

1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Compliance Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- a. Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- b. Unless waived by the member, interviews of an accused member shall be at the Weed Police Department or other reasonable and appropriate place.
- c. No more than two interviewers should ask questions of an accused member.
- d. Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- e. All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- f. No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- g. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- h. The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- i. All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- j. All members shall provide complete and truthful responses to questions posed during interviews.
- k. No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).



Weed Police Department

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CITIZEN'S COMPLAINT FORM

Incident Date:	Incident Time:	Location of Incident:
Allegations (list):		

You have the right to make a complaint against a police officer for any improper police conduct. California law requires this agency 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 related 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 (148.6 PC).

I have read and understood the above statement. I understand that I am making a formal complaint, that an investigator will be assigned and that I will be contacted and interviewed. I agree to cooperate fully with the investigation. I understand that if I do not return this form as instructed this complaint will be closed.

I hereby certify under penalty of perjury that, to the best of my knowledge, the statements herein are true.

Signature of Complainant

Date

Name:	Phone Number(s):		
Address:	City:	State:	Zip:

Witnesses & Other People Involved:

Name:	Phone Number(s):		
Address:	City:	State:	Zip:

Name:	Phone Number(s):		
Address:	City:	State:	Zip:

Note: Complaint must be filed within thirty (30) days of the incident.

Describe incident in detail on the attached sheet:

CITIZENS'S COMPLAINT STATEMENT

Signature of Complainant

Date

TO BE COMPLETED BY CHIEF'S OFFICE

Assigned To:	By:	Date:	Date Due:
1) Revised By:	Date:	2) Revised By:	Date: