



**POLICE OVERSIGHT &
ACCOUNTABILITY COMMISSION
SPECIAL MEETING**

MARCH 30, 2026

COMMISSIONERS


John Lewis (District 6), Chair
 Renee Sykes (District 4) Vice Chair
 Rommye Qualls (District. 1)
 Cameron Clark (District 2)
 Richard Hybels (District 3)
 Derek Roy (District 5)
 Naomi Yun (At-Large)
 Melvin Jones (Community Alternate)

HYBRID MEETING

www.Cityofvallejo.net

6:30 PM

Vallejo Room (JFK Library - Lower Level)
 505 Santa Clara Street
 Vallejo, CA 94590

<p>NOTICE: Members of the Public will be able to participate in-person or remotely via Zoom</p>	<p>The Vallejo Room will be open to members of the public 30 minutes prior to the start of the meeting.</p>
<p>PUBLIC COMMENT: Members of the Public may provide public comments during the Meeting in person or via ZOOM https://ZoomVallejoRoom.CityofVallejo.net, or via phone, by dialing (669) 900-6833.</p>	<p>For additional instructions on how to speak remotely during public comment, please visit, www.cityofvallejo.net/publiccomment</p>
<p>VIEW THE MEETING: There are four different ways you can view this public meeting:</p> <ul style="list-style-type: none"> • In Person • Stream from the City website: www.cityofvallejo.net/Streaming • Join the Zoom webinar: https://zoomvallejoroom.cityofvallejo.net/ 	<p>Scan QR code for live captions and translation in Spanish and Tagalog.</p> <div align="right">  </div>
<p align="center">Hybrid Options are available for members of the public to participate. To participate remotely</p>	
<p><u>Option to Join by Computer</u> From your browser go to https://ZoomVallejoRoom.CityofVallejo.net to launch and join the zoom application. Meeting ID: 814 4681 4741# Meeting Password: 131313</p>	<p><u>Option to Join by Phone</u> Dial (669) 900-6833 Enter Meeting ID: 814 4681 4741# Meeting Password: 131313 Press *9 to digitally raise your hand from the phone. Press *6 to unmute/mute</p>
<p>Any supplemental writing related to an agenda item for an open session of a regular meeting that is distributed to all or a majority of all members of the Commission less than 72 hours before the meeting will be posted concurrently on the City’s website at www.cityofvallejo.net/agendas Written material distributed during the meeting, will be available at the meeting if prepared by the City or after the meeting if prepared by someone else. Such materials may be obtained from the Commission Secretary.</p>	



Vallejo City Council Chambers ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof

AGENDA

TO THE MEMBERS OF THE POLICE OVERSIGHT & ACCOUNTABILITY COMMISSION:

You are hereby notified that I hereby call the Police Oversight & Accountability Commission in special session to consider only the matters stated on the agenda listed below. NOTICE: Members of the public shall have the opportunity to address the Commission concerning any item listed on the agenda before or during consideration of that item. No other items may be discussed at this special meeting

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 ROLL CALL

4 CONSENT CALENDAR AND APPROVAL OF AGENDA

5 ACTION CALENDAR

*NOTICE: Members of the public wishing to address the Council on Action Calendar Items are requested to submit a completed speaker card to the Commission Secretary or via ZOOM (<https://ZoomVallejoRoom.Cityofvallejo.net>), or via phone, by dialing (669) 900-6833. Enter Meeting ID: 81446814741#. Press *9 to digitally raise your hand from the phone. Press *6 to unmute/mute. For additional instructions on how to speak remotely during public comment, please visit, www.cityofvallejo.net/publiccomment. Each speaker is limited to five minutes pursuant to Vallejo Municipal Code Section 2.02.420 or as approved and announced by the Chair. In person speakers will be recognized first.*

A RECEIVE A PRESENTATION ON THE VALLEJO POLICE DEPARTMENT'S REVISED PERSONNEL COMPLAINTS POLICY 1011; TAKE PUBLIC INPUT; PROVIDE ADVICE AND RECOMMENDATIONS CONCERNING SAID POLICY

Recommendation: Receive the staff report and presentation regarding the revised Personnel Complaint Policy 1011, take public input and feedback and provide feedback and/or a recommendation to the Chief of Police relating to same.

