

**BUENA PARK POLICE DEPARTMENT
PERSONNEL COMPLAINT – REPORTING PROCEDURE**

**FRANK E. NUNES, CHIEF OF POLICE
6640 BEACH BOULEVARD, BUENA PARK, CA 90621**

A relationship of trust and confidence between members of the Buena Park Police Department and the community they service is essential to effective law enforcement. Law Enforcement Officers must be free to exercise their best judgment and to initiate law enforcement action in a reasonable, lawful, and impartial manner. In this regard, enforcers of the law have a special obligation to respect the rights of all persons when conducting such enforcement actions.

The Buena Park Police Department acknowledges its responsibility to establish a system of complaint and disciplinary procedure, which not only subjects department personnel to corrective action when they conduct themselves improperly, but also will protect them from unwarranted criticism when they discharge their duties properly. It is the purpose of these procedures to provide a prompt, just, open, and expeditious resolution of complaints regarding conduct of department personnel.

The Buena Park Police Department, in compliance with Section 832.5 of the California Penal Code, welcomes constructive criticism of the Department and valid complaints against department personnel or procedures.

WHO CAN FILE A COMPLAINT?

Anyone can complete the Buena Park Police Department 'Personnel Complaint' form if they were directly involved in, or witnessed first-person, an incident from which a complaint arises. In the case of a juvenile complainant it is desirable, but not necessary, that the parent(s) be present. It is the Buena Park Police Department's policy to notify the parent(s) if the complainant is a juvenile.

HOW TO FILE A COMPLAINT

A complaint may be filed by completing a Buena Park Police Department 'Personnel Complaint' form. These forms can be obtained at the Buena Park Police Department and can be found on the Department's website (www.bppd.com). In some instances, complaints can be taken over the telephone or sent via the mail. Complainants are requested to provide as much information as possible about the incident as well as the names of all witnesses or parties involved. The complainant must sign the statement. It might be necessary that the complainant be available to the person whom the Chief of Police assigns to investigate the complaint, which might include a one-on-one personal recorded interview.

INVESTIGATION OF THE COMPLAINT

Based on the information received in the complaint, the Chief of Police will assign an appropriate person to investigate it. The Buena Park Police Department's objective is to complete a thorough and impartial investigation disclosing the truth of the matter. Every effort will be expended to satisfactorily conclude the investigation. When necessary, this may include referring the complaint to an outside investigative agency, such as the District Attorney's Office.

CONCERNS OF THE COMPLAINANT

No adverse action will be taken against any complaining party if he/she is being truthful. Making a false complaint report may constitute a crime if the allegation(s) in the complaint allege criminal conduct on the part of department personnel. Where false allegations are deemed defamatory against an employee's character or reputation, the employee can pursue civil recourse.

THE FINAL DECISION

After reviewing all the facts of the complaint and the subsequent investigation, the Chief of Police will make the final decision on the validity of the complaint and the discipline to be administered. The person making the complaint and the department personnel involved in the incident will be notified in writing of the results of the investigation. The law does not allow the Chief of Police to reveal what discipline was administered to department personnel. If the complaint is sustained, the discipline can range from verbal reprimand to dismissal. If the conduct of the involved department personnel was criminal in nature, the matter would be referred to the District Attorney's Office.

DISSATISFACTION WITH RESULTS

If the complainant believes that the complaint has not been thoroughly investigated and that justice has not been served, the complainant has several recourses. The complainant may contact a member of the Buena Park City Council, the City Manager or, in some cases, the District Attorney's Office. The complainant may also seek legal advice from an attorney.