multilingual Complaint Materials

Although there is no legal requirement to do so, and considering the language diversity in Santa Clara County, providing complaint materials in English, as well as other languages representative of the demographics of the jurisdiction, would be essential to a robust complaint process. The Grand Jury survey and investigation revealed that not all jurisdictions provide multilingual complaint materials, as demonstrated in Table 2.

Jurisdiction	Multilingual Access to Complaint Procedure			Multilingual Access to Complaint Form		
	On-line	Hard Copy		On-line	Hard Copy	
		In lobby*	On request		In lobby*	On request
Campbell	No	No	No	No	No	No
Gilroy	No	No	Yes	No	No	Yes
Los Altos	Yes	Yes	n/a	Yes	Yes	n/a
Los Gatos	Yes	No	No	No	No	No
Milpitas	Yes	No	Yes	No	No	Yes
Morgan Hill	No	No	No	No	No	No
Mountain View	No	No	No	No	No	No
Palo Alto	Yes	No	No	Yes	No	No
San Jose ⁶	Yes	No	No	No	No	No
City of Santa Clara	Yes	No	No	No	No	No
Office of the Sheriff	Yes	No	No	Yes	No	No
Sunnyvale	Yes	No	No	Yes	No	No

* "In lobby" means freely available *without request* in hard copy form

Table 2. Multilingual Access to Complaint Materials

During the Grand Jury's investigation, the City of Los Altos updated its complaint materials and made them available on-line and in hard copy form in English, Spanish, and Chinese, which appears to reflect the demographics of its community. The Grand Jury applauds the quick actions of the City of Los Altos to provide multilingual access to its complaint materials.

The City of Palo Alto and the Office of the Sheriff allow on-line translation of all complaint materials.

⁶ The City of San Jose's IPA has complaint materials available in English, Spanish, Vietnamese, Braille, and via audio recording.

The cities of Milpitas, San Jose⁷, Santa Clara, and Sunnyvale, and the Town of Los Gatos, offer some on-line translation of their complaint materials, but the Grand Jury found that the translation capability is not comprehensive because not all of their complaint materials are multilingual.

The cities of Campbell, Gilroy, Morgan Hill, and Mountain View do not offer or allow any on-line translation capability of complaint materials.

Only the City of Los Altos makes multilingual complaint materials in hard copy form freely available in the lobby of their office. The cities of Gilroy and Milpitas provide access to hard copy multilingual complaint materials only upon request. The cities of Campbell, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale, the Town of Los Gatos, and the Office of the Sheriff do not provide multilingual hard copy complaint materials.

Criminal Advisory to Complainant

California Penal Code Section 148.6 made it a misdemeanor to file a false allegation against a peace officer. Section 148.6 also required that the entity provide an "advisory" for the complainant to read and sign. That advisory specified that the complainant has a right to make the complaint and described the law enforcement agency's responsibilities regarding the handling of the complaint. In addition, the advisory admonished the complainant that:

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.

However, in November of 2005, the Ninth Circuit Court of Appeals declared California Penal Code Section 148.6(a)(1) to be unconstitutional. Specifically, the Court held that the statute was unlawful because it only criminalized false allegations against a peace officer but did not criminalize knowingly false assertions in support of a peace officer, or made by a peace officer or witness during the course of a misconduct investigation.⁸ The case was appealed to the U.S. Supreme Court, which declined to review the decision. As a result, the federal court has found California Penal Code Section 148.6(a)(1) to be unconstitutional and, thus, it cannot be enforced. Continued reference to this unenforceable code provision presents a risk that citizens will be intimidated from filing legitimate complaints. As a result, problems may go unrecognized and uncorrected.

⁷ *ibid*

⁸ See *Chaker v. Crogan* (2005), 428 F.3d 1215. On May 15, 2006, the United States Supreme Court denied a petition for review.

The cities of Morgan Hill, Mountain View, and Sunnyvale include the advisory language in their complaint materials indicating that it is a crime for the complainant to make false allegations against a peace officer. In light of the use of this advisory being held unconstitutional, the Grand Jury recommends the removal of the California Penal Code Section 148.6 advisory language from all complaint materials.

Civil Advisory to Complainant

Civil Code Section 47.5 was enacted to allow a peace officer to "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 it was false and that it was made with spite, hatred, or ill will. Knowledge that the complaint was false may be proved by a showing that the complainant had no reasonable grounds to believe the statement was true and that the complainant exhibited a reckless disregard for ascertaining the truth."

Unlike the criminal advisory contained in Penal Code Section 148.6, entities were never required to advise potential complainants about this statute. The California Court of Appeal, the state's intermediate appellate court, has reached conflicting conclusions regarding the constitutionality of Civil Code Section 47.5, with the most recent decision holding that the law is valid. Lower federal courts, however, have found the statute unconstitutional. The City of Morgan Hill and the Office of the Sheriff retain language in their complaint materials nearly identical to the above statute. Regardless, the civil advisory is not mandated and continued reference to this code provision of questionable enforceability presents a risk that citizens will be intimidated from filing legitimate complaints. As a result, problems may go unrecognized and uncorrected. The City of Morgan Hill and the Office of the Sheriff should remove this civil advisory from their complaint materials.

Conclusion

California Penal Code Section 832.5 requires entities that employ peace officers to establish a procedure:

- To investigate complaints from the public against their personnel
- To make a written description of the complaint procedure available to the public

The Grand Jury reviewed and assessed the procedures established by the Office of the Sheriff and the municipal law enforcement agencies within the county for receiving complaints regarding their personnel. The report was prepared using the responses of a survey addressed to and answered by 12 jurisdictions, email clarifications when necessary, a review of their websites, and on-site visits to their offices.

