

ALLEGATION CODES AND DEFINITIONS (Revised 12-20.)

Code and Descriptor are for use on the CHP 240, *Complaint Investigation*.

ALLEGATION TYPE			
Code	CAT	Descriptor	Definition
ALCOHOL RELATED			
01A	1 or 2	Alcohol/Impaired	Any act involving the alleged use, impairment, or consumption of alcohol, (not while driving a motor vehicle). Refer to DPA standards for impairment issues.
01B	2	Alcohol/Use	
01Z	1 or 2	Alcohol/Other	
ASSAULT			
02A	1	Assault	Willful attempt or threat to inflict injury upon the person of another not related to PMA/OST techniques. Used for non-uniformed employees or off-duty uniformed employees engaged in acts not related to their employment.
BATTERY			
03A	1	Battery/Fatal	Willfully using unlawful force or violence upon the person of another. Used for non-uniformed employees or off-duty uniformed employees engaged in acts not related to their employment.
03B	1	Battery/Major Injury	
03C	1	Battery/Minor Injury	
COURT CONDUCT			
04A	2	Court/Demeanor	Misconduct related to an employee's official court appearance. Includes criminal and administrative hearings. Case tampering should include issues related to citations, arrest reports, and related documents; before, during, and after any court proceeding.
04B	1	Court/Fail to Appear	
04C	1	Court/Perjury	
04D	1	Court/Case Tampering	

ALLEGATION TYPE			
Code	CAT	Descriptor	Definition
DISCOURTESY			
05A	2	Discourtesy/Verbal	Rudeness, improper gestures, statements, unsatisfactory demeanor, or attitude towards the public or a member of an allied agency.
05B	2	Discourtesy/Non-Verbal	
05C	2	Discourtesy/Fail To Identify Self	
05Z	2	Discourtesy/Other	
DISCRIMINATION			
06A	1	Discrimination/Sex	Biased or prejudicial treatment, including any comment perceived to belittle a person because of their race, sex, sexual orientation, age, religion, employment, or physical/mental handicap. Racial Profiling will specifically apply to any allegation that an officer used a person's race or ethnicity as the determining factor when deciding to initiate contact.
06B	1	Discrimination/Race	
06C	1	Discrimination/Sexual Orientation	
06D	1	Discrimination/Racial Profiling *	
06Z	1	Discrimination/Other	
DISHONESTY			
07A	1	Dishonesty	An act, or series of acts, which the employee knew, or could have reasonably been expected to know were dishonest; includes lying, other than perjury.
DRIVING UNDER THE INFLUENCE			
08A	1	DUI/State Vehicle	Driving a vehicle while under the influence of alcohol and/or drugs, on or off duty.
08B	1	DUI/Personal Vehicle	
08Z	1 or 2	DUI/Other	

* If the investigation determines the allegations of misconduct involving discrimination, harassment, and/or racial profiling are substantiated, corrective action shall be coordinated with Office of Inspections and Internal Affairs Section.

ALLEGATION TYPE			
Code	CAT	Descriptor	Definition
DRUG RELATED			
09A	1	Drug/Impaired	Any act involving the use, possession, or being under the influence of a controlled, prescription, or illegal narcotic or drug. Does not apply while operating a motor vehicle (see Driving Under The Influence).
09B	1	Drug/Possession	
09C	1	Drug/Use	
09Z	1	Drug/Other	
ENFORCEMENT POLICIES			
10A	2	Policy/Firearms	For complaints made solely against the Department's established enforcement policies or procedures where no <u>employee misconduct is alleged</u> .
10B	2	Policy/Baton	
10C	2	Policy/Handcuffing	
10D	2	Policy/Searches	
10E	2	Policy/Personal Weapons	
10G	2	Policy/Chemical Agents	
10H	2	Policy/Speed Enforcement	
10I	2	Policy/Pursuits	
10J	2	Policy/Driving	
10K	2	Policy/Aircraft	
10L	2	Policy/Radar	
10M	2	Policy/Legal Intervention	
10N	2	Policy/Control Hold	
10Z	2	Policy/Other	
EXCESSIVE TACTICS			
11A	1	Excess/Firearms	Where the tactics are authorized, but go beyond limits permitted by departmental policy. Applies to uniformed employees only. See also Defensive Display.
11B	1	Excess/Baton	
11C	1	Excess/Handcuffing	
11D	1	Excess/Search of Person	
11E	1	Excess/Personal Weapons	
11G	1	Excess/Chemical Agents	
11H	1	Excess/Control Holds	
11I	1	Excess/Legal Intervention	
11J	1	Excess/Flashlight (as a weapon)	
11K	2	Excess/Lighting Equipment	
11Z	1 or 2	Excess/Other	

ALLEGATION TYPE			
Code	CAT	Descriptor	Definition
UNAUTHORIZED TACTICS			
12A	1	Unauth/Firearms	Use of tactics where no justification for their use exists. Applies to uniformed employees only. See also Defensive Display.
12B	1	Unauth/Baton	
12C	1	Unauth/Handcuffing	
12D	1	Unauth/Search of Person	
12E	1	Unauth/Personal Weapons	
12G	1	Unauth/Chemical Agents	
12H	1	Unauth/Control Holds	
12I	1	Unauth/Legal Intervention	
12J	1	Unauth/Flashlight (as a weapon)	
12K	2	Unauth/Lighting Equipment	
12Z	1 or 2	Unauth/Other	
ENFORCEMENT VALIDITY			
13A	2	Validity/Citation	Allegations questioning the validity of an employee's enforcement action in the performance of his/her duties. Validity/Inspection to be used solely for vehicle inspections conducted by commercial personnel. Validity/Information Accuracy refers to incorrect information supplied to the complainant, either verbally or in writing on a document.
13B	1 or 2	Validity/Arrest	
13C	2	Validity/Inspection	
13D	2	Validity/Reason For Stop	
13E	2	Validity/Search (other than person)	
13F	2	Validity/Enforcement Stop Location	
13G	2	Validity/Information Accuracy	
13H	1 or 2	Validity/Detention	
13Z	1 or 2	Validity/Other	
FAILURE TO ARREST			
14A	2	Fail To Arrest	Failing to take an individual into custody as required by policy or authorized by law. Includes the issuance of citations.
FAILURE TO INVESTIGATE			
15A	2	Fail To Investigate	Failing to inquire into the circumstances surrounding an incident as required by policy. Includes failure to document such inquiry as required.

ALLEGATION TYPE			
Code	CAT	Descriptor	Definition
IMPROPER INVESTIGATIONS			
16A	2	Improper Investigation	Allegations that an investigation was not thorough, fair, or impartial. May not be used for allegations of report errors where intentional falsification is alleged.
LACK OF ASSISTANCE			
17A	2	Lack of Assistance	Failing to render assistance to a citizen or disabled motorist, or take appropriate action to provide assistance to remove a hazard.
LACK OF ENFORCEMENT			
18A	2	Lack of Enforcement	Allegations an employee or the Department failed to provide adequate levels of enforcement to a specific area of concern.
FALSIFICATION			
19A	1	False/Arrest Documents	Knowingly submitting reports or other official documents that are untrue or submitted under false pretenses.
19B	1	False/Accident Investigation Docs	
19C	1	False/Inspection Documents	
19Z	1	False/Other Documents	
FIREARMS			
20A	1	Firearms/Brandishing	Acts involving firearms by non-uniformed employees, or by off-duty uniformed employees involved in acts not related to their employment.
20B	1	Firearms/Discharge	
20Z	1	Firearms/Other	
HARASSMENT			
21A	2	Harassment	An abuse of authority, including, but not limited to, a misuse of position in the form of a vendetta to cause emotional distress or harm. Does not include sexual harassment or overtones.

ALLEGATION TYPE			
Code	CAT	Descriptor	Definition
MISUSE OF POSITION			
22A	2	Misuse of Position	An abuse of authority or position granted as an employee of the Department. Refers to Inconsistent & Incompatible Activities Statement issues where no other allegation definition applies.
MISUSE OF STATE RESOURCES			
23A	2	Misuse/Equipment	Inappropriate or unauthorized use of state time or equipment.
23B	2	Misuse/Property	
23C	2	Misuse/Time	
23D	2	Misuse/Vehicles	
23E	2	Misuse/CLETS	
23F	2	Misuse/Computer Systems	
23Z	2	Misuse/Other	
NEGLECT OF DUTY			
24A	2	Neglect of Duty	Failure to perform a requirement of the job specification. To be used only when no other allegation definition applies. Also refer to "Failure To Arrest" and "Failure to Investigate."
PROPERTY CONTROL			
25A	2	Property/Damaged	The abuse, loss, damage, or failure to secure or protect the property of another. Does not apply to state property.
25B	2	Property/Lost	
25C	2	Property/Misuse	
25D	2	Property/Seizure	
25E	2	Property/Secure	
25Z	2	Property/Other	
SEXUAL MISCONDUCT			
26A	1	Sexual Conduct/Physical	Involvement in any inappropriate sexual act. Includes any on-duty act involving sexual overtones, either physical or verbal.
26B	1	Sexual Conduct/Verbal	
26C	1	Sexual Conduct/Leering	
26Z	1	Sexual Conduct/Other	

ALLEGATION TYPE			
Code	CAT	Descriptor	Definition
THEFT			
27A	1	Theft	Taking personal and/or state property or funds with the intent of depriving the owner of the item taken.
VEHICLE OPERATIONS			
28A	2	Driving/Patrol	Allegations involving the use of a vehicle. Also refer to "Misuse of State Resources."
28B	2	Driving/Off Duty	
28C	2	Parking	
28D	1 or 2	Driving/Excess Tactics	
28E	1 or 2	Driving/Unauthorized Tactics	
28Z	1 or 2	Driving/Other	
EVIDENCE CONTROL			
29A	2	Evidence/Damaged	The abuse, loss, damage, or failure to secure or protect evidence in the control of the Department or an employee.
29B	2	Evidence/Lost	
29C	2	Evidence/Misuse	
29D	2	Evidence/Seizure	
29E	2	Evidence/Secure	
29Z	2	Evidence/Other	
DEFENSIVE DISPLAY			
30A	2	Display/Firearm	The defensive display of equipment or personal weapons by an on-duty uniformed employee reacting to a perceived or potential threat. Does not apply to a firearm removed from a holster (refer to Excess or Unauthorized Tactics).
30B	2	Display/Baton	
30C	2	Display/Chemical Agents	
30D	2	Display/Flashlight	
30E	2	Display/Personal Weapons	
30Z	2	Display/Other	
FOSTERING RELATIONSHIPS			
31A	1	Fostering Relationships	The practice of using ones position as a member of the Department to foster a personal relationship with members of the public.

ALLEGATION TYPE			
Code	CAT	Descriptor	Definition
OTHER			
99A	1 or 2	Other/_____	Use <u>only</u> when no other more specific allegation code applies. The Descriptor shall be in the format of "Other/" and a brief explanation of the allegation.

Note: Some allegation codes have been changed and/or updated from the previous revision of this manual. Please destroy all previous editions.

CITIZENS' COMPLAINT REFERENCE
Related Sections of Law

California Civil Code

§47.5 Peace officers; defamation action against person filing false complaint alleging misconduct, criminal conduct, or incompetence

Notwithstanding Section 47, a peace officer may bring an action for defamation against an individual who has filed a complaint with that officer's employing agency alleging misconduct, criminal conduct, or incompetence, if that complaint is false, the complaint was made with knowledge that 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.

§ 1798.42 Disclosure of personal information relating to others; deletions

In disclosing information contained in a record to an individual, an agency shall not disclose any personal information relating to another individual which may be contained in the record. To comply with this section, an agency shall, in disclosing information, delete from disclosure such information as may be necessary. This section shall not be construed to authorize withholding the identities of sources except as provided in Sections 1798.38 and 1798.40.

California Code of Civil Procedure

§ 128.5 Frivolous actions or delaying tactics; order for payment of expenses; punitive damages (in part)

(b) For purposes of this section:

(2) "Frivolous" means (A) totally and completely without merit or (B) for the sole purpose of harassing an opposing party.

California Evidence Code

§ 1043 Peace officer personnel records; .discovery or disclosure; procedure

(a) In any case in which discovery or disclosure is sought of peace officer personnel records or records maintained pursuant to Section 832.5 of the Penal Code or information from those records, the party seeking the discovery or disclosure shall file a written motion with the appropriate court or administrative body upon written notice to the governmental agency which has custody and control of the records. The written notice shall be given at the times prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure. Upon receipt of the notice the governmental agency served shall immediately notify the individual whose records are sought.

(b) The motion shall include the following:

(1) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the peace officer whose records are sought, the governmental agency which has custody and control of the records, and the time and place at which the motion for discovery or disclosure shall be heard.

(2) A description of the type of records sought.

(3) Affidavits showing good cause for the discovery or disclosure sought, setting forth the materiality thereof to the subject matter involved in the pending litigation and stating upon reasonable belief that the governmental agency identified has the records or information from the records.

(c) No hearing upon a motion for discovery or disclosure shall be held without full compliance with the notice provisions of this section except upon a showing by the moving party of good cause for noncompliance, or upon a waiver of hearing by the governmental agency identified as having the records.

§ 1045 Peace officers; access to records of complaints or discipline imposed; relevancy; protective orders

(a) Nothing in this article shall be construed to affect the right of access to records of complaints, or investigations of complaints, or discipline imposed as a result of such investigations, concerning an event or transaction in which the peace officer participated, or which he perceived, and pertaining to the manner in which he performed his duties, provided that such information is relevant to the subject matter involved in the pending litigation.

(b) In determining relevance, the court shall examine the information in chambers in conformity **with** Section 915, and shall exclude from disclosure:

(1) Information consisting of complaints concerning conduct occurring more than five years before the event or transaction which is the subject of the litigation in aid of which discovery or disclosure is sought.

(2) In any criminal proceeding the conclusions of any officer investigating a complaint filed pursuant to Section 832.5 of the Penal Code.

(3) Facts sought to be disclosed which are so remote as to make disclosure of little or no practical benefit.

(c) In determining relevance where the issue of litigation concerns the policies or pattern of conduct of the employing agency, the court shall consider whether the information sought may be obtained from other records maintained by the employing agency in the regular course of agency business which would not necessitate the disclosure of individual personnel records.

(d) Upon motion seasonably made by the governmental agency which has custody or control of the records to be examined or by the officer whose records are sought, and upon good cause showing the necessity thereof, the court may make any order which justice requires to protect the officer or agency from unnecessary annoyance, embarrassment or oppression.

(e) The court shall, in any case or proceeding permitting the disclosure or discovery of any peace officer records requested pursuant to Section 1043, order that the records disclosed or discovered may not be used for any purpose other than a court proceeding pursuant to applicable law.

§1046 Allegations of excessive force by peace officer during arrest; police arrest report

In any case, otherwise authorized by law, in which the party seeking disclosure is alleging excessive force by a peace officer in connection with the arrest of that party, the motion shall include a copy of the police report setting forth the circumstances under which the party was stopped and arrested.

§ 1047 Arrests; records of peace officers; exemption from disclosure

Records of peace officers, including supervisory peace officers, who either were not present during the arrest or had no contact with the party seeking disclosure from the time of the arrest until the time of booking, shall not be subject to disclosure.

California Government Code

§3300 Short title

This chapter is known and may be cited as the Public Safety Officers Procedural Bill of Rights Act.

§3301 Definition; legislative findings and declaration

For purposes of this chapter, the term public safety officer means all peace officers specified in Sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision

(e) 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5 of the Penal Code.

The Legislature hereby finds and declares that the rights and protections provided to peace officers under this chapter constitute a matter of statewide concern. The Legislature further finds and declares that effective **law** enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California.

§ 3302 Political activity; membership on school board.

(a) Except as otherwise provided by law, or whenever on duty or in uniform, no public safety officer shall be prohibited from engaging, or be coerced or required to engage, in political activity.

(b) No public safety officer shall be prohibited from seeking election to, or serving as a member of, the governing board of a school district.