Contact: Bob Knight, Deputy Chief of Police (707) 917-4120
bobby.knight@cityofvallejo.net

6 INFORMATION CALENDAR

7 ADJOURNMENT

ADDITIONAL CITY INFORMATION

Members of the public can:

- Like us on Facebook and Instagram ([@cityofvallejo](#))
- Sign up to receive City Communications via e-mail (www.cityofvallejo.net/subscribe)
- Sign up for emergency alerts at: alertsolano.com

I, Dawn G. Abrahamson, City Clerk do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to

John Lewis (District 6), Chair
Renee Sykes (District 4) Vice Chair
Rommye Qualls (District. 1)
Cameron Clark (District 2)
Richard Hybels (District 3)
Derek Roy (District 5)
Naomi Yun (At-Large)
Melvin Jones (Community Alternate),

at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 8:45 a.m., Thursday, March 26, 2026.

Dated: Thursday, March 26, 2026



Dawn G. Abrahamson, City Clerk



DATE: March 30, 2026
TO: Chair and Police Oversight & Accountability Commissioners
FROM: Bob Knight, Deputy Chief of Police
SUBJECT: **RECEIVE A PRESENTATION ON THE VALLEJO POLICE DEPARTMENT'S REVISED PERSONNEL COMPLAINTS POLICY 1011; PROVIDE ADVICE AND RECOMMENDATIONS CONCERNING SAID POLICY**

RECOMMENDATION

Receive the staff report and presentation regarding the revised Personnel Complaint Policy 1011 and provide feedback and/or a recommendation to the City for adoption.

REASONS FOR RECOMMENDATION

Vallejo Municipal Code section 18.03.0500 requires that the Police Oversight and Accountability Commission review all new and revised VPD policies and provide advice and recommendations.

BACKGROUND AND DISCUSSION

This report presents a revised Personnel Complaint Policy for the Vallejo Police Department. The update is a result of police reform efforts in the City's settlement agreement and reflects extensive collaboration with the California Department of Justice and the Vallejo Evaluation Team. The revised policy is intended to enhance transparency, accountability, and consistency in the handling of personnel complaints.

The Vallejo Police Department's current Personnel Complaint Policy has historically governed the intake, investigation, and disposition of complaints made against department personnel. While the existing policy has provided a foundational framework for addressing complaints, it has evolved incrementally over time and was determined to be in need of an update. Additionally, changes in state law, evolving best practices, and increased emphasis on procedural justice have highlighted the need for a comprehensive policy update.

POLICY DEVELOPMENT PROCESS

The revised Personnel Complaint Policy was developed through a collaborative and iterative process involving multiple stakeholders.

Key contributors included:

- The California Department of Justice, which provided guidance to ensure alignment with state laws and best practices
- The Vallejo Evaluation Team, which offered independent review and technical assistance
- City staff and Vallejo Police Department leadership
- Impacted City labor groups

The process included multiple rounds of review, feedback, and revision to ensure the policy is comprehensive,

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practical, and consistent with both legal requirements and community expectations.

KEY FEATURES OF THE REVISED POLICY

Big Picture Shift

- Old policy focused on internal processes for handling complaints.
- New policy emphasizes accountability, transparency, and public trust.
- Clear expectation that investigations must be fair, consistent, and evidence-based.

Stronger Rights for the Public

- Complaints can be filed by anyone, including anonymously or on behalf of others.
- Multiple ways to file: online, phone, email, in person.
- Materials available in multiple languages.
- Complainants can update or correct their statements after filing.

Zero Tolerance for Discouraging Complaints

- Officers cannot refuse or discourage complaints.
- Retaliation, intimidation, or interference is explicitly prohibited.
- Violations can result in discipline, including termination.