All law enforcement agencies surveyed have a procedure to address complaints from the public. Through agencies' responses, web searches, and on-site visits, the Grand Jury determined that the availability to the public of the complaint procedure varied by jurisdiction. Differences between agency were: (a) access to complaint materials in hard copy form or on-line; (b) the existence of a complaint form; and (c) the availability of multilingual complaint materials.

The Grand Jury recommends that agencies make their complaint materials – complaint procedure and complaint form – available on-line and freely available in hard copy form in their lobby. Additionally, the Grand Jury recommends that agencies make their complaint materials available in multiple languages reflective of their community.

The Grand Jury noted that the cities of Campbell and Santa Clara do not provide complaint forms. Complaint forms, when they exist, vary widely among agencies. With the goal of collecting all relevant complaint information, the Grand Jury recommends that all agencies make available a detailed complaint form on-line and freely available in hard copy form in their lobby.

The Grand Jury found that the complaint materials of some agencies include reference to California Penal Code Section 148.6, which has been held unconstitutional and/or language similar to California Civil Code Section 47.5, which has been called into question. Continued reference to these code provisions presents a risk that citizens will be intimidated and deterred from filing legitimate complaints. As a result, problems may go unidentified and uncorrected.

The Grand Jury recommends that offending agencies remove reference to California Penal Code Section 148.6 and/or language similar to California Civil Code Section 47.5 from their complaint materials.

Findings and Recommendations

Finding 1

The Campbell Police Department makes their complaint procedure available only in hard copy form in their lobby.

Recommendation 1a

The Campbell Police Department should make their complaint procedure available on-line.

Recommendation 1b

The Campbell Police Department should make a complaint form available on-line and also freely available in hard copy form in their lobby.

Finding 2

The Campbell Police Department makes their complaint procedure available only in English.

Recommendation 2

The Campbell Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 3

The Gilroy Police Department makes their complaint materials available only upon request.

Recommendation 3

The Gilroy Police Department should make their complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 4

The Gilroy Police Department makes their multilingual complaint materials available only upon request.

Recommendation 4

The Gilroy Police Department should make their multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 5

The Los Altos Police Department makes all of their multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 5

None

Finding 6

The Los Altos Police Department complaint form includes reference to the unconstitutional California Penal Code Section 148.6 criminal advisory.

Recommendation 6

The Los Altos Police Department should remove reference to the unconstitutional California Penal Code Section 148.6 criminal advisory from their complaint form.

Finding 7

The Los Gatos/Monte Sereno Police Department does not make all of their complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 7

The Los Gatos/Monte Sereno Police Department should make their complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 8

The Los Gatos/Monte Sereno Police Department complaint materials are only available in English.

Recommendation 8

The Los Gatos/Monte Sereno Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 9

The Milpitas Police Department does not make all of their complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 9

The Milpitas Police Department should make their complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 10

The Milpitas Police Department does not make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 10

The Milpitas Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 11

The Morgan Hill Police Department does not make their complaint materials freely available in hard copy form in their lobby.

Recommendation 11

The Morgan Hill Police Department should make their complaint materials freely available in hard copy form in their lobby.

Finding 12

The Morgan Hill Police Department complaint materials are available only in English.

Recommendation 12

The Morgan Hill Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 13

The Morgan Hill Police Department complaint materials include reference to the unconstitutional California Penal Code Section 148.6 criminal advisory and language that mirrors the California Civil Code Section 47.5 civil advisory.

Recommendation 13

The Morgan Hill Police Department should remove reference to the unconstitutional California Penal Code Section 148.6 advisory and the language that mirrors the California Civil Code Section 47.5 civil advisory from their complaint materials.

Finding 14

The Mountain View Police Department does not make all of their complaint materials available on-line and also freely available in their lobby in hard copy form.

Recommendation 14

The Mountain View Police Department should make their complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 15

The Mountain View Police Department complaint materials are available only in English.

Recommendation 15

The Mountain View Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 16

The Mountain View Police Department complaint materials include reference to the unconstitutional California Penal Code Section 148.6 criminal advisory.

Recommendation 16

The Mountain View Police Department should remove reference to the unconstitutional California Penal Code Section 148.6 criminal advisory from their complaint materials.

Finding 17

The Palo Alto Police Department does not make their complaint materials freely available in hard copy form in their lobby.

Recommendation 17

The Palo Alto Police Department should make their complaint materials freely available in hard copy form in their lobby.

Finding 18

The Palo Alto Police Department does not make multilingual complaint materials freely available in hard copy form in their lobby.

Recommendation 18

The Palo Alto Police Department should make multilingual complaint materials freely available in hard copy form in their lobby.

Finding 19

The San Jose Police Department complaint form provides little guidance to the complainant about what information is needed.

Recommendation 19

The San Jose Police Department should add content guidance to their complaint form.

Finding 20

The San Jose Police Department does not make all of their complaint materials freely available in hard copy form in all of their lobbies.

Recommendation 20

The San Jose Police Department should make their complaint materials freely available in hard copy form in all their lobbies.

Finding 21

The San Jose Police Department does not make all of their multilingual complaint materials available on-line and also freely available in hard copy form in all their lobbies.

Recommendation 21

The San Jose Police Department should make all of their multilingual complaint materials available on-line and also freely available in hard copy form in all their lobbies.

Finding 22

The Santa Clara Police Department does not make all complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 22

The Santa Clara Police Department should make all complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 23

The Santa Clara Police Department does not make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Recommendation 23

The Santa Clara Police Department should make multilingual complaint materials available on-line and also freely available in hard copy form in their lobby.