§ 3303 Investigations and interrogations; conduct; conditions; admissibility of statements; representation; reassignment

When any public safety officer is under investigation and subjected to interrogation by his or her commanding officer, or any other member of the employing public safety department, that could lead to punitive action, the interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for the purpose of punishment.

- (a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the public safety officer is on duty, or during the normal waking hours for the public safety officer, unless the seriousness of the investigation requires otherwise. If the interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for any off-duty time in accordance with regular department procedures, and the public safety officer shall not be released from employment for any work missed.
- (b) The public safety officer under investigation shall be informed prior to the interrogation of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time.
- (c) The public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation.
- (d) The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his or her own personal physical necessities.
- (e) The public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any questions. The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press or news media without his or her express consent nor shall his or her home address or photograph be given to the press or news media without his or her express consent.

(f) No statement made during interrogation by a public safety officer under duress, coercion, or threat of punitive action shall be admissible in any subsequent civil proceeding. This subdivision is subject to the following qualifications:

(1) This subdivision shall not limit the use of statements made by a public safety officer when the employing public safety department is seeking civil sanctions against any public safety officer, including disciplinary action brought under Section 19572.

(2) This subdivision shall not prevent the admissibility of statements made by the public safety officer under interrogation in any civil action, including administrative actions, brought by that public safety officer, or that officer's exclusive representative, arising out of a disciplinary action.

(3) This subdivision shall not prevent statements made by a public safety officer under interrogation from being used to impeach the testimony of that officer after an in camera review to determine whether the statements serve to impeach the testimony of the officer.

(4) This subdivision shall not otherwise prevent the admissibility of statements made by a public safety officer under interrogation if that officer subsequently is deceased.

(g) The complete interrogation of a public safety officer may be recorded. If a tape recording is made of the interrogation, the public safety officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The public safety officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports which are deemed to be confidential may be entered in the officer's personnel file. The public safety officer being interrogated shall have the right to bring his or her own recording device and record any and all aspects of the interrogation.

(h) If prior to or during the interrogation of a public safety officer it is deemed that he or she may be charged with a criminal offense, he or she shall be immediately informed of his or her constitutional rights.

(i) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters which are likely to result in punitive action against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any

punitive action for refusing to disclose, any information received from the officer under investigation for non-criminal matters.

This section shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact **with**, a supervisor or any other public safety officer, nor shall this section apply to an investigation concerned solely and directly with alleged criminal activities.

0) No public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his or her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.

§ 3304 Lawful exercise of rights; insubordination; administrative appeal

(a) No public safety officer shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure.

Nothing in this section shall preclude a head of an agency from ordering a public safety officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him with insubordination.

(b) No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency against any public safety officer who has successfully completed the probationary period that may be required by his or her employing agency without providing the public safety officer with an opportunity for administrative appeal.

(c) No chief of police may be removed by a public agency, or appointing authority, without providing the chief of police with written notice and the reason or reasons therefor and an opportunity for administrative appeal. For purposes of this subdivision, the removal of a chief of police by a public agency or appointing authority, for the purpose of implementing the goals or policies, or both, of the public agency or appointing authority, for reasons including, but not limited to, incompatibility of management styles or as a result of change in administration, shall be sufficient to constitute "reason or reasons." Nothing in this subdivisions shall be construed to create a property interest, where one does not exist by rule or law, in the job of Chief of Police.

(d) Except as provided in this subdivision and subdivision (g), no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not

completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation of an act, omission or other misconduct. This one-year limitation period shall apply only if the act, omission, or other misconduct occurred on or after January 1, 1998. In the event that the public agency determines that discipline may be taken, it shall complete its investigation and notify the public safety officer of its proposed disciplinary action within that year, except in any of the following circumstances:

- (1) If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.
- (2) If the public safety officer waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver.
- (3) If the investigation is a multijurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.
- (4) If the investigation involves more than one employee and requires a reasonable extension.
- (5) If the investigation involves an employee who is incapacitated or otherwise unavailable.
- (6) If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year time period shall be tolled while that civil action is pending.
- (7) If the investigation involves a matter in criminal litigation where the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution.
- (8) If the investigation involves an allegation of workers' compensation fraud on the part of the public safety officer.

(e) Where a predisciplinary response or grievance procedure is required or utilized, the time for this response or procedure shall not be governed or limited by this chapter.

(f) If, after investigation and any predisciplinary response or procedure, the public agency decides to impose discipline, the public agency shall notify the public safety officer in writing of its decision to impose discipline, including the date that the discipline will be imposed, within 30 days of its decision, except if the public safety officer is unavailable for discipline.

(g) Notwithstanding the one-year time period specified in subdivision (c), an investigation may be reopened against a public safety officer if both of the following circumstances exist:

(1) Significant new evidence has been discovered that is likely to affect the outcome of the investigation.

(2) One of the following conditions exist:

(A) The evidence could not reasonably have been discovered in the normal course of investigation without resorting to extraordinary measures by the agency.

(B) The evidence resulted from the public safety officer's predisciplinary response or procedure.

(h) For those members listed in subdivision (a) of Section 830.2 of the Penal Code, the 30-day time period provided for in subdivision (e) shall not commence with the service of a preliminary notice of adverse action, should the public agency elect to provide the public safety officer with such a notice.

§3305 Comments adverse to interest; entry in personnel file or in other record; opportunity to read and sign instrument; refusal to sign

No public safety officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer, without the public safety officer having first read and signed the instrument containing the adverse comment indicating he is aware of such comment, except that such entry may be made if after reading such instrument the public safety officer refuses to sign it. Should a public safety officer refuse to sign, that fact shall be noted on that document, and signed or initialed by such officer.

§3306 Response to adverse comment entered in personnel file; time

A public safety officer shall have 30 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany the adverse comment.

§3307 Lie detector test examination; right to refuse; effect; definition

(a) No public safety officer shall be compelled to submit to a lie detector test against his or her will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a lie detector test, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take, or did not take, a lie detector test, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take, or was subjected to a lie detector test.

(b) For the purpose of this section, "lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device, whether mechanical or electrical, that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

§3308 Financial disclosure; right to refuse; exceptions

No public safety officer shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under state law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning the public safety officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.

§3309 Search of locker or storage space; consent; search warrant

No public safety officer shall have his locker, or other space for storage that may be assigned to him searched except in his presence, or with his consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency.

§ 3309.5 Public safety officer; applicability of chapter; violations; jurisdiction; remedies

(a) It shall be unlawful for any public safety department to deny or refuse to any public safety officer the rights and protections guaranteed to them by this chapter.

(b) The superior court shall have initial jurisdiction over any proceeding brought by any public safety officer against any public safety department for alleged violations of this chapter.

(c) In any case where the superior court finds that a public safety department has violated any of the provisions of this chapter, the court shall render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent more violations of a like or similar nature, including, but not limited to, the granting of a temporary restraining order, preliminary, or permanent injunction prohibiting the public safety department from taking any punitive action against the public safety officer.

§310 Procedures of public agency providing same rights or protections; application of chapter

Any public agency which has adopted, through action of its governing body or its official designee, any procedure which at a minimum provides to peace officers the same rights or protections as provided pursuant to this chapter shall not be subject to this chapter with regard to such a procedure.

§ 3311 Mutual aid agreements; effect of chapter upon

Nothing in this chapter shall in any way be construed to limit the use of any public safety agency or any public safety officer in the fulfilling of mutual aid agreements with other jurisdictions or agencies, nor shall this chapter be construed in any way to limit any jurisdictional or interagency cooperation under any circumstances where such activity is deemed necessary or desirable by the jurisdictions or the agencies involved.

§6254 Exemptions of particular records (in part)

Except as provided in Sections 6254.7 and 6254.3, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the Office of the Attorney General and the Department of Justice, and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes, except that state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of the incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (c) of Section 13960, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation, or a related investigation. However, nothing in this division shall require the disclosure of that portion of those investigative files that reflect the analysis or conclusions of the investigating officer.

(2) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved. The name of a victim of any crime defined by Section 220, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined by Section 220, 261, 262, 264, 264.1, 273a, 273d, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this paragraph.

§8330 Short Title

This chapter shall be known and may be cited as the Citizen Complaint Act of 1997. All state agencies that have Internet websites shall implement this act in a manner that is consistent with the statewide strategy for electronic commerce as established by the Department of Information Technology.

§ 8331 Internet websites of state agencies; availability of forms to register complaints

(a) State agencies shall make available on their Internet websites, on or before July 1, 1998, or within six months of the establishment of such a site, whichever is later, a plain-language form through which individuals can register complaints or comments relating to the performance of that agency. The Internet website shall provide instructions on filing the complaint electronically, or on the manner in which to download, complete, and mail the complaint form to the state agency, or both, consistent with whichever method the agency establishes for the filing of complaints.

(b) Any printed complaint form used by a state agency as part of the process of receiving a complaint against any licensed individual or corporation subject to regulation by that agency shall make the form available on its Internet website, on or before July 1, 1998, or within six months of the establishment of such a site, whichever is later.

The Internet website shall provide instructions on filing the complaint electronically, or on the manner in which to download, complete, and mail the complaint form to the state agency, or both, consistent with whichever method the agency establishes for the filing of complaints.

(c) State agencies making a complaint form available on their Internet website shall, to the extent feasible:

(1) Advise individuals calling the state agency to lodge a complaint of both of the following:

(A) The availability of the complaint form on the Internet website.

(B) That many public libraries provide Internet access.

(2) Include their Internet website address in the telephone directory in order that citizens will be aware that they may contact the state agency via the Internet or by telephone.

(d) Public libraries, to the extent permitted through donations and other means, may do each of the following:

- (1) Provide Internet access to their patrons.
- (2) Advertise that they provide Internet access.

(e) Notwithstanding subdivision (a) of Section 11000, state agency as used in this section includes the California State University.

§8332 Reporting of improper governmental activities act; exemption

It is the intent of the Legislature that this chapter shall not apply to the Reporting of Improper Governmental Activities Act (Article 3 (commencing with Section 8547) of Chapter 6.5) or the procedures established to investigate citizens' complaints against peace officers as required by Section 832.5 of the Penal Code.

California Penal Code

§ 135.5 Evidence tampering in disciplinary proceeding against public safety officer

Any person who knowingly alters, tampers **with**, conceals, or destroys relevant evidence in any disciplinary proceeding against a public safety officer, for the purpose of harming that public safety officer, is guilty of a misdemeanor.

§ 148.6 False allegations of misconduct against peace officers; advisory form; signature; civil claims intended to harass or dissuade officer

(a) (1) Every person who files any allegation of misconduct against any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, knowing the allegation to be false, is guilty of a misdemeanor.

(2) Any law enforcement agency accepting an allegation of misconduct against a peace officer shall require the complainant to read and sign the following advisory, all in boldface type:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED !F YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS

RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FLASE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understood the above statement.

Complainant

(b) Every person who files a civil claim against a peace officer or a lien against his or her property, knowing the claim or lien to be false and with the intent to harass or
.. dissuade the officer from carrying out his or her official duties, is guilty of a misdemeanor. This section applies only to claims pertaining to actions that arise in the course and scope of the peace officer's duties.

§ 832.5 Citizen's complaints against personnel; investigation; retention of records.

(a) 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.

(b) Complaints and any reports or findings relating to these complaints shall be retained for a period of at least five years. All complaints retained pursuant to this subdivision may be maintained either in the officer's general personnel file or in a separate file designated by the department or agency as provided by department or agency policy, in accordance with all applicable requirements of law. However, prior to any official determination regarding promotion, transfer, or disciplinary action by an officer's employing department or agency, the complaints described by subdivision (c) shall be removed from the officer's general personnel file and placed in separate file designated by the department or agency, in accordance with all applicable requirements of law.

(c) Complaints by members of the public that are determined by the peace officer's employing agency to be frivolous, as defined in Section 128.5 of the Code of Civil Procedure, or unfounded or exonerated, or any portion of a complaint that is determined to be frivolous, unfounded, or exonerated, shall not be maintained in that officer's general personnel file. However, these complaints shall be retained in other, separate files that shall be deemed personnel records for purposes of the California Public

Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and Section 1043 of the Evidence Code.

(1) Management of the peace officer's employing agency shall have access to the files described in this subdivision.

(2) Management of the peace officer's employing agency shall not use the complaints contained in these separate files for punitive or promotional purposes except as permitted by subdivision (f) of Section 3304 of the Government Code.

(3) Management of the peace officer's employing agency may identify any officer who is subject to the complaints maintained in these files which require counseling or additional training.

However, if a complaint is removed from the officers personnel file, any reference in the personnel file to the complaint or to a separate file shall be deleted.

(d) As used in this section, the following definitions apply:

(1) "General personnel file" means the file maintained by the agency containing the primary records specific to each officer's employment, including evaluations, assignments, status changes, and imposed discipline.

(2) "Unfounded" means that the investigation clearly established that the allegation is not true.

(3) "Exonerated" means that the investigation clearly established that the actions of the peace officer that formed the basis for the complaint are not violations of law or department policy.

§ 832.7 Personnel records; confidentiality, discovery; exceptions; complaint disposition notification

(a) Peace officer personnel records and records maintained **by** any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of police officers or a police agency conducted by a grand jury, a district attorney's office, or the Attorney General's office.

(b) Notwithstanding subdivision (a), a department or agency shall release to the complaining party a copy of his or her own statements at the time the complaint is filed.

(c) Notwithstanding subdivision (a), a department or agency which employs peace-officers may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.

(d) Notwithstanding subdivision (a), a department or agency which employs peace officers may release factual information concerning a disciplinary investigation if the peace officer who is the subject of the disciplinary investigation, or the peace officer's agent or representative, publicly makes a statement he or she knows to be false concerning the investigation or the imposition of disciplinary action. Information may not be disclosed by the peace officer's employer unless the false statement was published by an established medium of communication, such as television, radio, or a newspaper. Disclosure of factual information by the employing agency pursuant to this subdivision is limited to facts contained in the peace officer's personnel file concerning the disciplinary investigation or imposition of disciplinary action that specifically refute the false statements made public by the peace officer or his or her agent or representative.

(e) The department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

The notification described in this subdivision shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of this state or the United States.

(f) Nothing in this section shall affect the discovery or disclosure of information contained in a peace officer's personnel file subject to Section 1043 of the Evidence Code.

**SAMPLE INTERIM CORRESPONDENCE
To Complainant (Sample 1)**

State of California-Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-78
1--735-2929 (TT/TDD)
1-735.2922 (Voice)

May 5, 1999

File No.: 920.13819.A10570.001

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 90766

Dear Mr. Stevens:

I recently received your complaint regarding the conduct of Officer Smith, which was forwarded to me by the Department's Bureau of Internal Affairs. I would like to briefly apprise you of my actions in this matter.

In accordance with Department policy, an internal investigation has been initiated to review the circumstances surrounding your concerns. The investigation will attempt to determine what, if any, improprieties exist. During the course of the investigation, you will be contacted by the assigned investigator, Sergeant Jones, to discuss and clarify your concerns. At the conclusion of the investigation, you will be notified in writing of the findings.

So you may better understand the process by which your complaint will be handled, enclosed is a CHP 240B, *Citizens' Complaint Information* form. The front of this form contains important information regarding the Department's citizens' complaint policy, as well as advisements we are required by state to provide to all potential complainants. On the back, I have briefly outlined your allegations. If you so desire, you may also use this section to further clarify your concerns. Please complete, sign, and return the CHP 240B form in the enclosed envelope within ten business days. You will be provided a copy of this form by the assigned investigator.

Should you have any questions, please feel free to contact this office at (102) 345-6789 during normal business hours.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Enclosure

**SAMPLE INTERIM CORRESPONDENCE
To Complainant (Sample 2)**

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-8789
1-800-735-2929 (TTFTOD)
1-800-735-2922 (Voice)



May 5, 1999

File No.: 92D.13819A1D570.002

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

I was recently informed by Lieutenant Johnson of your complaint regarding the conduct of Office Assistant B. Smith. I would like to briefly apprise you of my actions in this matter.

