

MILL VALLEY POLICE DEPARTMENT

J. Angel Bernal
Chief of Police
www.cityofmillvalley.org



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To the Citizens of Mill Valley:

The Mill Valley Police Department encourages and fosters respect, confidence and support of the community in order to effectively discharge its duties and responsibilities. In providing these services, police officers must exercise their best judgement and initiate action in a responsible, lawful and impartial manner. The Police Department must carry out its duties and seek out, accept and carefully consider any and all expressions of concerns by the citizens who come in contact with the Department personnel. The Mill Valley Police Department has a duty to provide a system for receiving, evaluating and investigating complaints, and to take corrective measures when appropriate.

Complaints against Department personnel will be handled in a prompt and unbiased manner. It is the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation. Upon completion of a thorough investigation, the complainant will be notified of the findings in writing. All completed investigations are sent to the Chief of Police who reviews the complaint and makes a final decision.

If after being notified of the results of the investigation, you are not satisfied, the matter may be appealed to the City Manager. You also have a right to make a complaint with the Marin County District Attorney's Office, the Federal Bureau of Investigation (FBI) or the Marin County Human Rights Commission.

Most citizens have a number of questions concerning the filing of a Citizen Compliant. Some of the most commonly asked questions regarding these procedures are addressed in the Question and Answer Section. Please contact the Mill Valley Police Department's business office if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Angel Bernal". The signature is stylized and fluid, written over the word "Sincerely,".

J. Angel Bernal
Chief of Police

Questions and Answers about Citizen Complaints

Who can make a complaint?

Anyone who is concerned with the conduct of an employee, policy or procedure of the Police Department. Minors under 18 years may file a complaint but will require a parent or legal guardian to sign the Citizen Complaint Form.

Do I have to complain in person?

No, a complaint can be filed orally, either in person or by phone. Such complaints will be directed to the shift supervisor. If the supervisor is not immediately available to take an oral complaint, the receiving member of the Department shall obtain contact information from the complainant. Written complaints are preferred and we encourage you to utilize the Citizen Complaint form so that we may conduct as professional an investigation as possible.

What if I am not satisfied with the shift supervisor?

If, after talking with the shift supervisor, you still feel you have a valid complaint and some action should be taken by the Department, the shift supervisor will notify the Division Commander who will then direct an investigation into your complaint and advise the findings to the Chief of Police.

Who will investigate my complaint?

Generally, your complaint will be investigated by the accused person's immediate supervisor. Under special circumstances, it may be assigned to a special investigator.

Will I find out the results of the investigation and what action is taken against the officer/employee?

You will find out the disposition of the complaint (sustained, not sustained, exonerated, or unfounded). The action taken against the officer/employee is confidential and may not be disclosed.

What happens if the officer/employee is found a fault?

That depends on the nature of the incident. Sometimes, additional training is needed on the proper procedure to follow. Other incidents might require disciplinary action, reprimand, suspension, and in very serious cases, termination. If a crime has been alleged, the District Attorney's Office will determine if criminal charges will be filed and if the officer/employee will be prosecuted.

Will a citizen complaint investigation affect any other proceedings?

Traffic citations or arrest charges will not be dismissed because of a personnel complaint investigation, unless the investigation conclusively proves there was no basis for the citation or arrest.

Can I talk to the Chief of Police?

The Chief of Police is available to discuss issues of concern with citizens. In the event a citizen initiates a complaint, the Chief must refer citizen contact to command staff in order to maintain a neutral perspective during the complaint process. At the conclusion of a complaint investigation, the Chief will be available if necessary.

Do I have any guarantee that I will be satisfied?

We cannot guarantee you will be satisfied with the finding. We do, however, guarantee that your inquiry will be investigated thoroughly.

Do I have to be a legal resident or citizen of the United States to file a complaint?

No, you do not have to be a legal resident or citizen of the United States to file a complaint.

Personnel Complaints

1019.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Mill Valley 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.

1019.2 POLICY

The Mill Valley 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.

1019.3 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.

1019.3.1 COMPLAINT CLASSIFICATIONS

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

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Bureau, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Bureau, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

CITIZEN'S COMPLAINT

NAME _____ AGE _____

Street & Number _____ City _____

Residence Phone _____ Business Phone _____

Best Time to Contact _____

Nature of Complaint _____

Date of Occurrence _____ Day of Week _____ Time _____

Location of Incident(s) _____

Police Employee(s) Subject to Complaint: _____

Details of Incident: _____

I affirm that the statements contained herein are, to the best of my knowledge, factual and accurate. I affirm that I have read the following statement.

You have the right to make a complaint against a police officer for any improper police misconduct. California law requires this agency to have a procedure to investigate citizen's complaints. You have a right to a written description of this procedure. This agency may find that 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 a 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 understood the above statement.

Signature of: Complainant _____ Date _____
Signature of Parent Guardian (if you are under 18 years of age.)

Person Receiving Complaint _____ Date _____

Review by Chief of Police _____ Date _____

Assigned to: _____ Complaint No.: _____ Date _____