Clearer Definition of Misconduct

- Misconduct categorized as General or Serious.
- Serious misconduct explicitly includes excessive force, bias/discrimination, dishonesty, and failure to intervene.
- Greater clarity reduces ambiguity and strengthens accountability.

Higher Standards for Investigations

- Findings must be based on 'preponderance of evidence' (more likely than not).
- Investigations must consider all evidence equally and resolve inconsistencies.
- Witness interviews and evidence collection are more structured and standardized.

Centralized Oversight (Professional Standards Division)

- All complaints are reviewed and tracked by a central unit (PSD).
- PSD ensures consistency, quality control, and proper classification of cases.
- Reduces risk of bias or inconsistent handling across supervisors.

Tracking, Data, and Transparency

- All complaints are logged in a tracking system with case details and outcomes.
- Data includes timelines, demographics, and findings.
- Annual reporting identifies patterns and trends for improvement.

Improved Communication with Complainants

- Initial contact within a few days of filing.
- Regular updates (at least monthly) during the investigation.
- Ensures transparency and reduces uncertainty for complainants.

Investigations Continue Regardless of Withdrawal

- Cases cannot be closed simply because a complainant withdraws.
- Ensures serious allegations are still investigated fully.

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Stronger Accountability and External Reporting

- Serious misconduct must be reported to state oversight (POST).
- Additional oversight ensures accountability beyond the department.
- Clearer consequences for violations, including potential removal from service.

Bottom Line

- The old policy focused on handling complaints internally.
- The new policy is designed to ensure fairness, transparency, and accountability.
- Overall goal: rebuild and maintain public trust through a more rigorous and open process.

IMPLEMENTATION STEPS

Following review and feedback from the POAC, the remaining steps for implementation include:

1. Community town hall presentation of Policy 1011 on April 30, 2026 @ 6pm
2. Combine and review POAC and community recommendations/feedback
3. Final review and approval by CALDOJ and Vallejo Evaluator Team
4. Re-engaged labor group(s) on any changes
5. Department-wide training on the revised policy
6. Implementation of policy into departmental policy manual
7. Ongoing monitoring and periodic review to ensure effectiveness and compliance

ROLE OF THE POAC UNDER MUNICIPAL CODE

Pursuant to Title 18 of the Vallejo Municipal Code, the Police Oversight and Accountability Commission (POAC) plays a critical role in the oversight of personnel complaint processes.

Section 18.03.050 Commission powers, duties and functions states:

(O.) To review, advise and provide recommendations regarding any new Police policy or concerning any modification or revision of any such policy and to independently propose new policies in their discretion. The Chief of Police shall submit all proposed new policies or revisions to existing policies to the Commission for review before implementation of said policies or revisions. The Commission shall provide its advice and recommendation to the Chief of Police within 45 days of the submission of any new or revised policy. If the Chief of Police receives no recommendation from the Commission concerning the proposed policy or revision within the 45-day time frame, the Chief may move forward with implementation. This requirement shall not apply to Special Orders of the Chief of Police which may be implemented without a recommendation from the Commission. Notwithstanding the foregoing sentence, the Chief of Police shall not use Special Orders to circumvent the policy-review provisions set forth herein. If a Special Order has been in existence for more than six (6) months, the Chief of Police shall seek a review and recommendation from the Commission concerning the Special Order;

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CONCLUSION

The revised Personnel Complaint Policy represents a significant step forward in modernizing the City of Vallejo's approach to police accountability. Developed in collaboration with key oversight partners and aligned with settlement agreement requirements, the policy is designed to promote transparency, consistency, and public trust.

Staff recommends that the POAC review the policy and provide feedback to support its finalization and implementation.

FISCAL IMPACT

There is no immediate fiscal impact associated with the adoption of this policy. Potential future costs may include training, system updates, and administrative support associated with enhanced reporting and oversight requirements.