In accordance with Department policy, an internal investigation has been initiated to review the circumstances surrounding your concerns. The investigation will attempt to determine what, if any, improprieties exist. During the course of the investigation, you will be contacted by the assigned investigator, Office Supervisor Jones, to discuss and clarify your concerns. At the conclusion of the investigation, you will be notified in writing of the findings.

So you may better understand the process by which your complaint will be handled, enclosed is a CHP 240D, *Citizens' Complaint Information (Non Uniformed)* form. The front of this form contains important information regarding the Department's citizens' complaint policy. On the form, I have briefly outlined your allegations. If you so desire, you may also use the same section to further clarify your concerns. Please complete and return the CHP 240D form in the enclosed envelope within ten business days. You will be provided a copy of this form by the assigned investigator.

Should you have any questions, please feel free to contact this office at (102) 345-6789 during normal business hours.

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Enclosure

**SAMPLE INTERIM CORRESPONDENCE
(To Complainant (Sample 3))**

State of California-Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-800-735-2929 (TT/TDD)
1-800-735-2922 (Voice)



May 5, 1999

File No.: 920.13819A10570.003

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

I recently received your April 29, 1999, correspondence, in which you expressed dissatisfaction with the conduct of Sergeant Jones of this office. I would like to briefly apprise you of my actions in this matter.

In accordance with Department policy, an internal investigation has been initiated to review the circumstances surrounding your concerns. The investigation will attempt to determine what, if any, improprieties exist. During the course of the investigation, you will be contacted by the assigned investigator, Lieutenant Smith, to discuss and clarify your concerns. At the conclusion of the investigation, you will be notified in writing of the findings.

So you may better understand the process by which your complaint will be handled, enclosed is a CHP 240B, *Citizens' Complaint Information* form. The front of this form contains important information regarding the Department's citizens' complaint policy, as well as advisements we are required by statute to provide to all potential complainants. On the back, I have briefly outlined your allegations. If you so desire, you may also use this section to further clarify your concerns.

Please complete, sign and return the CHP 2408 form in the enclosed envelope within ten business days. You will be provided a copy of this form by the assigned investigator.

Should you have any questions, please feel free to contact this office at (102) 345-6789 during normal business hours.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Enclosure

**SAMPLE INTERIM CORRESPONDENCE
To Complainant When Complaint Is Forwarded**

State of California-Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

555 Enforcement Circle Rocky

Flat, CA 98765-4321

(102) 789

1-800-735-2929 (TT/TDD)

1-800-735-2922 (Voice)



May 5, 1999

File No.: 920.13819.A10570.004

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

I recently received your April 29, 1999, correspondence, in which you expressed dissatisfaction with the conduct of Officer Smith.

The involved officer is assigned to the Department's Sand Flat Area office. In accordance with Department policy, your correspondence has been forwarded to the Sand Flat Area Commander, Captain America. The commander will then initiate an internal investigation to review the circumstances surrounding your concerns. The investigation will attempt to determine what, if any, improprieties exist. During the course of the investigation, you will be contacted by the assigned investigator to discuss and clarify your concerns.

Should you have any questions, please feel free to contact the Sand Flat Area office directly at (908)765-4321 during normal business hours.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

cc: Sand Flat Area

**SAMPLE INTERIM CORRESPONDENCE
To Third Party**

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 789
1-300-735-2929 (TT/TDD)
1-300-735-2922 (Voice)Cal



May 5, 1999

File No.: 920.13819A10570.005

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

I recently received your April 29, 1999, correspondence, in which you expressed dissatisfaction with the conduct of Officer Smith towards your brother, Mr. Edward Stevens. I would like to briefly apprise you of our actions in this matter.

In cases where the Department is notified by an individual, on the behalf of another, of concerns with the conduct of an employee, the potentially aggrieved party is contacted directly to determine if a complaint exists. Should that party wish to proceed with a formal complaint, the Department will initiate an internal investigation to review the circumstances surrounding their concerns. The investigation will attempt to determine what, if any, improprieties exist. Accordingly, we will attempt to contact Mr. Edward Stevens directly to determine his wishes in this matter.

Thank you for bringing this matter to our attention. Should you have any questions, please feel free to contact the Rocky Flat Area office directly at (102) 345-6789 during normal business hours.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

**SAMPLE INTERIM CORRESPONDENCE
To Complainant As Result Of Third Party Complaint**

State of California-Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-800-735-2929 (TT/TOD)
1-800-735-2922 (Voice)



May 5, 1999

File No.: 920.13819A10570.006

Mr. Edward Stevens
2100 Glenn Cove Circle
Rocky Flat, CA 98767

Dear Mr. Stevens:

I recently received correspondence from Mr. William Stevens, in which he related that you were involved in an enforcement action with Officer Smith. Mr. William Stevens expressed concern with the conduct of Officer Smith during this contact with you.

In cases where the Department is notified by an individual, on the behalf of another, of concerns with the conduct of an employee, the potentially aggrieved party is contacted directly to determine if a complaint exists. Should that party wish to proceed with a complaint, the Department will initiate an internal investigation to review the circumstances surrounding their concerns. The investigation will attempt to determine what, if any, improprieties exist. Accordingly, the purpose of this correspondence is to ascertain your desires in this matter.

I have enclosed a CHP 240B form, which is the primary method of filing a complaint with the Department. If you wish to pursue this matter, please complete the form. Include a summary of the incident and your allegations on the rear of the form, and sign it in the space provided. I have included a envelope for the form to be returned to this office. Alternatively, you may contact the Rocky Flat Area by telephone at (102) 345-6789.

I will hold this matter in suspense for thirty (30) days. At that time, if you have not contacted this office, I will dose this matter with no further action. Please do not hesitate to contact me or a member of my staff at the above listed number if you have any questions or concerns.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Enclosure

**SAMPLE INTERIM CORRESPONDENCE
To Legislator**

State of California-Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-900-735-2929 (TTDD)
1-900-735-2922 (Voice)



May 5, 1999

File No.: 920.13819A10570.007

The Honorable Timothy P. Jones
California State Senate
State Capitol, Room #4500
Sacramento, CA 95814

Dear Senator Jones:

I recently received your April 29, 1999, correspondence, in which you discuss the concerns of one of your constituents, Mr. William Stevens, regarding the actions of California Highway Patrol Officer Smith. I would like to briefly share with you my actions in this matter.

It is the policy of this Department that when concerns such as those expressed by Mr. Stevens are brought to our attention, a review of the circumstances is conducted to determine what, if any, improprieties may exist. Upon receiving your correspondence, such a review was immediately initiated. At the conclusion of the investigation, both you and Mr. Stevens will be notified in writing of the findings. In addition, a copy of our interim response to Mr. Stevens has been enclosed for your records.

In closing, thank you for sharing your interest in this matter on Mr. Stevens' behalf. Should you have any questions, please feel free to contact me directly at (102) 345-6789, or the Department's Office of Special Representative at (916) 657-7249.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Enclosure

cc: Office of Special Representative

AMPLE CLOSING CORRESPONDENCE
Undetermined/No Finding and Exonerated Findings

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

**555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-800-735-2929 (TT/TDD)
1-800-735-2922 (Voice)**



May 15, 1999

File No.: 920.13819.A10570.001

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

Recently, the Rocky Flat Area completed its investigation into the concerns discussed in your letter to the Area and in subsequent discussions with Sergeant Adams of this office. I would like to apprise you of our findings in this matter.

The investigation focused on your concern that Officer Smith was rude and profane to you during a traffic stop on April 10, 1999, and that he intentionally tore your vehicle registration form. After a thorough and complete investigation, we were unable to substantiate your allegation of verbal discourtesy. A review of an audio tape made by Officer Smith of the entire contact with you showed that he conducted himself in a courteous and professional manner.

We were unable to reach a finding for the allegation of destruction of your property. Officer Smith denied having damaged your property and indicated you had accidentally torn the registration form when retrieving it from your glove box. Giving equal weight to both your and Officer Smith's versions of events, and given the lack of any other substantive evidence, this finding was Undetermined.

The California Highway Patrol maintains the highest expectations for our employee's conduct. As such, I thank you for bringing this matter to my attention. In accordance with Department policies, your concerns have been discussed with Officer Smith, and the investigation will be retained on file for five years.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

AMPLE CLOSING CORRESPONDENCE
Sustained and Unintentional Error Findings

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-800-735-2929 (TT/TDD)
1-800-735-2922 (Voice)



May 15, 1999

File No.: 920.13819.A10570.002

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

Recently, the Rocky Flat Area completed the investigation into your concerns first discussed with Sergeant Adams of this office. I would like to apprise you of our findings in this matter.

The investigation focused on your concern that on April 10, 1999, after stopping you for a non-functioning brake light, Officer Smith searched your vehicle without permission and confiscated an unloaded pistol found during the search. After a thorough and complete investigation, it was determined Officer Smith was not justified in conducting a search of your vehicle. Appropriate action has been taken to preclude a similar occurrence in the future.

The investigation also revealed that when Officer Smith found the pistol in your vehicle, he requested registration information through our Communications Center. Upon reviewing the audio tapes and communication logs of the information provided to Officer Smith, it was determined he misunderstood a portion of the radio transmission and mistakenly believed the weapon was registered to another individual. This was an unintentional error on Officer Smith's part, and again I assure you that steps have been taken to prevent such an event from reoccurring.

The California Highway Patrol maintains the highest expectations for our employee's conduct. As such, I thank you for bringing this matter to my attention and apologize for any inconvenience you may have experienced. In accordance with Department policies, your concerns have been discussed with Officer Smith, and the investigation will be retained on file for five years.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Off Duty Allegations - No Investigation

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-800-735-2929 (TT/TDD)
1-800-735-2922 (Voice)



May 15, 1999

File No.: 920.13819.A10570.003

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

I recently received your April 25, 1999, correspondence in which you expressed concern with the conduct of a member of this Department. I would like to apprise you of our actions in this matter.

In your letter, you stated that your neighbor, Mr. B. Smith, is a California Highway Patrol officer assigned to the Rocky Flat Area office. You also state Officer Smith has been parking his personal vehicle on the street in front of his residence for approximately two months, which is well in excess of the three days allowed by your homeowner's association code of regulations. Despite several requests by you, Officer Smith has refused to stop parking on the street.

The Department expects its employees to conduct themselves in a manner that is above reproach, both on and off duty. However, the Department does not involve itself in the personal matters of employees, unless there are allegations of a criminal nature or other serious impropriety. Since this is clearly a civil matter, the Department is precluded from taking any action.

Thank you for bringing this matter to our attention and allowing us this opportunity to address your concerns.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Other Complaint – Frivolous (*Revised 11-03.*)

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-800-735-2929 (TT/TDD)
1-800-735-2922 (Voice)



May 15, 1999

File No.: 920.13819.A10570.004

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

This letter is in response to the concerns you expressed by telephone to Sergeant Adams on May 10, 1999. You indicated that Officer Smith has been harassing you by following you in a marked departmental patrol vehicle and in his personal vehicle. You also stated Officer Smith has thrown eggs at the exterior of your residence. You related these events have taken place on dates in late April and early May, 1999. I would like to apprise you of our actions in this matter.

Upon initial review of your allegations, it was determined that Officer Smith transferred from this office to a California Highway Patrol Area in Northern California, approximately 400 miles away. On each of the days you state Officer Smith was following you or allegedly vandalizing your residence, he was either on duty or his whereabouts were definitively accounted for.

Additionally, a review of our records indicates that in the past year, you have filed two other complaints against Officer Smith for perjury and misuse of state resources, both of which were exonerated.

Accordingly, I believe your allegations are without merit, and I have ordered this investigation closed with no further action. A record of this matter has been prepared and will be retained for a period of five years.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Other Complaint - Rescinded

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

**555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-800-735-2929 (TT/TDD)
1-800-735-2922 (Voice)**



May 15, 1999

File No.: 920.13819.A10570.005

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

This letter is in regards to a citizen's complaint you filed on April 25, 1999, against Officer Smith of the California Highway Patrol's Rocky Flat Area. In your complaint you alleged that Officer Smith issued you an inaccurate citation and then later perjured himself while testifying about the citation in traffic court. An investigation into your concerns was immediately initiated.

On May 10, 1999, you told the assigned investigator, Sergeant Jones, you had discovered that the new tires recently installed on your vehicle had caused the speedometer to be significantly out of calibration. You asked to withdraw your complaint against Officer Smith.

Per your request, I have ordered this investigation closed with no further action to be taken. A record of this matter has been prepared and will be retained for a period of five years. Thank you for allowing us this opportunity to respond to your concerns. Should you have any questions, please do not hesitate to contact me at (102) 345-6789.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Other Complaint - Departmental

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

**555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-800-735-2929 (TT/TDD)
1-800-735-2922 (Voice)**



May 15, 1999

File No.: 920.13819.A10570.006

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

Recently, the Rocky Flat Area completed its investigation into the concerns discussed in your letter to Commissioner Snyder and in subsequent discussions with Sergeant Adams of this office. I would like to apprise you of our findings in this matter.

The investigation focused on your concern the Department is not serving the public's best interests by using its limited resources in enforcing seat belt usage laws. The Department considers improving the safety of California's motorists to be a key organizational objective. One of the most effective methods we have found to accomplish this goal is to enforce vehicle occupant restraint statutes. Statistical data clearly supports that the consistent and proper use of occupant restraints significantly reduces the likelihood and severity of injuries to those involved in vehicle collisions.

In addition, the California State Legislature has established the specific laws regarding vehicle occupant restraints in the Vehicle Code. The Department is charged with the uniform enforcement of these statutes, and must by law continue to do so.

Your concerns regarding this issue have been documented and will be retained for a period of five years. Thank you for bringing this matter to our attention and allowing us to address your concerns.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Other Complaint - Citation Validity (Exonerated)

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

**555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-800-735-2929 (TT/TDD)
1-800-735-2922 (Voice)**



May 15, 1999

File No.: 920.13819.A10570.007

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

Recently, the Rocky Flat Area completed its investigation into the concerns discussed in your letter to the Area, and in subsequent discussions with Sergeant Jones of this office. I would like to apprise you of our findings in this matter.

The investigation focused on your concern that on April 25, 1999, Officer Smith wrote you a citation for failing to stop at a posted stop sign. You stated the citation was not valid since Officer Smith did not have a clear view of the intersection from where the patrol vehicle was parked, and you requested that the citation be voided.

The Department firmly believes the best venue to adjudicate the validity of citations is through the court system. The Department does not intervene in the court process unless there is clear evidence of employee misconduct. A review of the citation and the circumstances surrounding the alleged violation do not indicate any impropriety. As such, I recommend you pursue your concerns regarding this issue through the Rocky Flat Justice Court.

In regards to your request to have the citation voided, we are unable to comply absent sufficient evidence that the citation in question is clearly invalid. Please know that, to preclude any appearances of favoritism, citations are rarely rescinded by this Department.

The California Highway Patrol maintains the highest expectations for our employee's conduct. As such, I thank you for bringing this matter to my attention. In accordance with Department policies, your concerns have been discussed with Officer Smith, and the investigation will be retained on file for five years.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Other Agency Complaint

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

**555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-800-735-2929 (TT/TDD)
1-800-735-2922 (Voice)**



May 15, 1999

File No.: 920.13819.A10570.008

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

This letter is in response to the concerns you expressed in a May 3, 1999, telephone conversation with Sergeant Brown of this Area. You stated that while being arrested on May 1, 1999, the California Highway Patrol (CHP) officers arresting you used excessive force and injured your arm. I would like to apprise you of our findings in this matter.

The investigation determined that Rocky County Sheriff's Department deputies actually placed you into custody. No CHP personnel were dispatched to or present at the scene. The Rocky County Sheriff's uniform is very similar in appearance to the CHP uniform, so personnel from both departments are often misidentified as each other. Accordingly, since no CHP personnel were present at the scene, this investigation will be closed with no further action by the California Highway Patrol.