Finding 24

The Office of the Sheriff does not make their complaint materials freely available in hard copy form in all their lobbies.

Recommendation 24

The Office of the Sheriff should make their complaint materials freely available in hard copy form in all their lobbies.

Finding 25

The Office of the Sheriff does not make multilingual complaint materials freely available in hard copy form in all their lobbies.

Recommendation 25

The Office of the Sheriff should make multilingual complaint materials freely available in hard copy form in all their lobbies.

Finding 26

The Office of the Sheriff complaint materials include language that mirrors California Civil Code Section 47.5 civil advisory.

Recommendation 26

The Office of the Sheriff should remove the language that mirrors California Civil Code Section 47.5 civil advisory from their complaint materials.

Finding 27

The Sunnyvale Department of Public Safety on-line complaint form provides little guidance to the complainant about what information is needed.

Recommendation 27

The Sunnyvale Department of Public Safety should add content guidance to their on-line complaint form.

Finding 28

The Sunnyvale Department of Public Safety does not make all of their complaint materials available in all Department of Public Safety websites operated by the City of Sunnyvale.

Recommendation 28

The Sunnyvale Department of Public Safety should make their complaint materials available in all Department of Public Safety websites operated by the City of Sunnyvale.

Finding 29

The Sunnyvale Department of Public Safety does not make multilingual complaint materials freely available in hard copy form in their lobby.

Recommendation 29

The Sunnyvale Department of Public Safety should make multilingual complaint materials freely available in hard copy form in their lobby.

Finding 30

The Sunnyvale Department of Public Safety complaint materials include reference to the unconstitutional California Penal Code Section 148.6 criminal advisory.

Recommendation 30

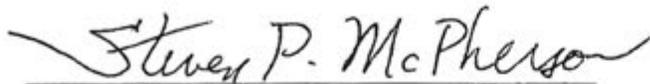
The Sunnyvale Department of Public Safety should remove reference to the unconstitutional California Penal Code Section 148.6 criminal advisory from their complaint materials.

Appendix A

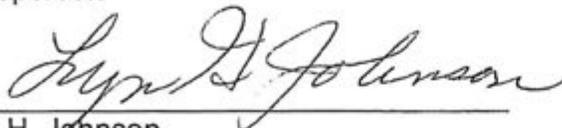
California Penal Code Section 832.5 (a)(1)

Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.

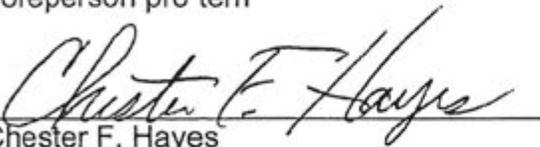
This report was **PASSED** and **ADOPTED** with a concurrence of at least 12 grand jurors on this 4th day of June, 2013.



Steven P. McPherson
Foreperson



Lyn H. Johnson
Foreperson pro tem



Chester F. Hayes
Foreperson pro tem



Francis A. Stephens
Secretary

Attachment C

TO FILE A COMPLAINT OR COMMENDATION:

PLEASE FILL OUT THIS FORM
ATTACH A STAMP AND PLACE IN THE MAIL

NAME: _____ ADDRESS: _____

PHONE: (DAY) _____ (EVENING) _____ (CELL) _____ (E-MAIL) _____

INCIDENT DATE/TIME: _____ INCIDENT CASE#: _____ INCIDENT LOCATION: _____

EMPLOYEES INVOLVED (IF KNOWN): _____

WITNESSES: _____

THE FOLLOWING HAPPENED: _____

Please preserve any pictures, videos or documents which may assist us in our investigation.

How to make a Citizen's Inquiry, Complaint or Commendation

An Inquiry, Complaint or Commendation can be made by any of the following methods:

- Fill out the attached mailer and send to:

Department of Public Safety
Office of the Director
P.O. Box 3707
Sunnyvale, CA. 94088-3707
- Call the hotline at (408) 524-COPS (2677)
- In person at Public Safety Headquarters.
- Desk officer at (408) 730-7110
- FAX at (408) 730-5713
- <http://publicsafety.insunnyvale.com> Select: Compliments And Complaints

Commending Exceptional Performance

Recognition of exceptional performance is also a valuable component of the citizen feedback process. Commendations, either verbal or written, are one of the best ways you can let someone know that you appreciate their good work.

Commendations received by the Director of Public Safety are forwarded to the employee with a copy placed in his or her personnel file. Your commendation will also be posted on the Department's bulleting board to be read by all employees. Although our employees don't expect to be thanked for everything they do, recognition of exceptional service is always nice. This kind of feedback helps us to know if we are doing a good job.

SUNNYVALE

DEPARTMENT OF PUBLIC SAFETY



Citizen's Guide to Making Inquiries, Complaints and Commendations

The Department of Public Safety is committed to providing high quality police and fire services to the community. In order to be responsive to community needs, it is necessary to have citizen input.

The Sunnyvale Department of Public Safety encourages recommendations from the public on ways to improve our services. We welcome commendations for personnel who perform their duties exceptionally well and encourage inquiries and complaints about questionable performance, actions, policies or procedures.

Your constructive comments about our service will help us maintain our high level of service and foster a healthy relationship with the community.

Frank Grgurina
Director of Public Safety

The Citizen's Inquiry and Complaint Process

What is a Citizen's Inquiry?

