

## **GILROY POLICE DEPARTMENT PROCEDURE FOR INVESTIGATING COMPLAINTS**

Section 832.5 of the Penal Code specifies that: "Each Sheriff's Department and each Police Department in this state shall establish a procedure to investigate citizen complaints against the personnel of such department, and shall make a written description of the procedure available to the public." The attached form has been designed to thoroughly comply with this procedure.

Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone. A written report is preferred in lieu of verbal reports, whenever possible, to ensure the reporting person is not misunderstood as to the nature of the complaint.

This report may be hand delivered, mailed or e—mailed to the following address:

Gilroy Police Department  
Administration Department  
7301 Hanna Street  
Gilroy CA 95020  
complaintscompliments@cityofgilroy.org

*The following is our investigative procedure:*

1. When the complaint form is received by the Gilroy Police Department, it is delivered to the Field Operations Captain. After review and consult with other command staff personnel, it will be assigned to an investigator.
2. The investigator will contact the complainant within ten (10) working days to schedule an interview to clarify the contents of the complaint, to let the complainant know who the assigned investigator is, and the status of the investigations at that time.
3. The investigator will document the investigation and return a finding of sustained, not sustained, unfounded, exonerated, or misconduct not based on the complaint to the assigning Captain via chain for command who will forward the report to the Chief of Police with appropriate recommendations.
4. Upon receipt by the Chief of Police, the reporting party receiving the findings may be directed to the appropriate Captain.

Any questions which may arise prior to the reporting party receiving the findings may be directed to the assigning Captain.

Respectfully,

Pedro Espinoza  
Chief of Police



**GILROY POLICE DEPARTMENT**  
**7301 HANNA STREET GILROY CA 95020 408-846-0300**

**COMPLAINT FORM**

**YOUR CONTACT INFORMATION**

Name:

Age:

E-mail:

Home Address:

Home Phone:

Cell Phone:

Business Phone:

Preferred Method of Investigator Contact:

At Home:

Cell:

Work:

**DETAILS ABOUT THE INCIDENT**

Date(s) of Incident:

Approximate Time:

AM  PM

Case/Incident No:

Location of Incident:

Involved Employee(s):

Badge Number(s):

Involved Employee(s):

Badge Number(s):

Witness:

Contact:

Witness:

Contact:

**ADMONITION**

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 citizen's 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.

Anonymous and third-party complaints are also accepted and will be investigated to the extent that sufficient information is provided. However, if you choose to not provide your contact information, the investigator(s) will be unable to ask you follow-up questions that might be needed for a thorough and complete investigation.

**I HAVE READ AND UNDERSTOOD THE ABOVE  
ADMONITION**

\_\_\_\_\_  
Complainant Name (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**STATEMENT (Use additional paper as necessary)**

\_\_\_\_\_  
Complainant/Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**FOR OFFICE USE ONLY**

Complaint Received by: \_\_\_\_\_

Date/Time Received: \_\_\_\_\_