For your convenience, I have provided the name and address of the Rocky County Sheriff should you wish to pursue this issue:

Sheriff John T. Edwards
333 Enforcement Circle
Rocky Flat, CA 98765
(102) 345-9876

Thank you for bringing this matter to our attention and allowing us to be of service.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Legislative

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

**555 Enforcement Circle
Rocky Flat, CA 98765-4321
(102) 345-6789
1-800-735-2929 (TT/TDD)
1-800-735-2922 (Voice)**



May 15, 1999

File No.: 920.13819.A10570.009

The Honorable Timothy P. Jones
California State Senate
State Capitol, Room # 4500
Sacramento, CA 95814

Dear Senator Jones:

The Rocky Flat Area recently completed its investigation prompted by the concerns of your constituent, Mr. William Stevens. You may recall Mr. Stevens had written you concerning the actions of a member of this Department. I would like to apprise you of our findings in this matter.

The investigation focused on Mr. Stevens' allegation that his vehicle had been unlawfully impounded when his unlicensed son was stopped by Officer Smith. The investigation concluded that the impoundment action taken by Officer Smith was legal and in compliance with Department policy. Mr. Stevens' son had been cited for driving without a license twice in the eight months preceding this particular incident. Officer Smith was therefore exonerated of all allegations. For your records, a copy of the final correspondence sent to Mr. Stevens has been included.

In closing, thank you again for sharing your interest in this matter on Mr. Stevens' behalf. Should you have any questions, please feel free to contact me directly at (102) 345-6789, or the Department's Office of Special Representative at (916) 657-7249.

Sincerely,

J. P. SOUZA, Captain
Commander
Rocky Flat Area

Attachment

cc: Office of Special Representative

Division Review

State of California--Business, Transportation and Housing Agency

GRAY DAVIS, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

**888 Administration Drive
Pugston, CA 95678-1234
(122) 333-4444
1-800-735-2929 (TT/TDD)
1-800-735-2922 (Voice)**



June 15, 1999

File No.: 901.13819.A10570.DivRev06

Mr. William Stevens
7800 Maple Way
Rocky Flat, CA 98766

Dear Mr. Stevens:

I recently had the opportunity to review the citizen's complaint conducted by the California Highway Patrol, Rocky Flat Area office. The original investigation focused on your allegations of verbal discourtesy and destruction of your property by Officer Smith. I would like to apprise you of our findings in this matter.

The Department considers the proper investigation of citizens' complaints to be one of our most important goals. The integrity of the complaint process, including adequate managerial review, is crucial to maintain the public's trust and confidence. To that end, my staff and I have conducted a thorough review of the investigation, which included a critical evaluation of the complaint documentation and investigation methodology.

The review did not reveal any improprieties or other concerns which would cause me to change the original findings. With regards to your allegation that Officer Smith was verbally discourteous to you, there is ample physical evidence that demonstrates the officer behaved appropriately. Specifically, an audio tape of your contact with Officer Smith did not contain the alleged discourteous statements you attributed to the officer.

As for the allegation of destruction of your property (registration documents), the original investigator was unable to make a definitive determination. This appears reasonable, since your version differs from that of the officer, who denied damaging the form. Indeed, the Department has given equal credence to you and the officer, and is questioning the veracity of neither. Accordingly, the finding for this allegation has not been changed.

Although we were unable to sustain the allegations in this complaint, in accordance with Department policy, your concerns have been discussed with Officer Smith. The complaint investigation will remain on file for a period of five (5) years.

Mr. William Stevens
Page 2
June 15, 1999

While I realize that some investigations will result in findings that are not satisfactory to all parties, it is important you know the Department has thoroughly investigated the issues you have raised. Thank you for bringing this matter to our attention and allowing us this opportunity to address your concerns.

Sincerely,

W. C. HANDY, Chief
Midstate Division

bc: Bureau of Internal Affairs

SAMPLE CATEGORY I COMPLAINT INVESTIGATION

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
COMPLAINT INVESTIGATION
CHP 240 (Rev. 1-99) OPI 081

CONTROL NUMBER
LOCATION CODE YEAR SEQUENTIAL NO.
9 2 0 9 9 0 0 2

Original Amended

ROUTE TO		DATE	DATE COMPLAINT RECEIVED	HOW RECEIVED			
Bureau of Internal Affairs			02/14/1999	<input type="checkbox"/> Letter	<input checked="" type="checkbox"/> In person	<input type="checkbox"/> Telephone	<input type="checkbox"/> Electronic
Mid State	Division			COMPLAINT ORIGINATOR			
Rocky Flat	Area			<input checked="" type="checkbox"/> Area	<input type="checkbox"/> Division	<input type="checkbox"/> Governor/Legislator	<input type="checkbox"/> CHP 268 completed
				<input type="checkbox"/> B.I.A.	<input type="checkbox"/> Commissioner	<input type="checkbox"/> Board of Control	<input type="checkbox"/> Off-duty allegations
FROM		DATE	I.L.A. CONTROL NUMBER		I.L.A. SUSPENSE DATE		SPECIAL PROJ. CODE
Bureau of Internal Affairs							
Mid State	Division						
Rocky Flat	Area						

EMPLOYEE'S NAME (Last, First, Middle Initial)	I.D. NO.	AREA	RANK	SEX	AGE	YRS. EMPLOYED
1. KNIGHT, Peter J.	13776	920	Officer	M	36	8
2.						
3.						

COMPLAINANT(S)

NAME (LAST, FIRST, MIDDLE INITIAL) JONES, Henry L.	HOME PHONE (012) 647-4847	BUSINESS PHONE (012) 647-4847	
ADDRESS 101 49er Way, Rocky Flat, CA 98765	WHEN AND WHERE CAN COMPLAINANT BE CONTACTED? any time before 2200 hours		
NAME (LAST, FIRST, MIDDLE INITIAL)	HOME PHONE	BUSINESS PHONE	
ADDRESS	WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?		
PERSON RECEIVING COMPLAINT (LAST, FIRST, MIDDLE INITIAL) KING, Quentin A.	I.D. NUMBER 9832	RANK Sergeant	LOCATION CODE 920
ASSIGNED INVESTIGATOR (LAST, FIRST, MIDDLE INITIAL) KING, Quentin A.	I.D. NUMBER 9832	RANK Sergeant	LOCATION CODE 920

ALLEGATION(S) AND FINDINGS

EMPLOYEE	CODE	ALLEGATION(S)	SUSTAINED			UNINTENTIONAL ERROR			UNDETERMINED NO FINDING			DEPARTMENTAL			EXONERATED		
			1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
✓	06d	Discrim./Sexual Orient.	✓														
✓	17a	Lack of Assistance	✓														

DOCUMENTATION INFORMATION

DEPARTMENT OF JUSTICE INFORMATION			HIGHEST CATEGORY	FORM OF DOCUMENTATION	EMPLOYEE COMPLAINT HISTORY REVIEWED
<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor	<input checked="" type="checkbox"/> Non-Criminal	<input checked="" type="checkbox"/> I <input type="checkbox"/> II	<input checked="" type="checkbox"/> Formal <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
EMPLOYEE CLOSING ACTION			ADDITIONAL ACTION		
<input type="checkbox"/> Closing memorandum	<input type="checkbox"/> CHP 2	<input checked="" type="checkbox"/> Adverse Action pending	<input type="checkbox"/> Frivolous	<input type="checkbox"/> Rescinded	<input type="checkbox"/> 5148.6 P.C.
			FINAL CORRESPONDENCE TO COMPLAINANT		
			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

EMPLOYEE DISCUSSION AND REVIEW

1.	DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	I.D. NUMBER
2.	DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	I.D. NUMBER
3.	DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	I.D. NUMBER

REMARKS

CONTROL NUMBER
9 2 0 9 9 0 0 2

COMMANDER'S SIGNATURE	DATE	DIVISION REVIEWING OFFICER'S SIGNATURE	DATE
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Destroy Previous Editions.

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SAMPLE CATEGORY I COMPLAINT INVESTIGATION

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL WITNESS LIST CHP 240C (REV 1-94) OPI 081		CONTROL NUMBER
		9 2 0 9 9 0 0 2
WITNESS(ES)		
1	NAME MURLEY, Diana K. ADDRESS American Medical Response - 911 Emergency Avenue, Rocky Flat, CA 98760	BUSINESS PHONE (012) 657-8291 HOME PHONE
2	NAME VASQUEZ, Alfredo Z. ADDRESS American Medical Response - 911 Emergency Avenue, Rocky Flat, CA 98760	BUSINESS PHONE (012) 657-8291 HOME PHONE
3	NAME ADDRESS	BUSINESS PHONE HOME PHONE
4	NAME ADDRESS	BUSINESS PHONE HOME PHONE
5	NAME ADDRESS	BUSINESS PHONE HOME PHONE
6	NAME ADDRESS	BUSINESS PHONE HOME PHONE
7	NAME ADDRESS	BUSINESS PHONE HOME PHONE
8	NAME ADDRESS	BUSINESS PHONE HOME PHONE
9	NAME ADDRESS	BUSINESS PHONE HOME PHONE
10	NAME ADDRESS	BUSINESS PHONE HOME PHONE
11	NAME ADDRESS	BUSINESS PHONE HOME PHONE
12	NAME ADDRESS	BUSINESS PHONE HOME PHONE
13	NAME ADDRESS	BUSINESS PHONE HOME PHONE
14	NAME ADDRESS	BUSINESS PHONE HOME PHONE

SAMPLE CATEGORY I COMPLAINT INVESTIGATION

Citizens' Complaint Investigation 920-99-002
Page 3

COMPLAINT SUMMARY

On February 10, 1999, the complainant, Mr. Henry Jones, was involved in a solo traffic collision, losing traction on snow and striking a tree. According to the complainant, just prior to being transported from the scene in an ambulance, he requested the investigating officer, P. Knight, #13776, retrieve some needed AIDS medications from the damaged vehicle. The officer refused and allegedly made a discriminatory remark. Mr. Jones' specific allegations arising from this enforcement contact are:

1. Officer Knight discriminated against the complainant by making a statement to the effect that because of the complainant's sexual orientation, the officer did not want to assist him. The officer then told the complainant "You can claim your property from the tow yard."
2. Officer Knight failed to assist him by refusing to retrieve some needed medications and thereby endangered his health.

COMPLAINT FINDINGS

1. Category I (Discrimination/Sexual Orientation) – Sustained

While Officer Knight stated he does not recall making a statement similar to what the complainant attributed to him, he does recall the complainant stating he is suffering from AIDS and he (Knight) may have expressed his displeasure. **However**, the two American Medical Response paramedics at the scene were contacted and confirmed that Officer Knight did make a derogatory comment very similar to (if not exactly matching) what the complainant stated.

2. Category II (Failure To Assist) - Sustained

Officer Knight failed to retrieve the requested medications, which unnecessarily endangered the complainant. Given the time-critical nature of maintaining the complainant's medication regimen, it was not an unreasonable request to ask for the officer's assistance. Officer Knight stated he did not do as the complainant requested because he did not believe it was necessary. Although, the medications were later retrieved from the tow yard by a family member and taken to the hospital, the treating physician stated the lack of having the medication immediately available complicated his initial treatment.

RECOMMENDATIONS

I recommend that adverse action be sought against Officer Knight for his insensitivity and inappropriate conduct which unnecessarily endangered the health of the complainant.

SAMPLE CATEGORY I COMPLAINT INVESTIGATION

Citizens' Complaint investigation 920-99-002
Page4

CHRONOLOGICAL SUMMARY

1. 2/14/99 - 1110 hours - Sergeant King was contacted at the Area office by the complainant, who explained his allegations. Mr. Jones was provided with a CHP 2408, which he completed and signed (Exhibit 2). A copy was provided to the complainant. Sergeant King notified Lieutenant North.
2. 2/16/99 - Captain Souza assigned Sergeant King as the investigator. Lieutenant North prepared interim acknowledging correspondence to the complainant (Exhibit 1), and also requested the complainant complete an enclosed Authorization To Release Medical Information.
3. 2/18/99 - Sergeant King obtained a copy of the accident investigation (Exhibit 6) and Officer Knight's CHP 415 for 2/10/99 (Exhibit 7).
4. 2/19/99 -1000 hours - Sergeant King contacted Ms. Shiela Stevens, Operations Manager at American Medical Response (AMR) by telephone, requesting identification of any AMR personnel at the accident scene. She will research and call back. The completed Authorization To Release Medical Information is also received by mail from the complainant (Exhibit 3).
5. 2/20/99 to 3nt99 - Sergeant King on vacation and RDOs.
6. 3/9/99 - 0900 hours - Sergeant King contacted Ms. Stevens at AMR by telephone, responding to a message she had left on 2/27/99. Ms. Stevens stated the paramedics at the 2/10/99 accident scene with the complainant are D. Murley and A. Vasquez. Both are working swing shift and can be contacted at AMR at approximately 1330 hours Tuesday through Saturday.
7. 3/9/99- 1032 hours - Sergeant King left a message at Dr. K. Emery's office requesting a contact. Dr. Emery is a physician at Good Fellas Hospital and treated the complainant on 2/10/99.
8. 3/9/99 - 1145 hours - Dr. Emery returned the call. While she would not discuss the complainant's specific medical condition or treatment, she did relate that the medications prescribed to the complainant are time-sensitive and must be taken on a regular basis. The fact that the medications had not been transported with the complainant somewhat complicated the initial treatment. A memorandum describing this interview was completed (Exhibit 4).
9. 3/9/99 - 1340 hours - Sergeant King met with AMR paramedics Murley and Vasquez at the AMR facility in Rocky Flat. Both related they're called the collision and that Officer Knight was the investigator at the scene. They both recalled a contact between Officer Knight and the complainant, while the latter was being prepared for transport to Good Fellas Hospital. They related that Officer Knight had just finished taking the complainant's statement and was giving him a card with the report number on it when the complainant made his request for the medication. Officer Knight flatly refused the request and made a derogatory statement about the complainant's

SAMPLE CATEGORY I COMPLAINT INVESTIGATION

Citizens' Complaint Investigation
920-99-002
Page5

presumed sexual orientation. Both agreed the statement was inappropriate. When questioned as to why they did not simply retrieve the medication themselves, witness Vasquez stated both were quite busy rendering medical care and could not absent themselves unnecessarily. Witness Murley also stated it is a policy of AMR that employees are not to remove any property from patient's vehicles, due to previous allegations of misappropriation. After briefly discussing the dilemma, witness Vasquez and Murley decided they could not delay transport any longer and left the scene. A tape recording of this interview was made and has been placed in to evidence (Exhibit 5).

11. 3/10/99 - 1300 hours - Sergeant King interviewed Officer Knight. A memorandum summarizing this interview was prepared (Exhibit 8).
12. 3/11/99 - 0830 hours - Sergeant King conducted a complaint history review for Officer Knight. No relevant prior complaints were noted.

EXHIBITS

1. Interim response correspondence to complainant.
2. CHP240B.
3. Authorization To Release Medical Information. (NOT RELEASEABLE TO OFFICER KNIGHT)
4. Memorandum of telephone interview with Dr. Emery.
5. CHP 36 for audio tape of interview with witnesses Vasquez and Murley.
6. Copy of traffic collision report 99-046.
7. Copy of CHP 415 for Officer Knight on 2/10/99.
8. Memorandum of interview of Officer Knight by Sergeant King.
9. Memorandum to Officer Knight of intent to request Adverse Action.
10. Closing correspondence to complainant.

Q.A. KING
Sergeant

Note: No actual exhibits have been included in this sample.