A Citizen's Inquiry is any contact with a citizen in reference to an issue of concern that does not require a formal investigation. The Citizen's Inquiry process seeks to resolve the issue at an informal level, to the satisfaction of the citizen, by means of discussion, explanation or clarification. Citizen's Inquiries are generally handled by an on-duty supervisor. All Citizen Inquiries are documented and forwarded to the Director of Public Safety for review. A Citizen's Inquiry that is not resolved can become a Citizen's Complaint.

What is a Citizen's Complaint?

A Citizen's Complaint is a formal documentation involving:

1. a complaint against personnel
2. a complaint against Department policy or procedure

which was not resolved at the Citizen's Inquiry level or because of the nature of the allegation, may require an administrative and/or criminal investigation.

All Citizen's Complaints are forwarded to the Director of Public Safety for review. The Director of Public Safety will then assign the Complaint to the appropriate investigator for follow-up. The investigation will usually include a review of all applicable reports, policies and procedures, examination of any evidence or medical records and interviews with all parties and witnesses.

How long will it take?

A simple complaint might take only a day to complete, while a complex complaint might take several months to investigate and review. You will be notified every 30 days on the progress of the investigation.

What will happen at the end of the investigation?

The Director of Public Safety reviews every Inquiry and Complaint. If the Director determines that an employee violated Department policy or procedures, appropriate corrective action will be taken. The Director's review will also include looking for ways to improve policies, procedures and training.

The Director of Public Safety will also review the Complaint and findings with the City Manager. This review is to assure that the investigation was handled thoroughly and objectively.

At the end of the investigation, you will receive written notification of the Director's findings. State Law prohibits us from releasing specific details concerning personnel actions.

Notification of Findings

You will receive written notification of the Director's findings.

Personnel complaint findings:

1. **Sustained-** The allegation made in the complaint was proven.
2. **Not Sustained-** The investigation failed to prove or disprove the allegation.
3. **Unfounded-** The investigation shows that the alleged act did not occur.
4. **Exonerated-** The investigation shows that the alleged act did occur, but was justified, lawful and proper under the circumstances.
5. **No Finding-** Insufficient information available to conduct investigation.

Policy/Procedural findings:

In complaints against Department policy/procedures, the Director may find that the policy or procedure is either:

1. appropriate as written OR
2. is in need of revision

Complaints sustained against policy/procedures will be sustained against the Department and not the officers involved.

About the Sunnyvale Department of Public Safety

Sunnyvale's Department of Public Safety is comprised of approximately 200 sworn Public Safety Officers. Public Safety Officers train and work as both police officers and fire fighters. Each day the Department offers professional police and fire services to a residential population of 140,000 and to businesses employing an additional 100,000 people.

In an average year, the Department responds to more than 63,000 calls for service. These calls for service include police situations, fire emergency calls and emergency medical assistance. The combined yearly police and fire incidents generate over 24,900 reports. Law enforcement activities result in more than 3,200 arrests and over 20,000 citations issued.

In addition to the daily Fire and Police Field Operations, the Department operates an Investigations Bureau, Traffic Enforcement Unit, SWAT Team, Community Services Bureau, Fire and Environmental Services Bureau, Dispatch/Communications Division and a large staff of civilian professional support personnel.

It is through the efforts of all Public Safety employees that the City of Sunnyvale enjoys one of the lowest crime rates in the nation among cities of comparable size.

During the course of their duties, Public Safety employees interact with the public on all levels and in a wide variety of situations.

We are pleased to report that in a typical year, fewer than 20 of these public contacts result in some kind of citizen complaint.

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR
P.O. BOX 3707
SUNNYVALE CA. 94088-3707

Para presentar una queja o un elogio:

Por favor, rellene este formulario
Coloque una estampilla y mande por correo.

Nombre: _____ Dirección: _____

Teléfono (tiempo de día): _____ (Por la)

Teléfono celular: _____ Correo electrónico: _____

Fecha / hora del incidente: _____ Número del caso: _____

Lugar del incidente: _____ Empleados involucrados (si se conocen): _____

Testigos: _____

Describe lo que sucedió: _____

Favor de guardar cualquieres fotos, videos, o documentos cuales podran asistir en nuestra investigacion.

Cómo solicitar un Cuestionamiento, Presentar una Denuncia, u Ofrecer un Encomio

Un Cuestionamiento, una Denuncia o un Encomio se puede presentar por cualquier de las siguientes maneras:

- Rellenar la carta adjunta y enviar por correo a:

Department of Public Safety
Office of the Director
P.O. Box 3707
Sunnyvale, CA. 94088-3707

- Llamar la línea directa: (408) 524-COPS (2677)
- En persona en la Jefatura del Departamento de Seguridad Ciudadana.
- Al policía recepcionista: (408) 730-7110
- Por telefax: (408) 730-5713
- <http://publicsafety.insunnyvale.com> seleccionar: "cumplidos y quejas"

Elogiando el excepcional desempeño del trabajo

El reconocimiento del rendimiento laboral extraordinario es también un componente valioso en el proceso de comentario público. Los Encomios, sean verbales o por escrito, son una de las mejores maneras de avisarle a alguien que usted aprecia su trabajo bien realizado.

Los Encomios recibidos por el Director del Departamento de Seguridad Ciudadana se remitirán al/ a la empleado/a, con una copia añadida a su historial profesional. También, el encomio será fijado al tablón de anuncios del Departamento para ser leído por todo el personal. Aunque nuestros empleados no esperen recibir agradecimiento por todo lo que hacen, el reconocimiento de servicio extraordinario siempre se aprecia. Esta clase de comentarios nos ayuda a saber que estamos cumpliendo bien nuestras responsabilidades.