ENVIRONMENTAL REVIEW

ATTACHMENTS

1.	Policy 1011 Personnel Complaints.POST VN Discussion 03192026 V2 Final Edits VET SS VN DRAFT WM
2.	Personnel_Complaints w.Watermark
3.	Complaint ComparisonJB031926
4.	Vallejo_Complaints_Policy_Key_Changes

CONTACT

Bob Knight, Deputy Chief of Police (707) 917-4120
bobby.knight@cityofvallejo.net

Personnel Complaints

1011.1 PURPOSE AND SCOPE

This policy provides requirements for accepting personnel complaints, the investigation and disposition of complaints, and reporting complaints data regarding the conduct of members of the Vallejo 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.

The purpose of this policy is to improve the quality of law enforcement services to the community through an equitable complaint process. The Department acknowledges the value of public trust, which is created and maintained through a consistent, factual, prompt, and impartial complaint and investigation process.

The Vallejo Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members. The Department will accept and investigate all complaints of misconduct by its members with courtesy and without delay. Such investigations will be conducted in accordance with this policy and applicable federal, state, and local laws, municipal and county rules, and the requirements of any collective bargaining agreements.

1011.2 POLICY

All allegations of personnel misconduct will be received and documented, fully and impartially investigated, and a disposition shall be based on a preponderance of the evidence.

All personnel who commit misconduct will be held accountable in accordance with a disciplinary system that is fair and consistent.

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

Members shall not interfere with, hinder, obstruct, or unnecessarily delay the filing of a complaint. The refusal to accept a complaint, discouraging the making of a complaint, or providing false or misleading information about a complaint's contents or filing date, shall be grounds for discipline. All forms of retaliation, interference, intimidation, coercion, or adverse action against any person because that person indicates they would like to make a complaint, reports misconduct, attempts to make or makes a misconduct complaint, or cooperates with an investigation, are strictly prohibited. For purposes of this policy, "adverse action" means any action that would dissuade a reasonable person from making a complaint or cooperating with the subsequent investigation.

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Personnel named as subjects of a complaint shall not contact the complainant regarding the complaint. Personnel are strictly prohibited from any act of retaliation in response to any complaint. A violation of this section is grounds for discipline, up to and including termination.

1011.3 DEFINITIONS

Complaint - For the purposes of this policy, complaint means either of the following:

Complaint means either of the following:

- a. any issue brought to a department or agency where the complainant perceives that a department or agency employee engaged in criminal conduct, abusive or discriminatory behavior, inappropriate or discourteous conduct, or violation of any law, rules, regulations and policies of the department; or
- b. disagreement solely with the policies, procedures, or services of the department and not with the performance of any personnel.

Discipline – a general term that encompasses both corrective and punitive actions.

Corrective Actions – verbal counseling, remedial training, performance improvement plan (PIP), and/or supervisor log entry.

Punitive Actions – written reprimand, suspension without pay, punitive transfer, demotion, reduction in pay or step, and/or termination from employment.

Preponderance of the Evidence – an allegation or fact that is more likely true than not true. The preponderance of evidence is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

1011.3.1 MISCONDUCT CATEGORIES

Misconduct can be broadly categorized as either General or Serious Misconduct. The recommended discipline associated with a sustained violation of each category can be found in the Department's Discipline Guidelines.

General Misconduct is misconduct that includes but is not limited to:

1. Violation of Department policy or procedure;
2. Poor or inadequate service;
3. Rude or unprofessional conduct;
4. Use of improper language; and/or
5. Discourteous operation of a Department vehicle.

Serious Misconduct is misconduct which includes, but is not limited to:

- a. Dishonesty;

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- b. Abuse of power;
- c. Excessive or unreasonable use of force;
- d. Any act which may constitute the commission of a misdemeanor or felony crime, whether committed on or off duty;
- e. Sexual assault; as defined under 832.7(b)(1)(B)
- f. Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary;
- g. Insubordination;
- h. Participation in a “law enforcement gang”;
- i. Failure to cooperate with a misconduct investigation;
- j. Member(s) under the influence of intoxicants while on-duty;
- k. Any discrimination, bias, oppression, and/or harassment against any person through any means, including but not limited to verbal statements, writings, online posts, recordings, actions and/or gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, housing status, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status; and/or
- l. Participation or membership in a hate group, as defined in Penal Code § 13680.