SAMPLE CATEGORY II COMPLAINT INVESTIGATION

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL COMPLAINT INVESTIGATION CHP 240 (Rev. 1-99) OPI 061		<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended		CONTROL NUMBER LOCATION CODE YEAR SEQUENTIAL NO. 9 2 0 9 9 0 0 4													
ROUTE TO		DATE	DATE COMPLAINT RECEIVED	HOW RECEIVED													
Bureau of Internal Affairs			04/16/1999	<input type="checkbox"/> Letter <input type="checkbox"/> In person <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Electronic													
Mid State	Division	COMPLAINT ORIGINATION		SPECIAL													
Rocky Flat	Area	<input type="checkbox"/> Area <input type="checkbox"/> Division <input type="checkbox"/> Governor/Legislator <input checked="" type="checkbox"/> B.I.A. <input type="checkbox"/> Commissioner <input type="checkbox"/> Board of Control		<input type="checkbox"/> CHP 268 completed <input type="checkbox"/> Off-duty allegations													
FROM		DATE	B.I.A. CONTROL NUMBER	B.I.A. SUSPENSE DATE		SPECIAL PROJ. CODE											
Bureau of Internal Affairs			99-148	06/16/1999													
Mid State	Division																
Rocky Flat	Area																
EMPLOYEE'S NAME (Last, First, Middle Initial)			LD. NO.	AREA	RANK	SEX	AGE	YRS. EMPLOYED									
1. SMITH, Samuel T.			13819	920	Officer	M	34	5									
2.																	
3.																	
COMPLAINANT(S)																	
NAME (LAST, FIRST, MIDDLE INITIAL)			HOME PHONE			BUSINESS PHONE											
JONES, John J.			(510) 555-8217			(415) 555-9283											
ADDRESS			WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?														
1827 Wong Way, Alameda, CA 94118																	
NAME (LAST, FIRST, MIDDLE INITIAL)			HOME PHONE			BUSINESS PHONE											
ADDRESS			WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?														
PERSON RECEIVING COMPLAINT (LAST, FIRST, MIDDLE INITIAL)			LD. NUMBER	RANK		LOCATION CODE											
MORRELL, Donald F.			12322	Officer		081											
ASSIGNED INVESTIGATOR (LAST, FIRST, MIDDLE INITIAL)			LD. NUMBER	RANK		LOCATION CODE											
KING, Quentin A.			9832	Sergeant		920											
ALLEGATION(S) AND FINDINGS																	
EMPLOYEE	CODE	ALLEGATION(S)	SUSTAINED			UNINTENTIONAL ERROR			UNDETERMINED (N) FINDING			DEPARTMENTAL			EXONERATED		
			1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
✓	05a	Discourtesy/Verbal	✓														
✓	29a	Other/Unsafe Stop Location															✓
DOCUMENTATION INFORMATION																	
DEPARTMENT OF JUSTICE INFORMATION			HIGHEST CATEGORY			FORM OF DOCUMENTATION			EMPLOYEE COMPLAINT HISTORY REVIEWED								
<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input checked="" type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/Uninten. Error <input type="checkbox"/> N/A			<input type="checkbox"/> I <input checked="" type="checkbox"/> II			<input checked="" type="checkbox"/> Formal <input type="checkbox"/> Other			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
EMPLOYEE CLOSING ACTION			ADDITIONAL ACTION			FINAL CORRESPONDENCE TO COMPLAINANT											
<input checked="" type="checkbox"/> Closing memorandum <input type="checkbox"/> CHP 2 <input type="checkbox"/> Adverse Action pending			<input type="checkbox"/> Frivolous <input type="checkbox"/> Rescinded <input type="checkbox"/> \$148.6 P.C.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No											
EMPLOYEE DISCUSSION AND REVIEW																	
DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	LD. NUMBER													
1.																	
2.																	
3.																	
REMARKS								CONTROL NUMBER 9 2 0 9 9 0 0 4									
COMMANDER'S SIGNATURE		DATE	DIVISION REVIEWING OFFICER'S SIGNATURE		DATE												

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SAMPLE CATEGORY II COMPLAINT INVESTIGATION

Citizens' Complaint investigation
920-99-004
Page 2

COMPLAINT SUMMARY

Complainant, Mr. John Jones, was issued a traffic citation by Officer S. Smith for a violation of California Vehicle Code 27315(d) on April 15, 1999, at approximately 1410 hours. Mr. Jones later contacted the Bureau of Internal Affairs and filed a complaint. Mr. Jones' specific allegations arising from this enforcement contact are:

1. Officer Smith was verbally discourteous by making a statement to the effect, "Even my three year old son knows enough to wear his seat belt!"
2. Officer Smith forced Mr. Jones to stop in an unsafe location on a narrow shoulder of 1-5.

Mr. Jones was provided a copy of his summarized allegations in the interim response letter from Area (Exhibit B).

COMPLAINT FINDINGS

1. Category II (Verbal Discourtesy) - Sustained

Officer Smith denied having been discourteous to the complainant, but did admit that he often uses the example of his son's adamant stance on the use of seat belts when attempting to convince motorists of the value of occupant restraints. This is an inappropriate, personal observation that the complainant found to be offensive.

2. Category II (Other/Unsafe stop Location) - Exonerated

Officer Smith stopped the complainant on the right shoulder of W/B 1-5 near Troxell Road. The shoulder in this area is approximately 10 feet in width and is fully paved. This is more than adequate space for a vehicle to stop and restart safely, so Officer Smith is exonerated of this allegation.

RECOMMENDATIONS

I recommend a Memorandum of Direction be issued to Officer Smith, directing him to refrain from making inappropriate personal observations towards motorists.

EXHIBITS

1. Acknowledging correspondence from BIA to complainant.

SAMPLE CATEGORY II COMPLAINT INVESTIGATION

Citizens' Complaint investigation
920-91,-004
Page 3

2. Interim response correspondence from Rocky Flat Area to complainant.
3. CHP 240B, Citizens' Complaint Information.
4. Copy of citation FVB2367.
5. Memorandum of interview of Officer Smith by Sergeant King.
6. Diagram of 1-5 near Troxell Road.
7. Closing correspondence to complainant.
8. Memorandum of Direction for Officer Smith.

Q.A. KING
Sergeant

Note: No actual exhibits have been included in this sample.

SAMPLE OTHER (RESCINDED) COMPLAINT INVESTIGATION

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL COMPLAINT INVESTIGATION CHP 240 (Rev. 1-99) OPI 081		<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended		CONTROL NUMBER LOCATION CODE YEAR SEQUENTIAL NO. 9 2 0 9 9 0 0 8													
ROUTE TO		DATE	DATE COMPLAINT RECEIVED	HOW RECEIVED													
Bureau of Internal Affairs			04/12/1999	<input type="checkbox"/> Letter <input type="checkbox"/> In person <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Electronic													
Mid State	Division	COMPLAINT ORIGINATOR		SPECIAL													
Rocky Flat	Area	<input checked="" type="checkbox"/> Area <input type="checkbox"/> Division <input type="checkbox"/> Governor/Legislator		<input type="checkbox"/> CHP 268 completed													
FROM		DATE	<input type="checkbox"/> B.I.A. <input type="checkbox"/> Commissioner <input type="checkbox"/> Board of Control		<input type="checkbox"/> Off-duty allegations												
Bureau of Internal Affairs			B.I.A. CONTROL NUMBER		B.I.A. SUSPENSE DATE		SPECIAL PROJ. CODE										
Mid State	Division																
Rocky Flat	Area																
EMPLOYEE'S NAME (Last, First, Middle Initial)		I.D. NO.	AREA	RANK	SEX	AGE	YRS. EMPLOYED										
1. SMITH, Samuel T.		13819	920	Officer	M	34	8										
2.																	
3.																	
COMPLAINANT(S)																	
NAME (LAST, FIRST, MIDDLE INITIAL)				HOME PHONE		BUSINESS PHONE											
JONES, John A.				(012) 622-4185													
ADDRESS				WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?													
1827 Wiseacre Dr., Rocky Flat, CA 98766				After school and evenings at home number,													
NAME (LAST, FIRST, MIDDLE INITIAL)				HOME PHONE		BUSINESS PHONE											
ADDRESS				WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?													
PERSON RECEIVING COMPLAINT (LAST, FIRST, MIDDLE INITIAL)				I.D. NUMBER	RANK	LOCATION CODE											
KING, Quentin A.				9832	Sergeant	920											
ASSIGNED INVESTIGATOR (LAST, FIRST, MIDDLE INITIAL)				I.D. NUMBER	RANK	LOCATION CODE											
KING, Quentin A.				9832	Sergeant	920											
ALLEGATION(S) AND FINDINGS																	
EMPLOYEE	CODE	ALLEGATION(S)	SUSTAINED			UNINTENTIONAL ERROR			UNDETERMINED NO FINDING			DEPARTMENTAL			EXERCISED		
			1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
✓	13a	Validity/Citation															
✓	04c	Court/Perjury															
DOCUMENTATION INFORMATION																	
DEPARTMENT OF JUSTICE INFORMATION				HIGHEST CATEGORY		FORM OF DOCUMENTATION		EMPLOYEE COMPLAINT HISTORY REVIEWED									
<input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/Uninten. Error <input type="checkbox"/> N/A				<input checked="" type="checkbox"/> I <input type="checkbox"/> II		<input type="checkbox"/> Formal <input checked="" type="checkbox"/> Other		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No									
EMPLOYEE CLOSING ACTION				ADDITIONAL ACTION		FINAL CORRESPONDENCE TO COMPLAINANT											
<input type="checkbox"/> Closing memorandum <input type="checkbox"/> CHP 2 <input type="checkbox"/> Adverse Action pending				<input type="checkbox"/> Frivolous <input checked="" type="checkbox"/> Rescinded <input type="checkbox"/> §148.6 P.C.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No											
EMPLOYEE DISCUSSION AND REVIEW																	
DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	I.D. NUMBER													
1.																	
2.																	
3.																	
REMARKS				CONTROL NUMBER 9 2 0 9 9 0 0 8													
Rescinded at request of complainant.																	
COMMANDER'S SIGNATURE		DATE	DIVISION REVIEWING OFFICER'S SIGNATURE		DATE												

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CHP_1984p

SAMPLE OTHER (RESCINDED) COMPLAINT INVESTIGATION

Citizens' Complaint investigation
920-99-008
Page2

COMPLAINT SUMMARY

Complainant, Mr. John Jones, contacted Sergeant King of this Area by telephone on April 12, 1999. Mr. Jones stated he was issued an invalid traffic citation by Officer Smith for a violation of California Vehicle Code 22350 on April 10, 1999. A complaint investigation was initiated. On April 21, 1999, Mr. Jones again contacted the Area by telephone and alleged that Officer Jones had committed perjury while testifying about the citation in traffic court. Mr. Jones' specific allegations arising from this enforcement contact are:

1. Officer Smith wrote an inaccurate citation by citing him for driving 53 mph when Mr. Smith's speedometer indicated he was traveling exactly 45 mph. The speed limit in the area is 45 mph.
2. Officer Smith committed perjury while testifying about the issued citation in the Rocky Flat Traffic Court, since Mr. Jones was never traveling over 45 mph.

On April 23, 1997, Mr. Jones contacted Sergeant King and related he had just discovered that new oversize tires he placed on his vehicle in early April may have caused the speedometer to be out of calibration. He subsequently confirmed this fact by having the vehicle tested by CSM, which showed a 10 mph difference in speedometer readings and actual speed at 55 mph. Mr. Jones requested to rescind this complaint and requested that no further action be taken.

Mr. Jones was provided a copy of his summarized allegations in the interim response letter from Area. See Exhibit 1.

EXHIBITS

1. Interim response correspondence to complainant.
2. CHP 2408, Cttizens' Complaint Information
3. Memorandum summary of April 12, 1999, telephone contact with Mr. Jones.
4. Copy of citation LK28373.
5. Closing correspondence to complainant.

Q.A. KING
Sergeant

Note: No actual exhibits have been included in this sample.

SAMPLE OTHER (FRIVOLOUS) COMPLAINT INVESTIGATION

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
COMPLAINT INVESTIGATION Original Amended

CONTROL NUMBER: LOCATION CODE YEAR SEQUENTIAL NO.
9 2 0 9 9 0 1 2

CHP 240 (Rev. 1-99) CPl 081

ROUTE TO		DATE	DATE COMPLAINT RECEIVED	HOW RECEIVED			
Bureau of Internal Affairs			03/07/1999	<input type="checkbox"/> Letter	<input type="checkbox"/> In person	<input checked="" type="checkbox"/> Telephone	<input type="checkbox"/> Electronic
Mid State	Division		COMPLAINT ORIGINATOR		SPECIAL		
Rocky Flat	Area		<input checked="" type="checkbox"/> Area	<input type="checkbox"/> Division	<input type="checkbox"/> Governor/Legislator	<input type="checkbox"/> CHP 268 completed	
			<input type="checkbox"/> B.I.A.	<input type="checkbox"/> Commissioner	<input type="checkbox"/> Board of Control	<input type="checkbox"/> Off-duty allegations	
FROM		DATE	B.I.A. CONTROL NUMBER		B.I.A. SUSPENSE DATE		SPECIAL PROJ. CODE
Bureau of Internal Affairs							
Mid State	Division						
Rocky Flat	Area						

EMPLOYEE'S NAME (Last, First, Middle Initial)	I.D. NO.	AREA	RANK	SEX	AGE	YRS. EMPLOYED
1. SMITH, Samuel T.	13819	920	Officer	M	38	10
2. KNIGHT, Peter J.	13776	920	Officer	M	36	10
3.						

COMPLAINANT(S)

NAME (LAST, FIRST, MIDDLE INITIAL) JONES, Jennifer A.	HOME PHONE (012) 555-9753	BUSINESS PHONE (012) 555-8642	
ADDRESS 999 Maple Way, Rocky Flat, CA 98766	WHEN AND WHERE CAN COMPLAINANT BE CONTACTED? at work during day, evenings at home		
NAME (LAST, FIRST, MIDDLE INITIAL)	HOME PHONE	BUSINESS PHONE	
ADDRESS	WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?		
PERSON RECEIVING COMPLAINT (LAST, FIRST, MIDDLE INITIAL) KING, Quentin A.	I.D. NUMBER 9832	RANK Sergeant	LOCATION CODE 920
ASSIGNED INVESTIGATOR (LAST, FIRST, MIDDLE INITIAL) KING, Quentin A.	I.D. NUMBER 9832	RANK Sergeant	LOCATION CODE 920

ALLEGATION(S) AND FINDINGS

EMPLOYEE	CODE	ALLEGATION(S)	SUSTAINED			UNINTENTIONAL ERROR			UNDETERMINED NO FINDING			DEPARTMENTAL			EXEMPTED		
			1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
✓	✓	26b	Sexual Conduct/Verbal														
✓		13a	Validity/Citation														

DOCUMENTATION INFORMATION

DEPARTMENT OF JUSTICE INFORMATION			HIGHEST CATEGORY	FORM OF DOCUMENTATION	EMPLOYEE COMPLAINT HISTORY REVIEWED
<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor	<input checked="" type="checkbox"/> Non-Criminal	<input checked="" type="checkbox"/> I	<input type="checkbox"/> Formal	<input checked="" type="checkbox"/> Yes
			<input type="checkbox"/> Sustained/Uninten. Error	<input checked="" type="checkbox"/> Other	<input type="checkbox"/> No
EMPLOYEE CLOSING ACTION			ADDITIONAL ACTION		FINAL CORRESPONDENCE TO COMPLAINANT
<input type="checkbox"/> Closing memorandum	<input type="checkbox"/> CHP 2	<input type="checkbox"/> Adverse Action pending	<input checked="" type="checkbox"/> Frivolous	<input type="checkbox"/> Rescinded	<input checked="" type="checkbox"/> Yes
			<input checked="" type="checkbox"/> §148.6 P.C.		<input type="checkbox"/> No

EMPLOYEE DISCUSSION AND REVIEW

1.	DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	I.D. NUMBER
2.	DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	I.D. NUMBER
3.	DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	I.D. NUMBER

REMARKS

CLERK/IDER'S SIGNATURE _____ DATE _____ DIVISION REVIEWING OFFICER'S SIGNATURE _____ DATE _____

CONTROL NUMBER
9 2 0 9 9 0 1 2

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CHP 198/17

SAMPLE OTHER (FRIVOLOUS) COMPLAINT INVESTIGATION

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL WITNESS LIST CHP 240C (REV 1-94) OP1 081		CONTROL NUMBER							
		9	2	0	9	9	0	1	2
WITNESS(ES)									
1	NAME BROWN, Averina T.	BUSINESS PHONE (012) 987-3456							
	ADDRESS 647 F Street, Rocky Flat CA 98768	HOME PHONE (012) 257-8291							
2	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
3	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
4	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
5	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
6	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
7	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
8	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
9	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
10	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
11	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
12	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
13	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							
14	NAME	BUSINESS PHONE							
	ADDRESS	HOME PHONE							

SAMPLE OTHER (FRIVOLOUS) COMPLAINT INVESTIGATION

Citizens' Complaint investigation
920-99--012
Page 3

COMPLAINT SUMMARY

The complainant, Ms. Jennifer Jones, was stopped by Officers S. Smith, ID 13819 and P. Knight, #13776, and subsequently issued a citation by Officer Smith for a violation of§ 22350 V.C. on March 5, 1999, at approximately 2210 hours. On March 7, 1999, Ms. Jones spoke with Sergeant King, expressing her desire to file a complaint. Sergeant King and Lieutenant North met with the complainant later that day to clarify her concerns. Ms. Jones' specific allegations arising from this enforcement contact are:

1. Officer Knight attempted to establish a personal relationship during the traffic enforcement stop.
2. Officer Smith originally stopped her for an alleged tinted window violation, but cited her instead for a non-existent speed violation when she refused Officer Knight's advances.