SUNNYVALE

DEPARTAMENTO DE SEGURIDAD
CIUDADANA



Guía ciudadana para Solicitar un Cuestionamiento, Presentar una Denuncia, u Ofrecer un Encomio

El Departamento de Seguridad Ciudadana se dedica a prestarle a la comunidad, servicios policías y de bomberos de la mejor calidad. A fin de ser sensible a las necesidades de la comunidad, es preciso recibir aportación por parte de los ciudadanos.

El Departamento de Seguridad Ciudadana de Sunnyvale se alegra recibir sugerencias del público para mejorar nuestros servicios. Recibimos con gusto encomios hacia personal que realiza excepcionalmente bien su trabajo, y aceptamos abiertamente cuestionamientos y reclamaciones acerca de cualquier ejercicio de un cargo, acción, política, o procedimiento que sea discutible.

Sus comentarios constructivos acerca de nuestro servicio nos ayudarán a mantener nuestro alto nivel de servicio y a promover una relación saludable con la comunidad.

Frank Grgurina
Director de Seguridad Ciudadana

El Proceso Civil de Solicitar un Cuestionamiento o Presentar una Denuncia

¿Qué es un Cuestionamiento Civil?

Un Cuestionamiento Civil es todo contacto con un/a ciudadano/a con referencia a un asunto de motivo de preocupación que no requiera una investigación formal. El proceso de Cuestionamiento Civil procura resolver el asunto en un nivel informal al gusto del/ de la ciudadano/a, por medio de discusión, explicación y clarificación. Un Cuestionamiento Civil generalmente se dirige por un/a supervisor/a de guardia. Todos los Cuestionamientos Civiles se documentan y se remiten al Director de Seguridad Ciudadana para ser revisados. Si no se resuelve el Cuestionamiento Civil, se puede convertir en una Denuncia Civil.

¿Qué es una Denuncia Civil?

Una Denuncia Civil es una documentación formal cual conlleva lo siguiente:

1. una denuncia en contra de un/a empleado/a
2. una denuncia en contra de una política o un procedimiento del Departamento

La cual no fue resuelta al nivel de Cuestionamiento Civil, o, por razones de la naturaleza de la alegación, puede requerir una investigación administrativa o criminal.

Se remiten todas las Denuncias Civiles al Director de Seguridad Ciudadana para ser revisadas. Luego el Director destinará la Denuncia al/ a la investigador/a correspondiente para seguimiento. Por lo general, la investigación incluirá una evaluación de todos los informes, políticas, y procedimientos pertinentes; un estudio de toda prueba o expedientes médicos; y entrevistas con las partes interesadas y los testigos.

¿Cuánto va a tardar?

Una denuncia sencilla puede requerir sólo un día para resolver, mientras que una denuncia compleja puede requerir varios meses para investigar y revisar. Usted será notificado/a cada 30 días sobre el progreso de la investigación

¿Qué pasará al final de la investigación?

El Director de Seguridad Ciudadana revisa cada Cuestionamiento y Denuncia. Si el Director determina que un/a empleado/a infringió una política o un procedimiento Departamental, se tomarán medidas correctivas apropiadas. La revisión del Director además buscará maneras de mejorar las políticas, los procedimientos y el entrenamiento.

El Director de Seguridad Ciudadana también repasará la Denuncia y las conclusiones con el Administrador Municipal. Este examen es para asegurar que la investigación fue manejada plenamente y de manera objetiva.

Al final de la investigación, usted recibirá notificación por escrito de la determinación del Director. La Ley del Estado nos prohíbe hacer público los detalles específicos relacionados con medidas disciplinarias de empleados.

Aviso de la Determinación

Usted recibirá aviso escrito de la determinación del Director.

Determinación sobre una denuncia en contra de un/a empleado/a:

1. **Ha lugar-** La alegación presentada en la denuncia fue probada.
2. **No ha lugar-** La investigación no logró ni probar ni refutar la alegación.
3. **Infundado-** La investigación demuestra que el acto presunto no ocurrió.
4. **Exonerado-** La investigación demuestra que el acto presunto sí ocurrió, pero que fue justificado, lícito, y apropiado bajo las circunstancias.
5. **Ninguna determinación-** Hay insuficiente información para poder realizar una investigación.

Determinación sobre una denuncia en contra de una Política o un Procedimiento:

Tocante a denuncias en contra de una política o un procedimiento Departamental, el Director puede dictar que la política o el procedimiento o:

1. es apropiado como está escrito, o que
2. requiere corrección.

Denuncias confirmadas en contra de políticas o procedimientos serán confirmadas en contra del Departamento y no los agentes involucrados.

Sobre el Departamento de Seguridad Ciudadana de Sunnyvale

El Departamento de Seguridad Ciudadana de Sunnyvale consta de aproximadamente 200 Agentes de Seguridad Ciudadana jurados. Los Agentes de Seguridad Ciudadana estudian y trabajan ambos como agentes de policía y como bomberos. Cada día el Departamento les provee servicios profesionales de policía y de bomberos a una población residencial de 140.000 ciudadanos y a negocios que emplean a 140.000 personas adicionales.

En un año normal, el Departamento responde a más de 63.000 llamadas pidiendo servicio. Estas llamadas a servicio incluyen situaciones policiales, emergencias de incendios, y auxilio médico de emergencia. Los incidentes policiales y de bomberos anuales en conjunto generan más de 24.900 informes. Los esfuerzos de las autoridades del orden público dan como resultado más de 3.200 detenciones y más allá de 20.000 boletas de infracciones expedidas.

