

SECTION - SECURITY
ADMINISTRATIVE DIRECTIVE NO. 803

Effective Date: October 5, 2006

SUBJECT: COMPLAINTS AGAINST DMH STATE HOSPITAL PEACE OFFICERS

I. PURPOSE

To ensure that complaints filed against state hospital peace officers are appropriately reviewed, properly investigated, and brought to a conclusion. Every person has the right to make a complaint against a state hospital peace officer for any improper conduct. A citizens' complaint is considered any complaint initiated by a member of the public, including patients and staff, but does not include internal complaints filed by staff within the hospital police departments and investigation offices, or conduct that is not considered part of the officer's official duties, i.e., sexual harassment, discrimination, etc.

II. AUTHORITY

California Penal Code sections 832.5, 832.7 and the California Department of Mental Health (DMH) Special Order 719.03.

III. POLICY

All complaints against Coalinga State Hospital (CSH) Peace Officers will be handled in accordance with California Penal Code sections 832.5, 832.7 as well as in compliance with California Department of Mental Health (DMH) Special Order 719.03.

IV. METHOD

CSH has created policy and procedures to comply with the provisions of Special Order 719.03 that include, but are not limited to the following:

1. CSH Police Services shall accept a citizen's complaint regarding a peace officer's on-duty conduct. An Advisement Notice (see attachment) form will be signed by the complainant, along with a written statement from the complainant. Both the Advisement Notice and the complainant's written statement shall be incorporated into one form.
2. CSH Police Services policies and procedures to investigate Citizens' complaints against peace officers will comply with Sections 832.5 and 832.7 of the Penal Code, and Special Order No: 71 9.03
 - a. The complainant should be asked to read and sign the Advisement Notice (see attachment "A"). The complaint shall still be addressed if the

complainant refuses to sign the Advisement Notice, and the refusal to sign should be noted on the Advisement Notice.

- b. A written description of the investigative procedure will be given to the complainant, if requested.
- c. The complainant shall be given a copy of his or her own statement at the time the complaint is filed. A complainant's refusal to make a written complaint does not invalidate the complaint.
- d. A written notification shall be provided to the complaining party of the disposition of the complaint within 30 days after the disposition. The disposition of complaints generally follows four findings: Unfounded, Sustained, Not Sustained or Exonerated.



W. T. VOSS
Executive Director

Attachment "A" – Advisement Notice

Cross Reference(s):

DMH Special Order 719.03 – Complaints Against DMH State Hospital Peace Officers

COMPLAINT AGAINST A PEACE OFFICER

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 THE 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.

I have read and understand the above statement.

Complainant: _____

Date: _____