Ms. Jones was provided a copy of his summarized allegations in the interim response letter from Area (Exhibit 1).

The investigation determined Ms. Jones filed the complaint maliciously, as part of an attempt to have the speeding citation voided (her driver's license is on the verge of being suspended). A passenger in the car, Ms. Brown, verified that the officers were very professional and acted entirely appropriately, never attempting to foster a social or personal relationship. Further, Ms. Brown stated the complainant had contacted her subsequent to filing the complaint and attempted to elicit her assistance by providing false testimony should a CHP investigator contact her.

Additionally, a review of the citation indicates it was prepared properly, and is supported by the notes made by Officer Smith at the time of issuance.

This complaint is therefore deemed to be frivolous, and is dosed with no prejudice to the employees involved. However, I recommend that the Area consider filing charges against the complainant for§ 148.6 P.C., filing a false complaint against a peace officer. The investigation clearly supports an effort by the complainant to fabricate charges of sexual harassment and an attempt to suborn perjury by a witness.

In addition, during the review of citation # FB01020 written by Officer Smith, it was noted that the code of 'N' was used for the ethnicity block. As the complainant is African American, the proper coding should be 'B,' in accordance with HPM 100.9, *Enforcement Documents Manual*. Since using the "N" code could be misinterpreted as referring to a racial epithet, Officer Smith will be given a Memorandum of Direction to review HPM 100.9, chapter 1, to preclude a reoccurrence.

EXHIBITS

1. Interim response correspondence to complainant.
2. CHP240B.

SAMPLE OTHER (FRIVOLOUS) COMPLAINT INVESTIGATION

Citizen's' Complaint Investigation
920-99-012
Page4

3. Memorandum of complainant's interview with Sergeant King and Lieutenant North.
4. Copy of citation FB01020
5. Photographs of complainants vehicle.
6. Memorandum of Witness Brown's interview with Sergeant King.
7. Memorandum of interview of Officer Smith by Sergeant King.
8. Memorandum of interview of Officer Knight by Sergeant King.
9. Memorandum of Direction to Officer Smith (NOT RELEASEABLE TO OFFICER KNIGHT)
10. Closing correspondence to complainant.

O.A. KING
Sergeant

Note: No actual exhibits have been included in this sample.

SAMPLE OTHER (CITATION VALIDITY) COMPLAINT INVESTIGATION

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL COMPLAINT INVESTIGATION CHP 240 (Rev. 1-99) OPI 061		<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended		CONTROL NUMBER LOCATION CODE YEAR SEQUENTIAL NO. 9 2 0 9 9 0 3 2													
ROUTE TO		DATE	DATE COMPLAINT RECEIVED	HOW RECEIVED													
Bureau of Internal Affairs			04/27/1999	<input type="checkbox"/> Letter <input type="checkbox"/> In person <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Electronic													
Mid State Division				COMPLAINT ORIGINATOR													
Rocky Flat Area				<input checked="" type="checkbox"/> Area <input type="checkbox"/> Division <input type="checkbox"/> Governor/Legislator <input type="checkbox"/> Board of Control													
FROM		DATE		<input type="checkbox"/> B.I.A. <input type="checkbox"/> Commissioner <input type="checkbox"/> Off-duty allegations													
Bureau of Internal Affairs				SPECIAL													
Mid State Division				<input type="checkbox"/> CHP 258 completed													
Rocky Flat Area				<input type="checkbox"/> Off-duty allegations													
				SPECIAL PROJ. CODE													
				B.I.A. CONTROL NUMBER													
				B.I.A. SUSPENSE DATE													
				SPECIAL PROJ. CODE													
EMPLOYEE'S NAME (Last, First, Middle Initial)																	
1. SMITH, Samuel T.		I.D. NO.	13819	AREA	920	RANK	Officer										
2.																	
3.																	
COMPLAINANT(S)																	
NAME (LAST, FIRST, MIDDLE INITIAL)				HOME PHONE		BUSINESS PHONE											
JONES, William A.				(012) 626-8927		(012) 626-8930											
ADDRESS				WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?													
152 Sage Court, Rocky Flat, CA 98760				Anytime at home office or residence													
NAME (LAST, FIRST, MIDDLE INITIAL)				HOME PHONE		BUSINESS PHONE											
ADDRESS				WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?													
PERSON RECEIVING COMPLAINT (LAST, FIRST, MIDDLE INITIAL)				I.D. NUMBER		RANK											
ADAMS, Gomez Q.				10241		Sergeant											
ASSIGNED INVESTIGATOR (LAST, FIRST, MIDDLE INITIAL)				I.D. NUMBER		RANK											
KING, Quentin A.				9832		Sergeant											
LOCATION CODE				920		920											
ALLEGATION(S) AND FINDINGS																	
EMPLOYEE	CODE	ALLEGATION(S)	SUSTAINED			UNINTENTIONAL ERROR			UNDETERMINED NO FINDING			DEPARTMENTAL			EXONERATED		
			1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
✓	13a	Validity/Citation															
DOCUMENTATION INFORMATION																	
DEPARTMENT OF JUSTICE INFORMATION				HIGHEST CATEGORY		FORM OF DOCUMENTATION		EMPLOYEE COMPLAINT HISTORY REVIEWED									
<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input checked="" type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/Uninten. Error <input type="checkbox"/> N/A				<input type="checkbox"/> I <input checked="" type="checkbox"/> II		<input type="checkbox"/> Formal <input checked="" type="checkbox"/> Other		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No									
EMPLOYEE CLOSING ACTION				ADDITIONAL ACTION		RANK CORRESPONDENCE TO COMPLAINT											
<input type="checkbox"/> Closing memorandum <input type="checkbox"/> CHP 2 <input type="checkbox"/> Adverse Action pending				<input type="checkbox"/> Frivolous <input type="checkbox"/> Rescinded <input type="checkbox"/> \$148.6 P.C.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No											
EMPLOYEE DISCUSSION AND REVIEW																	
DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	I.D. NUMBER													
1.																	
2.																	
3.																	
REMARKS																	
COMMANDER'S SIGNATURE				DATE	DIVISION REVIEWING OFFICER'S SIGNATURE		DATE										
Destroy Previous Editions.																	

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SAMPLE OTHER (CITATION VALIDITY) COMPLAINT INVESTIGATION

Citizens' Complaint investigation
920-99-032
Page 2

COMPLAINT SUMMARY

On April 27, 1999, the complainant contacted Sergeant Adams of this command and stated Officer Smith had cited him for failing to stop at a posted sign. The complainant alleged that Officer Smith did not have a clear view of the intersection from where the complainant believes the patrol vehicle was parked. Although the complainant could not specifically identify the location the patrol vehicle was parked when he was cited, he stated he has seen other patrol vehicles previously park in the same location. The complainant requested the citation be voided. A complaint investigation was initiated, and Sergeant King was assigned as the investigator.

Mr. Jones was provided a copy of his summarized allegations in the interim response letter from Area (Exhibit 1).

On April 29, 1999, Sergeant King verbally discussed the citation with Officer Smith. The citation and the notes made by Officer Smith appeared to be thorough and complete. On April 30, 1999, Sergeant King drove to the involved intersection and parked where Officer Smith indicated he had parked. The entire intersection was unobstructed from this vantage point.

Giving equal credence to Officer Smith's and the complainant's version of events, and with no other physical evidence, the finding is Undetermined / No Finding. The complainant's request to have the citation voided was refused.

EXHIBITS

1. Interim response correspondence to complainant.
2. CHP 240B, Citizens' Complaint Information
3. Copy of citation BW45061
4. Memorandum summary of April 27, 1999, telephone contact with Mr. Jones.
5. Closing correspondence to complainant.

Q.A. KING
Sergeant

Note: No actual exhibits have been included in this sample.

SAMPLE OTHER (DEPARTMENTAL) COMPLAINT INVESTIGATION

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL COMPLAINT INVESTIGATION CHP 240 (Rev. 1-99) OPI 081		<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended		CONTROL NUMBER LOCATION CODE YEAR SEQUENTIAL NO. 9 2 0 9 9 0 5 5													
ROUTE TO		DATE	DATE COMPLAINT RECEIVED	HOW RECEIVED													
Bureau of Internal Affairs			05/10/1999	<input type="checkbox"/> Letter <input checked="" type="checkbox"/> In person <input type="checkbox"/> Telephone <input type="checkbox"/> Electronic													
Mid State Division				COMPLAINT ORIGINATION													
Rocky Flat Area				<input checked="" type="checkbox"/> Area <input type="checkbox"/> Division <input type="checkbox"/> Governor/Legislator <input type="checkbox"/> CHP 268 completed													
				<input type="checkbox"/> B.I.A. <input type="checkbox"/> Commissioner <input type="checkbox"/> Board of Control <input type="checkbox"/> Off-duty allegations													
FROM		DATE	B.I.A. CONTROL NUMBER	B.I.A. SUSPENSE DATE	SPECIAL PROJ. CODE												
Bureau of Internal Affairs																	
Mid State Division																	
Rocky Flat Area																	
EMPLOYEE'S NAME (Last, First, Middle Initial)		I.D. NO.	AREA	RANK	SEX	AGE	YRS. EMPLOYED										
1. DEPARTMENT																	
2.																	
3.																	
COMPLAINANT(S)																	
NAME (LAST, FIRST, MIDDLE INITIAL)				HOME PHONE		BUSINESS PHONE											
JONES, Willamina A.				(012) 626-8927		(012) 626-8930											
ADDRESS				WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?													
152 Sage Court, Rocky Flat, CA 98760				Anytime at home office or residence													
NAME (LAST, FIRST, MIDDLE INITIAL)				HOME PHONE		BUSINESS PHONE											
ADDRESS				WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?													
PERSON RECEIVING COMPLAINT (LAST, FIRST, MIDDLE INITIAL)				I.D. NUMBER	RANK	LOCATION CODE											
ADAMS, Gomez Q.				10241	Sergeant	920											
ASSIGNED INVESTIGATOR (LAST, FIRST, MIDDLE INITIAL)				I.D. NUMBER	RANK	LOCATION CODE											
KING, Quentin A.				9832	Sergeant	920											
ALLEGATION(S) AND FINDINGS																	
EMPLOYEE	CODE	ALLEGATION(S)	SUSTAINED			UNINTENTIONAL ERROR			UNDETERMINED NO FINDING			DEPARTMENTAL			EXONERATED		
			1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
✓	18a	Lack of Enforcement											✓				
DOCUMENTATION INFORMATION																	
DEPARTMENT OF JUSTICE INFORMATION				HIGHEST CATEGORY		FORM OF DOCUMENTATION		EMPLOYEE COMPLAINT HISTORY REVIEWED									
<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input checked="" type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/Uninten. Error <input type="checkbox"/> N/A				<input type="checkbox"/> I <input checked="" type="checkbox"/> II		<input type="checkbox"/> Formal <input checked="" type="checkbox"/> Other		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
EMPLOYEE CLOSING ACTION				ADDITIONAL ACTION				FINAL CORRESPONDENCE TO COMPLAINANT									
<input type="checkbox"/> Closing memorandum <input type="checkbox"/> CHP 2 <input type="checkbox"/> Adverse Action pending				<input type="checkbox"/> Frivolous <input type="checkbox"/> Rescinded <input type="checkbox"/> §148.6 P.C.				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No									
EMPLOYEE DISCUSSION AND REVIEW																	
	DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	I.D. NUMBER												
1.																	
2.																	
3.																	
REMARKS																	
COMMANDER'S SIGNATURE		DATE	DIVISION REVIEWING OFFICER'S SIGNATURE		DATE												

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CONTROL NUMBER
9 2 0 9 9 0 5 5

SAMPLE OTHER (DEPARTMENTAL) COMPLAINT INVESTIGATION

Citizens' Complaint investigation
920-99-055
Page2

COMPLAINT SUMMARY

On May 10, 1999, the complainant contacted Sergeant Adams of this command and expressed concern that the carpool lanes on SR-85 near Overhang Drive were not being adequately patrolled. The complainant stated she observes vehicles without any passengers driving in the high occupancy vehicle (HOV) lane during commute hours on a daily basis, and only rarely has she seen a CHP patrol vehicle in the area. She also stated in the past two weeks she has observed several near accidents when irate drivers in the lane adjacent to the HOV lane attempted to block or interfere with solo drivers in the HOV lane.

Ms. Jones was provided a copy of her summarized allegations in the interim response letter from Area (Exhibit 1).

On May 15 and 16, 1999, Sergeant King compiled statistical data for enforcement activity on SR-85 near Overhang Drive. For the 30 calendar days preceding May 10, 1999, with the exception of weekends, there were always a minimum of two units assigned to patrol SR-85 in this area (except on April 22, 1999, one officer was ill). A total of 48 HOV violation citations were written during this period. In addition, eight overtime supplemental HOV patrols had been assigned to SR-85 during this period, with a result of an additional 68 HOV citations being issued.

Closing correspondence was sent to the complainant which outlined the above facts. This complaint will be dosed as a Departmental complaint.

EXHIBITS

1. Interim response correspondence to complainant.
2. CHP 240B, Citizens' Complaint information
3. Memorandum summary of HOV enforcement activity on SR-85
4. Closing correspondence to complainant.

Q.A. KING
Sergeant

Note: No actual exhibits have been included in this sample.

SAMPLE AMENDED INVESTIGATION

State of California

Business, Transportation and Housing Agency

Memorandum

Date: July 19, 1999
To: Mid State Division
Attention: Assistant Chief S. T. Dickerson
From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Rocky Flat Area
File No.: CC99038Ammend
Subject: AMENDED CITIZENS' COMPLAINT #920-99-038

On June 12, 1999, the Office of the Commissioner received a complaint from Mr. & Mrs. Jones relating to the June 10, 1999, arrest of Mr. Jones for DUI by Officers Smith (#13819) and Knight (#13776). The original allegations included Arrest/Validity and Discourtesy/Verbal, with findings, respectively, of Departmental and Exonerated. The Joneses were apprised of the investigation findings in correspondence from my office on July 2, 1999, and the investigation was closed.

On July 14, 1999, Mr. Jones again contacted Sergeant King and explained he had recently retrieved his vehicle from the 30 day impound. He expressed his concern that the vehicle, a 1972 Dodge Coronet, had been damaged by the impounding officer (Knight). Sergeant King met with Mr. Jones on July 16, 1999, and inspected the vehicle. Although Sergeant King noted five minor cosmetic defects and/or scratches on the interior and exterior which appeared to be relatively recent, there is no definitive proof this damage was caused by any CHP employee. Moreover, the vehicle's general state of disrepair and heavy use (174,000+ miles) made the damage Mr. Jones is claiming almost indistinguishable from the remainder of the vehicle. As such, the damage in question was not specifically noted on the CHP 180 completed by Officer Knight. However, Mr. Jones is adamant the damage was caused by the CHP. Both Officers Smith and Knight deny damaging the vehicle. Given equal credence to both versions of events, and lacking independent corroboration, the investigator was unable to reach a definitive finding. Please add the following allegation for Officer Knight to this complaint:

25A	Property/Damaged	Undetermined/No Finding
-----	------------------	-------------------------

The Joneses were apprised of the additional findings by correspondence from my office on July 21, 1999, and were provided a CHP 287 for the alleged damage. I have also ensured that a copy of the attached amended CHP 240 has been added to our original copy of the complaint. If you have any questions, please do not hesitate to contact me at (102) 345-6789.