Además de las Operaciones Policiales y de Bomberos diarias, el Departamento maneja una Brigada de Investigaciones, una Unidad de Aplicación de las Leyes del Tránsito, un Cuerpo de Armas y Tácticas Especiales (SWAT por sus siglas en inglés), una Agencia de Servicios Comunitarios, una Agencia de Bomberos y Servicios Ambientales, una Sección de Policías Recepcionistas/ Comunicaciones, y un personal numeroso de empleados de asistencia civiles.

Por los esfuerzos de todos los empleados de Seguridad Ciudadana, Sunnyvale goza de uno de los índices de criminalidad más bajos de toda la nación, entre ciudades de tamaño comparable.

En el curso de cumplir con sus deberes de trabajo, los empleados de Seguridad Ciudadana se relacionan con el público a todo nivel y en una amplia variedad de situaciones.

Nos complace comunicar que en un año normal, menos de 20 de estas interacciones con el público resultan en algún tipo de denuncia civil.

**DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR
P.O. BOX 3707
SUNNYVALE CA. 94088-3707**

桑尼維爾市警察部門



市民查詢，投訴或表揚的指南

桑尼維爾市警察部門致力為社區提供高品質的警察和消防服務。

為了回應社區的需求，就必須有市民的意見輸入。桑尼維爾市警察局鼓勵公眾對如何改善我們的服務提出建議。我們歡迎您對員工優秀的表現加以讚揚同時鼓勵您對有問題的表現，行動，政策或程序查詢和投訴。

您建設性的意見，對我們保持高水準的服務和促進與社區有健康的關係將有很大的幫助。

Frank Grgurina

警察局長

如何提交市民的查詢，投訴或表揚

市民查詢，投訴或表揚可以通過以下任何一種方法：

- 填寫此表格隨附郵件發送到：

Department of Public Safety
Office of the Director
P.O. Box 3707
Sunnyvale, CA. 94088-3707

- 致電熱線電話(408) 524-COPS (2677)
- 親臨警察局總部
- 警台當值警員(408) 730-7110
- 傳真到 (408) 730-5713
- <http://publicsafety.insunnyvale.com> 選擇: "Compliments And Complaints"

讚揚優秀的表現

警務員好的表現而得到認同也是市民給我們寶貴意見裡重要元素之一。您的嘉獎，不論是口頭或書面的，是讓我們警務員知道您們感激他們的勞碌的最好方法之一。

當警察局長收到您表揚警務員的書信後，他會轉發到該員工 而且副本也放置在他的個人檔案裡。您的表揚書也將被貼在本部門的公告欄可以讓所有員工閱讀。雖然我們的員工沒有期望他們所做的一切都收到感謝和表揚，但是因他們的努力而得到讚揚總是好的。您的表揚是給與我們服務的肯定。

請保留任何可能有助於我們進行調查的圖片視頻或文件。

若要投訴或表揚警務員，請填寫此表格并附上郵票寄出。

姓名: _____ 地址: _____

聯繫電話: (日) _____ (夜) _____ 手機 _____

電子郵件: _____ 事件發生的日期時間: _____ 案件號碼: _____ 發生的地點: _____

有關警務員 (如果知道): _____

目擊者: _____

簡述事情發生的經過: _____

市民查詢和投訴過程

什麼是市民查詢?

市民的查詢是警務人員在任何情況下與市民接觸過，而讓市民顧慮的問題，這並不是一個正式的調查。市民查詢過程是尋求解決有關問題，在一個非正式的警察渠道，通過討論，解釋，澄清而讓市民和警察部達成共識或滿意的解決。市民查詢，一般由值班主管處理。所有市民的查詢將被記錄並轉發到警察局長進行複查。如果市民的查詢沒有得到滿意解決，可進一步成為市民投訴。

什麼是市民投訴?

市民的投訴是一個正式的文檔，包括：

1. 對警務人員的投訴
2. 對警察部門政策或程序的投訴

投訴是在市民查詢的過程中因為沒有得到解決，或可能需要在行政和刑事方面去調查。

所有市民的投訴將會再轉發到警察局長審查。警察局長然後再分配你的投訴到適當的調查員跟進。調查通常會包括審閱所有適用的報告，政策和程序，審查任何證據或醫療記錄，和訪問所有當事人和證人。

過程需要多長時間?

一個簡單的投訴，可能只需要一天時間完成。一個複雜的投訴可能需要幾個月的時間進行調查和檢閱。您將在每三十天收到調查的進展。

在調查結束後會有什麼的結果?

所有的查詢和投訴都由警察局長檢閱，如果警察局長確定警務人員違反了部門的政策或程序，將採取適當的糾正措施和訓練。警察局長也會與城市主管檢閱投訴及調查結果。這是為了確保調查處理方法確實和保持客觀。

在調查結束後，您將收到書面通知警察局長調查的結果。加州法律禁止我們公佈有關人事處分的具體細節。

調查結果的通知

您將收到警察局長調查結果的書面通知。

警務人員投訴調查的結果如下:

1. **定案** - 在訴狀中提出的指控已被證實。
2. **不定案** - 調查未能證明或反駁指控。
3. **毫無根據** - 調查結果顯示，被指控的行為並沒有發生。
4. **排除責任** - 調查結果顯示，被指控的行為有發生，但在這情況下是合理，合法，和適當的。
5. **沒有結果**-沒有足夠的資料可讓進行調查。

政策/程序投訴調查的結果如下:

在部門政策/程序的投訴，可有以下的結果:

1. 政策或程序是適當的 或
2. 需要修訂.

