
Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Monterey Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Monterey Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.3.1 DEFINITIONS

Allegation: An unproven accusation that a member of the Police Department violated Department or City policy, procedures, rules, regulations or the law.

Misconduct: Misconduct, for the purposes of the Monterey Police Department complaint classification process, is an act or omission by a Department member that is a violation of Department or City policy, procedure, rules, regulations or the law, which if proven true may result in disciplinary action.

Complaint: A complaint is an expression of dissatisfaction that either contains an allegation which, if true, demonstrates misconduct that is later classified as a Conduct Complaint, or contains an allegation regarding a City/Department policy that the citizen believes to be inappropriate or not valid, that is later classified as a Policy Complaint.

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

Discrimination or Harassment: Discrimination or harassment by Department members toward members of the public shall be characterized as an allegation of Biased Based Policing (BPP). The definitions of Discrimination and Harassment apply to workplace interactions between city employees and to Department Initiated Investigations that arise from allegations of workplace discrimination and harassment. The procedures for reporting and investigating allegations of workplace Discrimination and Harassment are found in the Monterey City Code.

1010.3.2 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Conduct Complaint: The initial investigation determines that the facts stated in the allegation are such that, if sustained, would amount to a significant violation of the law or of the Department policies, procedures, rules, or regulations, i.e., one that could result in disciplinary action. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to an outside investigator.

Policy Complaint: When there is an allegation regarding a current Department/City policy that was properly implemented by a Department member, but which the complainant believes is inappropriate or not valid, the Department will use the classification of Policy Complaint.

Non-Misconduct Concern: If a person alleges or raises an issue that does not rise to the level of violation of Department/City policy, procedure, rules, regulations or the law, the Department will classify the concern as a Non-misconduct Concern.

Decline to Investigate Concern: When a member of the public makes an allegation against a Department member and the allegation encompasses fact patterns that are clearly implausible or incredible, the Department will classify the allegation as a Decline to Investigate Concern.

Department Initiated Investigation: Investigations initiated by the Office of the Chief of Police.

Other: Duplicate complaints (cross referenced), errors in data entry and cases not involving department members.

1010.3.3 CONDUCT ALLEGATIONS

Complaints that are categorized as *Conduct Complaints* shall be categorized into the following:

Procedure (P): An allegation that an action taken by a Department member did not follow appropriate Department and/or City policies, procedures or guidelines.

Search or Seizure (SS): An allegation that a search or seizure was conducted by a Department member in violation of the 4th Amendment.

Arrest or Detention (AD): An allegation that an arrest lacked probable cause or a detention lacked reasonable suspicion.

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

Bias-Based Policing (BBP): An allegation that a Department member engaged in conduct based on a person's race, color religion (religious creed), age marital status, national origin, ancestry, sex, sexual orientation, actual or perceived gender identity, medical condition, or disability.

Courtesy (C): An allegation that a Department member was discourteous or unprofessional to a member of the public.

Conduct Unbecoming an Officer (CUBO): An allegation that a member's conduct, either on or off duty, was conduct that a reasonable person would find unbecoming a police officer or could reflect adversely on the Department.

Force (F): An allegation that the amount of force used by a Department member was not objectively reasonable as defined by MPD Policies and Procedures.

Neglect of Duty (ND): An allegation that a Department member neglected their duties and failed to take action as required by Department and/or City policies or procedures and/or state or federal law.

Workplace Discrimination (WD): As defined by Monterey City Code and MPD Policy.

Workplace Harassment (WH): As defined by Monterey City Code and MPD Policy.

1010.3.4 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Personnel complaint forms (Public Complaint or Commendation form) will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

[See attachment: Public Compl-Commen Form 12-12-17.pdf](#)

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

[See attachment: Personnel Report Intake 12-2017.pdf](#)

1010.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1010.5 DOCUMENTATION

Supervisors shall ensure that all complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. Any time a complaint is made, the Administration Division Commander shall be notified by the end of the business day. This is to keep the Commander informed and to ensure work is not duplicated if the complainant contacts more than one person.

The Administration Division Commander will document all complaints and inquiries in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. The Administration Division Commander shall submit a report to the Chief with a summary of the complaint log information.

The Personnel Complaints report will be compiled by the 15th of each month for the prior month. In January a report will be compiled to include the prior calendar year (January 1 to December 31). The monthly and annual reports shall be submitted to the Chief of Police.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Division Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - (a) Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Division Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Division Commander and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Watch Commander and the Department of Human Resources for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination. The Watch Commander will promptly notify the chain of command to the Chief of Police.
- (f) Forwarding unresolved personnel complaints to the Division Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor, a member of the Internal Affairs Unit, or an outside investigator, 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 Monterey 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.

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

- (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).

1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Executive Summary - The summarized outline of the complaint, the employee(s) actions, any relevant statement summaries, and the investigators findings.

Background and Methodology - The origination of the complaint, the allegations, the scope of the investigation, the methodology used, as well as the witness list.

List of: Evidence/Exhibits/Supporting Documents - This is an outline of any evidence located: i.e., BWC/MAV audio/video, recorded statements and exhibits attached to the report (such as police reports) as well as potential rule/policy violation definitions.

Investigation - A listing of the possible violations involved in the investigation. A detailed chronology of the investigation, including the initial assignment of the investigator, review of reports and evidence, complaints, and interviews.

Findings - The findings made by the investigator, separated for each involved employee. The investigator supports the findings with the supporting facts obtained during the investigation.