J. P. SOUZA, Captain Attachment

Attachment

K-1

SAMPLE AMENDED INVESTIGATION

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL		COMPLAINT INVESTIGATION		<input type="checkbox"/> Original <input checked="" type="checkbox"/> Amended		CONTROL NUMBER LOCATION CODE YEAR SEQUENTIAL NO.												
						9 2 0 9 9 0 3 8												
ROUTE TO		DATE		DATE COMPLAINT RECEIVED		HOW RECEIVED												
Bureau of Internal Affairs				06/12/1999		<input checked="" type="checkbox"/> Letter <input type="checkbox"/> In person <input type="checkbox"/> Telephone <input type="checkbox"/> Electronic												
Mid State Division				COMPLAINT ORIGINATION		SPECIAL												
Rocky Flat Area				<input type="checkbox"/> Area <input type="checkbox"/> Division <input type="checkbox"/> Governor/Legislator		<input type="checkbox"/> CHP 258 completed												
				<input type="checkbox"/> B.I.A. <input checked="" type="checkbox"/> Commissioner <input type="checkbox"/> Board of Control		<input type="checkbox"/> Off-duty allegations												
FROM		DATE		B.I.A. CONTROL NUMBER		B.I.A. SUSPENSE DATE		SPECIAL PROJ. CODE										
Bureau of Internal Affairs				99-126		08/12/1999												
Mid State Division																		
Rocky Flat Area																		
EMPLOYEE'S NAME (Last, First, Middle Initial)				I.D. NO.	AREA	RANK	SEX	AGE	YRS. EMPLOYED									
1. SMITH, Samuel T.				13819	920	Officer	M	38	8									
2. KNIGHT, Peter J.				13776	920	Officer	M	36	8									
3.																		
COMPLAINANT(S)																		
NAME (LAST, FIRST, MIDDLE INITIAL)					HOME PHONE			BUSINESS PHONE										
JONES, Adam H.					(012) 627-8935													
ADDRESS					WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?													
General Delivery, Rocky Flat, CA 98765					Anytime at residence													
NAME (LAST, FIRST, MIDDLE INITIAL)					HOME PHONE			BUSINESS PHONE										
JONES, Alecia H.					(012) 627-8935													
ADDRESS					WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?													
Same					Same													
PERSON RECEIVING COMPLAINT (LAST, FIRST, MIDDLE INITIAL)					I.D. NUMBER		RANK		LOCATION CODE									
Office of the Commissioner									001									
ASSIGNED INVESTIGATOR (LAST, FIRST, MIDDLE INITIAL)					I.D. NUMBER		RANK		LOCATION CODE									
KING, Quentin A.					9832		Sergeant		920									
ALLEGATION(S) AND FINDINGS																		
EMPLOYEE	CODE	ALLEGATION(S)	SUSTAINED			UNINTENTIONAL ERROR			UNDETERMINED NO FINDING			DEPARTMENTAL			EXONERATED			
			1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	13b	Validity/Arrest											<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	05a	Discourtesy/Verbal													<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	25a	Property/Damaged							<input checked="" type="checkbox"/>								
DOCUMENTATION INFORMATION																		
DEPARTMENT OF JUSTICE INFORMATION					HIGHEST CATEGORY			FORM OF DOCUMENTATION			EMPLOYEE COMPLAINT HISTORY REVIEWED							
<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input checked="" type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/Uninten. Error <input type="checkbox"/> N/A					<input type="checkbox"/> I <input checked="" type="checkbox"/> II			<input checked="" type="checkbox"/> Formal <input type="checkbox"/> Other			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
EMPLOYEE CLOSING ACTION					ADDITIONAL ACTION					FINAL CORRESPONDENCE TO COMPLAINANT								
<input type="checkbox"/> Closing memorandum <input type="checkbox"/> CHP 2 <input type="checkbox"/> Adverse Action pending					<input type="checkbox"/> Frivolous <input type="checkbox"/> Rescinded <input type="checkbox"/> §148.6 P.C.					<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
EMPLOYEE DISCUSSION AND REVIEW																		
DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	I.D. NUMBER														
1.																		
2.																		
3.																		
REMARKS								CONTROL NUMBER										
Amended complaint, adding allegation #3. See attached memorandum.								9 2 0 9 9 0 3 8										
COMMANDER'S SIGNATURE				DATE		DIVISION REVIEWING OFFICER'S SIGNATURE		DATE										

**SAMPLE CLOSING/CORRECTIVE ACTION TO EMPLOYEE
Memorandum of Finding (Page 1) (Revised 11-03.)**

State of California

Business, Transportation and Housing Agency

Memorandum

Date: June 1, 1999

To: Officer John A. Smith, #9135

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

File No.: 920.13819A10570.CC97015MMODIR

On April 10, 1999, you conducted an enforcement stop on a 1998 Ford pick-up for a non-functioning tail light. When you made contact with the driver, Mr. William Stevens, you obtained written permission to search the vehicle. During the search, your baton, which was secured in the Department issued ring holder, struck and scratched the running board and passenger door frame of Mr. Steven's vehicle. On May 3, 1999, Mr. Stevens filed a citizen's complaint against you, claiming that the estimate to repair the damage to his vehicle was \$150,

The investigation, completed by Sergeant King of this command, made the following findings:

1. Category II (Property/Damaged) - Unintentional Error

An inspection of the Ford showed several moderate scratches approximately four inches in length. During your interview regarding this incident, you stated your baton had inadvertently struck the vehicle while you were searching the rear of the cab. You indicated that Mr. Stevens did not appear concerned at the time. There is no evidence, and the complainant did not allege, that the damage to the Ford was intentional.

You are hereby directed to be more cautious concerning your officer safety equipment, and the damage it may unintentionally cause. Your conduct on this occasion was unacceptable and will not be tolerated by this Department. If you engage in similar conduct in the future, the Department may take adverse action against you based on the incident cited in this documentation, as well as future incidents.

In accordance with §3306 G.C., you have 30 calendar days in which submit a written response. Such a response shall be attached to this document and maintained in your personnel file.

**SAMPLE CLOSING/CORRECTIVE ACTION TO EMPLOYEE
Memorandum of Finding (Page 2)**

Memorandum Of Direction
Page 2
June 1, 1999

John, you are hereby directed to be more cautious concerning your officer safety equipment, and the damage it may unintentionally cause. I know you are a hard worker, and I appreciate your efforts on the Department's behalf. I am confident this is an isolated incident, and that nothing of a similar nature will occur in the future. You will sign below to acknowledge receipt.

J.P. SOUZA, Captain
Commander

I acknowledge receipt.

Name	ID	Date
------	----	------

SAMPLE CLOSING/CORRECTIVE ACTION TO EMPLOYEE Censurable CHP 2 (Revised 11-03)

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL INCIDENT REPORT CHP 2 (REV 2-85) OPI 081		REPORT TYPE <input type="checkbox"/> Commendable <input checked="" type="checkbox"/> Censurable	
EMPLOYEE'S NAME SMITH, John A.		I.D. NUMBER 9135	
ASSIGNED COMMAND AND LOCATION CODE Rocky Flat Area		CLASSIFICATION Officer	
INCIDENT DETAILS (Include date, time and location of incident as appropriate)			
<p>On April 10, 1999, you conducted an enforcement stop on a 1987 Ford F-150 pick-up, driven and owned by Mr. William Stevens, for an inoperative tail light. You searched the vehicle and located an unloaded S&W .38 caliber revolver. When you checked the weapon's registration through dispatch, you discovered it was registered to another party. You confiscated the weapon and placed it in evidence at the Area office. At a later date, Mr. Stevens filed a citizen's complaint against you, claiming the vehicle search was illegal and the weapon was not properly registered.</p>			
<p>The investigation, completed by Sergeant King of this command, made the following findings:</p>			
<p>1. Category II (Validity/Search) - Sustained</p> <p>The complainant stated the revolver was located behind the passenger seat in a closed carrying case, and was not visible. The complainant also stated he did not grant permission at any time to search his vehicle. When you were interviewed regarding this incident, you stated that you simply had a "hunch" there was a weapon in the vehicle, which you believe gave justification to search without any consent. You indicated the driver was very cooperative and did not display any aggressive tendencies. Given that there are no articulable facts which provided probable cause to believe a weapon was in the vehicle, any search conducted would not be lawful (unless permission were obtained). Additionally, any evidence found during such a search would likely be inadmissible. Remember the doctrine of "officer safety" does not grant unlimited authority to conduct searches without cause.</p>			
<p>2. Category II (Property/Seizure) - Unintentional Error</p> <p>The S&W revolver you located during the vehicle search is, in fact, registered to the complainant. A review of the dispatch tapes indicated you inadvertently transposed two of the serial number digits when calling in the registration check. This mistake caused the registration to return to another party, and prompted you to confiscate the weapon.</p>			
<p>You are hereby admonished for your actions in this matter. An officer with your experience level should be far more cognizant of statutes and case law regarding vehicle searches and what constitutes probable cause to conduct such searches. In addition, your inattention to detail caused a citizen to be improperly deprived of property as well as a moderate inconvenience to retrieve it.</p>			
<p>John, I know you are a hard worker, and I consider you to be an asset to both this Area and the Department. I am confident that this is an isolated incident, and I am sure nothing of a similar nature will reoccur.</p>			
<p>In accordance with Government Code section 3306, you are hereby advised of your right to file a written response to the above referenced matter within thirty (30) days. Such written comments shall be attached to and shall accompany this document in your personnel file.</p>			
		<input type="checkbox"/> See attached	
EMPLOYEE DISCUSSION AND REVIEW			
EMPLOYEE'S SIGNATURE		DATE	
SUPERVISOR'S SIGNATURE		DATE	
<i>John T. Moran</i>		5/5/99	
I.D. NUMBER		CLASSIFICATION	
13819		Lieutenant	
Use previous editions until depleted			
0002_008.PHP			

**SAMPLE CLOSING/CORRECTIVE ACTION TO EMPLOYEE
Memorandum of Finding (Adverse Action Initiated) (Revised 11-03)**

State of California

Business, Transportation and Housing Agency

Memorandum

Date: June 1, 1999

To: Officer John A. Smith, #9135

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Rocky Flat Area

File No.: 920.13819.A10570.CC97015OffNotAA

Subject: MEMORANDUM OF FINDINGS

On April 10, 1999, you conducted an enforcement stop on a 1987 Ford F-150 pick-up for a non-functioning tail light. When you made contact with the driver, Mr. William Stevens, he informed you he was currently on probation. You subsequently arrested Mr. Stevens for several no bail warrants that were on file. During the actual arrest, you struck Mr. Stevens several times in an attempt to obtain compliance with your orders. On April 13, 1999, Mr. Stevens filed a citizen's complaint against you, claiming you had battered him and used racial epithets.

The investigation, completed by Sergeant King of this command, made the following findings:

1. Category I (Excess/Personal Weapons) - Sustained
2. Category II (Discourtesy/Verbal) - Sustained

Based upon the findings of this investigation, I am initiating adverse action against you. You will, at a later date, be provided a copy of the complete documentation of this investigation.

J. P. SOUZA, Captain

SAMPLE FORM

CHP 240, Complaint Investigation (Page 1)

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL COMPLAINT INVESTIGATION CHP 240 (Rev. 1-95) CPI 081		<input type="checkbox"/> Original <input type="checkbox"/> Amended		CONTROL NUMBER LOCATION CODE YEAR SEQUENTIAL NO.													
ROUTE TO: Bureau of Internal Affairs DATE: _____ Division: _____ Area: _____		DATE RECEIVED: _____ HOW RECEIVED: <input type="checkbox"/> Letter <input type="checkbox"/> In person <input type="checkbox"/> Telephone <input type="checkbox"/> Electronic		COMPLAINT ORIGINATOR: <input type="checkbox"/> Area <input type="checkbox"/> Division <input type="checkbox"/> Governor/Legislator <input type="checkbox"/> S.J.A. <input type="checkbox"/> Commissioner <input type="checkbox"/> Board of Control													
FROM: Bureau of Internal Affairs DATE: _____ Division: _____ Area: _____		S.J.A. CONTROL NUMBER: _____ S.J.A. SUSPENSE DATE: _____		SPECIAL: <input type="checkbox"/> CHP 268 completed <input type="checkbox"/> Off-duty allegations SPECIAL PROJ. CODE: _____													
EMPLOYEE'S NAME (Last, First, Middle Initial)																	
1. _____		LD. NO.		AREA	RANK	SEX											
2. _____		LD. NO.		AREA	RANK	SEX											
3. _____		LD. NO.		AREA	RANK	SEX											
COMPLAINANT(S)																	
NAME (LAST, FIRST, MIDDLE INITIAL)		HOME PHONE		BUSINESS PHONE													
ADDRESS		WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?															
NAME (LAST, FIRST, MIDDLE INITIAL)		HOME PHONE		BUSINESS PHONE													
ADDRESS		WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?															
PERSON RECEIVING COMPLAINT (LAST, FIRST, MIDDLE INITIAL)		LD. NUMBER	RANK	LOCATION CODE													
ASSIGNED INVESTIGATOR (LAST, FIRST, MIDDLE INITIAL)		LD. NUMBER	RANK	LOCATION CODE													
ALLEGATION(S) AND FINDINGS																	
EMPLOYEE	CODE	ALLEGATION(S)			SUSTAINED	UNINTENTIONAL ERROR			UNDETERMINED NO FINDING			DEPARTMENTAL			EXONERATED		
1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
DOCUMENTATION INFORMATION																	
DEPARTMENT OF JUSTICE INFORMATION				HIGHEST CATEGORY		FORM OF DOCUMENTATION		EMPLOYEE COMPLAINT HISTORY REMINDERS									
<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/Unsubst. Error <input type="checkbox"/> N/A				<input type="checkbox"/> I <input type="checkbox"/> II		<input type="checkbox"/> Formal <input type="checkbox"/> Other		<input type="checkbox"/> Yes <input type="checkbox"/> No									
EMPLOYEE CLOSING ACTION				ADDITIONAL ACTION		FBI/CORRESPONDENCE TO COMPLAINT											
<input type="checkbox"/> Closing memorandum <input type="checkbox"/> CHP 2 <input type="checkbox"/> Adverse Action pending				<input type="checkbox"/> Fictitious <input type="checkbox"/> Rescinded <input type="checkbox"/> §146.6 P.C.		<input type="checkbox"/> Yes <input type="checkbox"/> No											
EMPLOYEE DISCUSSION AND REVIEW																	
DATE	EMPLOYEE'S SIGNATURE		SUPERVISOR'S SIGNATURE		RANK	LD. NUMBER											
1. _____	_____		_____		_____	_____											
DATE	EMPLOYEE'S SIGNATURE		SUPERVISOR'S SIGNATURE		RANK	LD. NUMBER											
2. _____	_____		_____		_____	_____											
DATE	EMPLOYEE'S SIGNATURE		SUPERVISOR'S SIGNATURE		RANK	LD. NUMBER											
3. _____	_____		_____		_____	_____											
REMARKS						CONTROL NUMBER											
COMRAIDER'S SIGNATURE		DATE	DIVISION REVIEWING OFFICER'S SIGNATURE		DATE												
_____		_____	_____		_____												
Destroy Previous Editions.																	
CHP_198.3p																	

SAMPLE FORM CHP 240, Complaint Investigation (Page 2)