對政策/程序投訴的定案是對警察部門的定案，而非同事事件有關的警務人員定案。

關於桑尼維爾市警察部門

桑尼維爾市的警察局約有兩百名警員。我們的警務人員通過培訓也是成市的消防隊員。我們的部門每一天提供專業的警察和消防服務給14 萬多的市民和超過10萬多業商界雇用的員工。

在平均一年裏，警察部收到超過六萬三千綜服務要求。這其中就包括警務執法行動，緊急消防，和緊急醫療援助。每年警察和消防事故產生一共有超過二萬四千九百份報告。執法活動造成超過三千兩百人被捕，和發出超過兩萬多張罰票。

除了日常消防和警察的執法行動，本局也有自己的調查部，交通執法部，特警隊，社區服務部，消防和環境事務部，派出/通信部，和一組龐大的專業技術支持人員。

經過所有警務員工的努力，桑尼維爾市在同等規模的城市比較之下，享有全國犯罪率最低城市之一。

在履行職責過程中，警務人員與市民在各種各樣的情況下接觸。我們高興地報告，與市民接觸引至成為投訴的過案在一年內少於二十綜。

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR
P.O. BOX 3707
SUNNYVALE CA. 94088-3707

शिकायत या सिफारिश फार्म

फार्म भरकर, डाक टिकट लगा कर, डाक में डालें

1. नाम _____	2. पता _____
3. फ़ोन: दिन _____	रात _____
4. ई-मेल _____	5. हादसे का समय व तारीख _____
6. हादसे का कैसे न _____	7. हादसे की जगह _____
8. शामिल कर्मचारी (अगर पता है) _____	
9. हादसे/घटना का गवाह _____	
10. क्या हुआ-विवरण _____	

कृपया कोई भी चित्र, वीडियो या दस्तावेज़ जो हमें हमारी जांच में सहायता कर सकते हैं, उन्हें संभाल कर रखिए।

नागरिक कैसे करें - जाँच, शिकायत अथवा सिफारिश

जाँच, शिकायत अथवा सिफारिश निम्नलिखित किसी भी एक तरीके से की जा सकती है:

१. संलग्न फार्म भरे व इस पते पर भेजें:

Department of Public Safety
Office of the Director
P O Box 3707
Sunnyvale, CA 94088-3707

२. हाट लाईन (408) 524- COPS (2677) पर काल करें

३. सुरक्षा विभाग मुख्यालय से आकर मिलें

४. डेस्क आफिसर को (408) 730-7110 पर

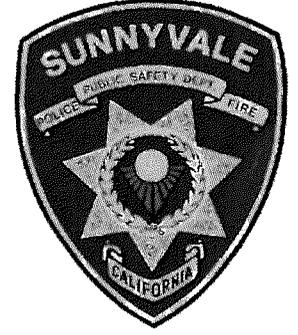
५. (408) 730-5713 पर फ़ैक्स करें

६. <http://publicsafety.insunnyvale.com> पर जाएँ व
“*Compliments And Complaints*” चुनें

विशेष कार्य-संपादन पर सिफारिश

विशेष कार्य-संपादन को मान्यता देना भी नागरिक प्रतियुत्तर प्रक्रिया का एक बहुमूल्य तरीका है। इसलिए आपकी राय हमें मौखिक अथवा लिखित रूप में हमें देते रहें ताकि हमें पता लगे कि आप हमारी सेवाओं की मान्यता करते हैं। सुरक्षा विभाग के निर्देशक को भेजे गए प्रशंसा पत्र की एक प्रति कर्मचारी को दी जाती है व एक प्रति उसके व्यक्तिगत फ़ाईल में रखी जाती है। आपकी प्रशंसा की एक प्रति नोटिस बोर्ड पर भी लगाई जाएगी। वैसे तो आपकी प्रशंसा की ज़रूरत नहीं है किन्तु प्रशंसा मिलने पर कर्मचारी को अच्छा लगता है और अच्छा कार्य करने को प्रेरित करता है।

सनीवेल सार्वजनिक सुरक्षा विभाग



नागरिकों की पूछताछ, शिकायतों व सिफारिश के लिए सूचना

सार्वजनिक सुरक्षा विभाग उच्च कोटि की पुलिस व अग्नि शमन सेवाएँ प्रदान करने के लिए प्रतिबद्ध है। समुदाय की ज़रूरतों के प्रति उत्तरदायी होने के लिए नागरिकों के सहयोग व उत्तर की ज़रूरत है।

सनीवेल सार्वजनिक सुरक्षा विभाग नागरिकों को हमारी सेवाएँ बेहतर बनाने के लिए सुझाव देने के लिए प्रोत्साहित करती है। हम चाहते हैं कि नागरिक हमें उन कर्मचारियों के बारे में, जो कि अपना कार्य बहुत अच्छी तरह से करते हैं, उनकी सूचना व सिफारिश भेजते रहें व संदिग्ध कार्यवाही, नीतियों व प्रक्रियाओं के बारे में पूछताछ और शिकायत करें।

आपके रचनात्मक सुझाव हमें अपनी सेवाओं को उच्चकोटि का बनाए रखने में मदद करेंगे, ताकि समुदाय से हमारे रिश्ते सौहार्दपूर्ण रहें।

Frank Grgurina
निर्देशक, सुरक्षा विभाग
(Director of Public Safety)

नागरिक शिकायत व जाँच का तरीका

नागरिक जाँच क्या है?

नागरिक जाँच उस मुद्दे के संदर्भ में संपर्क है जिस पर औपचारिक जाँच की ज़रूरत नहीं है। यह जाँच अनौपचारिक तरीके से समस्या का हल निकालने का तरीका है जिसमें बातचीत के ज़रिए समस्या का हल ढूँढा जाता है। नागरिक जाँच ज़्यादातर ड्यूटी पर्यवेक्षक ही करते हैं। हर नागरिक जाँच निर्देशक को समीक्षा के लिए भेजी जाती है। नागरिक जाँच जिसका हल नहीं मिलता, वह नागरिक शिकायत में बदल जाती है।

नागरिक शिकायत क्या है?