Witness Statements - Witness summaries (or transcripts) of the interviews conducted.

Exhibits - Crime reports, photographs, CAD, Intake and/or Citizen Complaint forms, IA forms, maps, CD's, recordings, etc.

1010.6.4 FINDINGS

Each personnel complaint shall be classified with one of the following findings:

Unfounded (U) - The investigation conclusively proved either that the act or acts complained of did not occur, or that the Department member named in the allegation was not involved in the act or acts, which may have occurred. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

On Bias Based Policing allegations, when an officer's actions are shown to be based on reasonable and articulable facts consistent with department policy, procedures and the law and no bias is indicated, a finding of Unfounded shall be made.

Exonerated (E) - The act or acts, which provided the basis for the allegation or complaint, occurred, however, the investigation revealed they were justified, lawful and proper. The finding of Exonerated will not relieve Department supervisors or commanders from the responsibility for counseling or training subordinate personnel.

Not sustained (NS) - The investigation failed to disclose sufficient evidence to prove clearly or disprove the allegation made in the complaint. The finding of Not Sustained will not relieve Department supervisors or commanders from the responsibility for Counseling or Training subordinate personnel.

Sustained (S) - The investigation disclosed sufficient evidence to prove clearly the allegation made in the complaint. The finding of Sustained may result in disciplinary action ranging from Counseling or training up to and including dismissal from the Department.

No Finding (NF) - The complainant failed to disclose promised information needed to further the investigation, or the complainant is no longer available for clarification of material issues, or the subject Department member is no longer employed by the Department before the completion of the investigation or the Chief of Police determines the allegation falls into one of the following categories; *Policy Complaint, Non-misconduct Concern, Decline to Investigate Concern* or *Other*.

Complaint Withdrawn (CW) - The complainant affirmatively indicates the desire to withdraw their complaint. Complaint Withdrawn cases are tracked and monitored for the purpose of identifying trends and patterns as well as for identifying training, policy or procedure changes. The final authority as to whether a case is closed out as a "CW" shall rest with the Chief of Police or their designee, regardless of the member of the public's decision to withdraw the complaint.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

The assigned investigator or supervisor shall ensure that within 30 days of the final disposition of the complaint, the complainant is provided written notification of the disposition (Penal Code § 832.7(e)).

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1010.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Monterey Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1010.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1010.10.3 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(e)).

1010.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(e)).

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

Refer to Monterey City Code Article 14 - *Disciplinary Procedure* for specific details relating to Discipline.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

Refer to Monterey City Code Article 14 - *Disciplinary Procedure* for specific details relating to Discipline.

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

Monterey Police Department

Monterey PD Policy Manual

Personnel Complaints

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Attachments

Public Compl-Commen Form 12-12-17.pdf

ALLEGATION/COMMENDATION: (continued)

(Continue on additional pages if necessary)

I affirm that the information provided on this form is true and complete:

Signature

Date

If you are mailing this form, please address it to:

Monterey Police Department
ATTENTION: Administration Division Lieutenant
351 Madison Street
Monterey, CA 93940

Personnel Report Intake 12-2017.pdf

MONTEREY POLICE DEPARTMENT PERSONNEL COMPLAINT INTAKE

Date / Time of Occurrence		Date / Time Reported to Department:		PR# (Assigned by Administration Div. Lieutenant)	
Location of Occurrence					
COMPLAINANT					
Name (Last, First, M.I.)			Address (Physical)		
Gender / Ethnicity	Date of Birth		Daytime Phone	Evening Phone	Best Time to Call
WITNESSES					
#1 Name (Last, First, M.I.)			Address		
Gender / Ethnicity	Date of Birth		Daytime Phone	Evening Phone	Best Time to Call
#2 Name (Last, First, M.I.)			Address		
Gender / Ethnicity	Date of Birth		Daytime Phone	Evening Phone	Best Time to Call
ACCUSED EMPLOYEE					
Name (Last, First, M.I.)			Physical Description (only if identity is unknown)		
			Gender / Ethnicity	Height / Weight	Other
<p>Summary of Incident and Allegations: Provide a <i>concise</i> summary of the incident including the events that led to the contact between the complainant and the accused employee(s). Ask the complainant if they believe the Department member engaged in specific conduct based on race, ethnicity, nationality, gender, age, religion, gender identity or expression, sexual orientation, mental disability, or physical disability? (If yes, please explain) Identify additional witnesses and or other involved employees. Identify evidence obtained and disposition. Attach copies of related reports or other documentation.</p>					
(Use additional pages if needed)					
REPORTING INTAKE SUPERVISOR					
Name (Typed or printed)		Signature		Date	

INVESTIGATION -- Use additional pages if needed.

INTAKE SUPERVISOR	Name (Typed or printed)	Signature	Date
LIEUTENANT	Name (Typed or printed)	Signature	Date
ASSISTANT CHIEF	Name (Typed or printed)	Signature	Date
CHIEF OF POLICE	Name (Typed or printed)	Signature	Date
ACTION TAKEN:	<input type="checkbox"/> To Lieutenant for Findings <input type="checkbox"/> Assign for Further Investigation <input type="checkbox"/> Policy Complaint (No Finding) <input type="checkbox"/> Non-Misconduct Concern (No Finding) <input type="checkbox"/> Decline to Investigate Concern (No Finding) <input type="checkbox"/> Other (No Finding)		