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION COMPLAINT INVESTIGATION CHP 240 (Rev. 1-99) CPI 081		<input type="checkbox"/> Original <input type="checkbox"/> Amended		CONTROL NUMBER LOCATION CODE YEAR SEQUENTIAL NO.													
ROUTE TO		DATE	DATE COMPLAINT RECEIVED	HOW RECEIVED													
Bureau of Internal Affairs				<input type="checkbox"/> Letter <input type="checkbox"/> In person <input type="checkbox"/> Telephone <input type="checkbox"/> Electronic													
FROM		DATE	COMPLAINT ORIGINATOR	SPECIAL													
Bureau of Internal Affairs			<input type="checkbox"/> Area <input type="checkbox"/> Division <input type="checkbox"/> Governor/Legislator	<input type="checkbox"/> CHP 268 completed													
Division			<input type="checkbox"/> B.I.A. <input type="checkbox"/> Commissioner <input type="checkbox"/> Board of Control	<input type="checkbox"/> Off-duty allegations													
Area			B.I.A. CONTROL NUMBER	B.I.A. SUSPENSE DATE	SPECIAL PROJ. CODE												
EMPLOYEE'S NAME (Last, First, Middle Initial)			I.D. NO.	AREA	RANK	SEX											
AGE			YRS. EMPLOYED														
4.																	
5.																	
6.																	
COMPLAINANT(S)																	
NAME (LAST, FIRST, MIDDLE INITIAL)			HOME PHONE	BUSINESS PHONE													
ADDRESS			WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?														
NAME (LAST, FIRST, MIDDLE INITIAL)			HOME PHONE	BUSINESS PHONE													
ADDRESS			WHEN AND WHERE CAN COMPLAINANT BE CONTACTED?														
PERSON RECEIVING COMPLAINT (LAST, FIRST, MIDDLE INITIAL)			I.D. NUMBER	RANK	LOCATION CODE												
ASSIGNED INVESTIGATOR (LAST, FIRST, MIDDLE INITIAL)			I.D. NUMBER	RANK	LOCATION CODE												
ALLEGATION(S) AND FINDINGS																	
EMPLOYEE	CODE	ALLEGATION(S)	SUSTAINED			UNINTENTIONAL ERROR			UNDETERMINED NO FINDING			DEPARTMENTAL			EXCESSIVE		
			4	5	6	4	5	6	4	5	6	4	5	6	4	5	6
4	5	6															
DOCUMENTATION INFORMATION																	
DEPARTMENT OF JUSTICE INFORMATION			HIGHEST CATEGORY			FORM OF DOCUMENTATION			EMPLOYEE COMPLAINT HISTORY REVIEWED								
<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Non-Criminal			<input type="checkbox"/> Sustained/Unsubst. Error <input type="checkbox"/> N/A			<input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> Formal <input type="checkbox"/> Other			<input type="checkbox"/> Yes <input type="checkbox"/> No								
EMPLOYEE CLOSING ACTION			ADDITIONAL ACTION			PRIL CORRESPONDENCE TO COMPLAINT											
<input type="checkbox"/> Closing memorandum <input type="checkbox"/> CHP 2 <input type="checkbox"/> Advise Action pending			<input type="checkbox"/> Frivolous <input type="checkbox"/> Rescinded <input type="checkbox"/> §148.6 P.C.			<input type="checkbox"/> Yes <input type="checkbox"/> No											
EMPLOYEE DISCUSSION AND REVIEW																	
DATE	EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE	RANK	I.D. NUMBER													
4.																	
5.																	
6.																	
REMARKS					CONTROL NUMBER												
COMMANDER'S SIGNATURE		DATE	DIVISION REVIEWING OFFICER'S SIGNATURE		DATE												

Destroy Previous Editions.

CHP 198.9

SAMPLE FORM CHP 240A, Complaint Control Log

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL		COMPLAINT CONTROL LOG	
EMPLOYEE INFORMATION (Name, I.D. no., Area)	ROUTED TO DIVISION	DIVISION APPROVAL	COMPLAINANT INFORMATION (Name, address, phone number)
1.			
SUSPENSE DATE: _____ DIVISION APPROVAL: _____ DEPARTMENT OF JUSTICE INFORMATION: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/ <input type="checkbox"/> Unfounded <input type="checkbox"/> Error <input type="checkbox"/> N/A COMPLAINT INFORMATION (Name, address, phone number): _____ CONTROL NUMBER: _____ LOCATION CODE: _____ YEAR: _____ SEQUENTIAL NO.: _____ DATE RECEIVED: _____ PERSON ACCEPTING: _____ ASSIGNED INVESTIGATOR: _____			
2.			
SUSPENSE DATE: _____ DIVISION APPROVAL: _____ DEPARTMENT OF JUSTICE INFORMATION: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/ <input type="checkbox"/> Unfounded <input type="checkbox"/> Error <input type="checkbox"/> N/A COMPLAINT INFORMATION (Name, address, phone number): _____ CONTROL NUMBER: _____ LOCATION CODE: _____ YEAR: _____ SEQUENTIAL NO.: _____ DATE RECEIVED: _____ PERSON ACCEPTING: _____ ASSIGNED INVESTIGATOR: _____			
3.			
SUSPENSE DATE: _____ DIVISION APPROVAL: _____ DEPARTMENT OF JUSTICE INFORMATION: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/ <input type="checkbox"/> Unfounded <input type="checkbox"/> Error <input type="checkbox"/> N/A COMPLAINT INFORMATION (Name, address, phone number): _____ CONTROL NUMBER: _____ LOCATION CODE: _____ YEAR: _____ SEQUENTIAL NO.: _____ DATE RECEIVED: _____ PERSON ACCEPTING: _____ ASSIGNED INVESTIGATOR: _____			
1.			
SUSPENSE DATE: _____ DIVISION APPROVAL: _____ DEPARTMENT OF JUSTICE INFORMATION: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/ <input type="checkbox"/> Unfounded <input type="checkbox"/> Error <input type="checkbox"/> N/A COMPLAINT INFORMATION (Name, address, phone number): _____ CONTROL NUMBER: _____ LOCATION CODE: _____ YEAR: _____ SEQUENTIAL NO.: _____ DATE RECEIVED: _____ PERSON ACCEPTING: _____ ASSIGNED INVESTIGATOR: _____			
2.			
SUSPENSE DATE: _____ DIVISION APPROVAL: _____ DEPARTMENT OF JUSTICE INFORMATION: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/ <input type="checkbox"/> Unfounded <input type="checkbox"/> Error <input type="checkbox"/> N/A COMPLAINT INFORMATION (Name, address, phone number): _____ CONTROL NUMBER: _____ LOCATION CODE: _____ YEAR: _____ SEQUENTIAL NO.: _____ DATE RECEIVED: _____ PERSON ACCEPTING: _____ ASSIGNED INVESTIGATOR: _____			
3.			
SUSPENSE DATE: _____ DIVISION APPROVAL: _____ DEPARTMENT OF JUSTICE INFORMATION: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Non-Criminal <input type="checkbox"/> Sustained/ <input type="checkbox"/> Unfounded <input type="checkbox"/> Error <input type="checkbox"/> N/A COMPLAINT INFORMATION (Name, address, phone number): _____ CONTROL NUMBER: _____ LOCATION CODE: _____ YEAR: _____ SEQUENTIAL NO.: _____ DATE RECEIVED: _____ PERSON ACCEPTING: _____ ASSIGNED INVESTIGATOR: _____			

SAMPLE FORM CHP 240B, Citizens' Complaint Information (Front)

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL CITIZENS' COMPLAINT INFORMATION CHP 240B (REV. 1-99) OPI 081		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 2px;">CHP USE ONLY</td> </tr> <tr> <td style="padding: 2px;">COMPLAINT NUMBER</td> </tr> </table>	CHP USE ONLY	COMPLAINT NUMBER
CHP USE ONLY				
COMPLAINT NUMBER				
PERSON FILING COMPLAINT (LAST, FIRST, M.I.)		AREA ADDRESS STAMP		
<i>Check the appropriate box to indicate how/where you wish to be contacted by an Investigator.</i>		LOCATION OF OCCURRENCE DAY, DATE, AND TIME OF OCCURRENCE		
<input type="checkbox"/> MAILING ADDRESS (STREET, APARTMENT NUMBER)				
CITY, STATE, ZIP CODE				
<input type="checkbox"/> HOME PHONE NUMBER (INCLUDE AREA CODE)				
<input type="checkbox"/> WORK PHONE NUMBER (INCLUDE AREA CODE)		ARREST/ACCIDENT REPORT OR CITATION NUMBER (IF KNOWN)		
DATE OF BIRTH	DRIVER'S LICENSE NUMBER			

IMPORTANT! READ AND SIGN THE FOLLOWING INFORMATION

If you have not already filed a complaint, the reverse side of this form may be used to initiate the process. In addition, you may telephone or contact a local office of the CHP or contact the Bureau of Internal Affairs, at 2555 First Avenue, P.O. Box 942898, Sacramento, CA 94298, (916) 657-7241.

The California Highway Patrol (CHP) has a well-defined procedure for investigating citizens' complaints. Once a complaint is received, it is the responsibility of the involved employee's Commander to ensure a thorough investigation is conducted. Although complaints cannot always be resolved to a citizen's satisfaction, all investigations are conducted objectively, with a goal of maintaining public confidence and departmental integrity. After completion of the investigation, complaints are directed through the chain of command for an impartial review. After final approval, the citizen is provided with a closing written response.

The citizens' complaint process is designed to investigate the allegations of citizens and to make a determination of fact as to any wrongdoing. In cases where a false complaint is maliciously filed against a peace officer, that officer is entitled to file a civil action in accordance with Civil Code Section 47.5. Therefore, it is important all allegations presented in a complaint to the Department be based on factual information.

Penal Code Section 148.6 requires that all law enforcement agencies accepting an allegation of misconduct against a peace officer shall require the complainant to read and sign the following information advisory:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I HAVE READ AND UNDERSTAND THE ABOVE STATEMENT.

 Complainant's Signature

 Date

Destroy Previous Editions. c240B198.jp

SAMPLE FORM CHP 240C, Witness List

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL WITNESS LIST CHP 240C (1-94) OPI 081		CONTROL NUMBER
WITNESS(ES)		
1	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
2	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
3	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
4	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
5	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
6	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
7	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
8	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
9	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
10	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
11	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
12	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
13	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE
14	NAME	BUSINESS PHONE
	ADDRESS	HOME PHONE

SAMPLE FORM
Authorization to Release Medical Information

State of California
Business Transportation and Housing Agency
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Date: _____

To: _____

Subject: AUTHORIZATION TO RELEASE MEDICAL INFORMATION

This is to authorize you, as well as any physician, other licensed practitioner, hospital, clinic, other institution, or the United States Veteran's Administration to release all medical records, findings, and conclusions relative to medical treatment I received on (** INSERT DATES OF MEDICAL TREATMENT **) to the California Highway Patrol or any law enforcement agency designated by the California Highway Patrol.

Upon presentation of this release or copy of it, I hereby direct and authorize you to fully and completely disclose and release such information and to release copies and abstracts to any officer or authorized representative of the California Highway Patrol or other law enforcement agency designated by the California Highway Patrol.

This authorization, or copy of it, when presented through the United States mail in conjunction with an official request or in person by an officer or authorized representative of the California Highway Patrol or other designated law enforcement agency, is valid for one calendar year (365 days) from the date indicated below. This release is executed with full knowledge and understanding that the information is for the official use of the California Highway Patrol.

I hereby release all persons, organizations, corporations, or entities from any and all charges and liability for damages of whatever kind, which may at any time result to me, my heirs, or associates because of compliance with this authorization and request to release information, or any attempt to comply with it.

Printed Name: _____ Signature _____

Other Names Used (Maiden Name, Nicknames, etc.) _____

Date: _____ Address: _____

Social Security Number: _____

(In accordance with the Federal Privacy Act, disclosure is voluntary. The SSAN will be used to ensure proper records are obtained.)

SAMPLE ANNUAL REPORT

State of California

Business, Transportation and Housing Agency

Memorandum

Date: January 10, 2000

To: Bureau of Internal Affairs

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Rocky Flat Area

File No.: 920.13819.A10570.AnnRep

Subject: ANNUAL REPORT OF 1999 CITIZENS' COMPLAINTS

Per HPM 10.4, included below are the required annual reporting statistics from the Rocky Flat Area for 1999 citizens' complaints. The data is valid as of the date of this memorandum. If you have any questions, please do not hesitate to contact me at (102) 345-6789.

- | | |
|---|----|
| 1) Total # of formal Category I complaints investigated: | 8 |
| 2) Total # of formal Category II complaints investigated: | 14 |
| 3) Total # of Other complaints investigated: | 7 |
| 4) Overall total # of citizens' complaints investigated: | 29 |
| 5) Total # of citizens' complaint investigations still pending completion/approval: | 3 |

NOTE: Remaining items apply solely to Category I & II, and 'Other' complaints (except Frivolous and Rescinded) against uniformed employees. Does not include complaints which are not yet completed or approved.

- | | |
|--|----|
| 6) Total # complaints in which the most serious allegation is of felony misconduct: | 4 |
| 7) Total # from item 6 in which the allegation was Sustained or Unintentional Error: | 0 |
| 8) Total # complaints in which the most serious allegation is of misdemeanor misconduct: | 10 |
| 9) Total # from item 8 in which the allegation was Sustained or Unintentional Error: | 1 |
| 10) Total # complaints in which the most serious allegation is of non-criminal misconduct: | 12 |
| 11) Total # from item 10 in which the allegation was Sustained or Unintentional Error: | 5 |

J. P. SOUZA, Captain

cc: Mid State Division

SAMPLE RELEASE OF INVESTIGATION FILE

State of California

Business, Transportation and Housing Agency

Memorandum

Date: May 5, 1999

To: Officer John E. Smith, #25000

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Rocky Flat Area

File No.: 920.13819.A10570.007

Subject: CITIZENS' COMPLAINT 920-99-012

Pursuant to your written request, you are being provided a copy of citizens' complaint investigation 920-99-002. In accordance with California Penal Code §832.7, the Department considers these documents to be confidential. Release of all or any portion of the complaint file to any person or entity, other than your attorney or personal representative, will be considered a waiver of confidentiality of the documents. The file could then be considered a public record.

In the event you intend to use these documents or the information contained therein for civil litigation purposes, you must file a discovery motion with the court prior to release pursuant to California Evidence Code §1043, and the court must order the documents released to maintain the confidentiality of the documents. Should a formal discovery process not be available to you (e.g. small claims court), you are required to complete and submit through an oral motion with the court a protective order which is intended to protect the confidentiality of the complaint file. A sample protective order is contained in HPM 10.4, *Citizens' Complaint Investigations*. In addition, there are other restrictions pertaining to the filing of civil claims under Civil Code §47.5, which are outlined in Chapter 10 of HPM 10.4.

Prior to any disclosure, it is recommended that you discuss the ramifications of such disclosure with your attorney or personal representative. In addition, portions of the investigation file may have been redacted to protect the confidentiality of other employees. Any exhibits removed have been so marked. This memorandum will be placed in your personnel folder and a copy attached to and retained with the citizens' complaint file.

J. P. SOUZA, Captain

cc: Midstate Division
Legal Coordination Unit

ACKNOWLEDGEMENT: I have read and understand the provisions of this memorandum. I have received a copy of this memorandum and of the complaint file requested.

Name

ID

Date

SAMPLE PROTECTIVE ORDER

1 MUNICIPAL COURT, STATE OF CALIFORNIA
2 COUNTY OF _____
3)
4 _____)
5 Plaintiff,) CASE NO. _____
6 vs.)
7 _____) PROTECTIVE ORDER
8 Defendant)
9)
10)
11 The motion of Officer _____ for disclosure of
12 confidential personnel records for use in this proceeding having been heard by the
13 Court, the files and/or records presented by Officer _____
14 having previously been reviewed in camera; and the court having ruled on the motion,
15 IT IS HEREBY ORDERED, pursuant to Evidence Code Section 1045(e), that all
16 parties to this case safeguard and keep confidential the information ordered disclosed
17 pursuant to order of the court. The court issues this protective order which justice
18 requires to protect Officer _____ and the California
19 Highway Patrol from unnecessary annoyance, embarrassment or oppression.
20 The information may be disclosed only in conjunction with this proceeding
21 pursuant to applicable law. If there is a compelling need to disclose any information
22 provided to any individual associated with the preparation or litigation of the present
23 case, the individual should be advised of the protective order and agreement obtained
24 from that individual to be bound by this order prior to disclosure of the information.
25 The records or information shall be returned to Officer _____ at
26 the conclusion of the present case.
27
28