नागरिक शिकायत एक औपचारिक दस्तावेज़ है जिस में होती है:

- कर्मचारी के खिलाफ़ शिकायत
- विभाग की नीतियों या प्रक्रिया पर शिकायत जिसका हल नागरिक जाँच से नहीं हुआ या फिर जिस में प्रशासनिक अथवा आपराधिक जाँच की ज़रूरत है। हर नागरिक शिकायत, समीक्षा के लिए सुरक्षा विभाग के निर्देशक के पास भेजी जाती है। हर शिकायत उपयुक्त जाँच अधिकारी के पास आगे की कार्यवाही के लिए भेजी जाती है। हर जाँच में सारी रिपोर्टें, नीतियों, तरीकों, सबूत, मेडिकल रिकॉर्ड, सभी पार्टियों व गवाहों के साथ साक्षात्कार की समीक्षा होती है।

कितना समय लगेगा?

साधारण शिकायत में एक दिन का समय लगेगा। जटिल शिकायत की जाँच और समीक्षा में महीनों लग सकते हैं। आपको मामले की प्रगति का समाचार हर 30 दिन में दिया जाता रहेगा।

जाँच के अंत में क्या होगा?

जाँच के समाप्त होने पर निर्देशक इसकी समीक्षा करेंगे। अगर पाया गया कि किसी कर्मचारी या नीति में गड़बड़ है तो उसे सुधारने का कार्य किया जाएगा। निर्देशक की समीक्षा में नीतियों, प्रक्रियाओं व प्रशिक्षण को सुधारने के तरीके भी शामिल होंगे। सुरक्षा विभाग के निर्देशक सिटी मैनेजर के साथ भी शिकायत की समीक्षा करेंगे ताकि सही और निष्पक्ष कार्यवाही की जा सके। जाँच के बाद, निर्देशक लिखित रूप में कार्यवाही का ब्योरा देंगे। कानूनन आपको यह नहीं बताएँगे कि कर्मियों के प्रति क्या कार्यवाही की गई है।

निष्कर्ष की अधिसूचना

आपको निर्देशक के निष्कर्ष की लिखित सूचना भेजी जाएगी।

कर्मियों के प्रति शिकायत के निष्कर्ष:

- Sustained:** आपकी शिकायत में जो आरोप लगाया गया था, वह सिद्ध हो गया है।
- Not Sustained:** जाँच से आपकी शिकायत में जो आरोप लगाया गया था वह सिद्ध नहीं हुआ है।
- Unfounded:** जाँच से पता लगा है कि आपकी शिकायत निराधार है।
- Exonerated:** जाँच से पता लगा है कि आपकी शिकायत निराधार नहीं है पर जो हुआ वह वैध, उचित व समुचित है।
- No Finding:** जाँच के लिए जानकारी अपर्याप्त है।

नीति/कार्यविधि निष्कर्ष:

विभाग की नीतियों/कार्यविधि के बारे में निर्देशक लिख सकते हैं कि

- नीतियाँ/कार्यविधि जैसी लिखित हैं, वे उचित हैं या
- नीतियाँ/कार्यविधि बदलने की ज़रूरत है

नीतियों/कार्यविधि के बारे में शिकायत विभाग के खिलाफ़ मानी जाएँगीं ना कि किसी कर्मचारी के खिलाफ़।

सनीवेल नागरिक सुरक्षा विभाग के बारे में:

सनीवेल नागरिक सुरक्षा विभाग में लगभग 200 शपथ ग्रहण सार्वजनिक सुरक्षा अधिकारी हैं। ये अधिकारी पुलिस व अग्नि शमन - दोनों का काम करते हैं। हर दिन यह विभाग 180,000 गृहस्थों व व्यापारिक प्रतिष्ठानों को, जिसमें करीब 100,000 कर्मचारी हैं, उन्हें अपनी सेवाएँ प्रदान करता है। इस विभाग को औसत में हर साल 63,000 फ़ोन आते हैं। यह फ़ोन पुलिस, अग्नि व आपातकालीन चिकित्सा के लिए होते हैं। पुलिस व अग्नि शमन दोनों को मिलाकर हर साल करीब 28,900 रिपोर्टें तैयार होती हैं। कानून उल्लंघन के कारण 3200 गिरफ़्तारियाँ होती हैं और 20,000 से ज़्यादा चालान पत्र दिए जाते हैं। प्रतिदिन पुलिस व अग्नि शमन कार्य के अलावा विभाग एक जाँच विभाग, टैफ़िक कंट्रोल, स्वाट टीम, जन समुदाय सेवा केंद्र, आग व पर्यावरण सेवा, संचार सेवा चलाता है व बहुत सारे नागरिक (असैनिक) लोगों को भी नौकरी देता है।

सनीवेल के इन्हीं सुरक्षा कर्मचारियों की मेहनत का नतीजा है कि सनीवेल में दूसरे शहरों की अपेक्षा अपराध दर बहुत कम है।

अपने कार्यकाल में सुरक्षा अधिकारी जनता से हर स्तर पर व अनेक प्रकार की स्थितियों में बातचीत करते हैं। हमें यह बताने में खुशी है कि औसत में हर साल 20 से भी कम नागरिक शिकायतें होती हैं।

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR
P.O. BOX 3707
SUNNYVALE CA. 94088-3707