1011.3.2 COMPLAINT INVESTIGATION CLASSIFICATIONS

To ensure that all personnel complaint investigations are thorough, fair, and resolved in a timely and appropriate manner, the Professional Standards Division (PSD) shall serve as the central coordinator and quality control hub for all complaint classification, investigation, disposition of, and review processes, even for those cases not requiring a full administrative investigation.

Personnel complaints are typically received and documented by supervisors. Complaints received by any member shall be directed to the appropriate supervisor. A supervisor receiving a complaint shall classify and address the complaint based on the following standards:

Formal – A complaint that, if true, would likely result in punitive action (dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment, as defined in Government Code section 3303). The PSD is generally responsible for these matters. However, at the direction of the PSD Commander, an investigation may be reassigned to any supervisor or manager of a higher rank to investigate based on the severity and complexity of the allegation(s).

Informal – A supervisor may handle a complaint informally with the approval of a Watch Commander or Bureau Commander when:

- a. The allegation is of a minor nature that, if true, would likely result in corrective action (counseling, supervisor log entry, Performance Improvement Plan (PIP) or training). Generally, this type of complaint will be an allegation of general misconduct.

or

- b. The allegation is such that there is no reasonable basis for believing that any misconduct occurred (i.e., review of body-worn camera which clearly disproves the allegation).

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An informal complaint will not result in punitive action but may result in corrective action. PSD will review every complaint to ensure the accuracy of the complaint classification and the appropriateness of any corrective actions. Nothing in this order shall prevent PSD or some higher authority from determining that a formal investigation is warranted.

Public Inquiry – A matter that if true, would not violate Department policy or federal, state, or local law. This type of complaint will often stem from a misunderstanding of or disagreement with the law, a Department policy, procedure, capability, or tactic.

All complaints, regardless of classification or intake method, will be documented and logged using the Department IA software application platform. If during the course of investigating a complaint under 1011.3 b., conduct is discovered that could be the basis of a complaint under Section 1011.3a., the investigator shall report this conduct to a supervisor, which should be logged, tracked, and investigated separately from the original complaint.

1011.3.3 SOURCES OF COMPLAINTS

- Complaints shall be accepted from any source, including but not limited to: VPD members, minors, parents or guardians filing on behalf of minor dependents, third-party complainants (e.g. witnesses to misconduct against another person), or anonymously even if the complainant is unable to identify the member's name or badge number.
- All complaints received about VPD member misconduct shall be accepted and investigated, whether submitted verbally, in writing, in person, by phone, email, electronically through the Department website, or through TTY/TDD (Telecommunications Device for the Deaf) or facsimile.
- A complainant shall be requested to make their complaint in writing. Nevertheless, a complaint will be accepted in any form.
- Any Department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- Supervisors shall initiate a complaint based upon observed misconduct of a Department member or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- Tort claims and lawsuits are submitted to the VPD via the City Clerk's office and will be evaluated by PSD for policy violations that may generate an administrative investigation.

1011.4 AVAILABILITY OF WRITTEN INVESTIGATION PROCEDURES AND COMPLAINT FORMS

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

Personnel complaint/commendation forms and informational materials, including brochures and posters, shall be made available at the appropriate City properties, including, at a minimum, Department facilities open to the public and on the VPD website. The form will be used to document both complaints and compliments for exemplary member performance. The Department shall make a concerted effort to provide these materials to including law enforcement oversight groups such as the Police Oversight Accountability Commission and the Chief's

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Advisory Board.

The complaint brochure and form explaining the complaint/compliment procedures shall be made available in Spanish and Tagalog or any other language that the city is required to provide to voters during an election.

The receiving officer of a complaint shall make a reasonable effort to provide appropriate translation services for other languages. (See Policy, Limited English Proficiency Services)

[See attachment: Personnel Complaint/Compliment Form.pdf \(new Personnel Compliment/Complaint attached\)](#)

1011.4.1 ACCEPTANCE

The Department will investigate every allegation of misconduct even if an allegation is not specifically articulated as such by the complainant. All complaints will be courteously accepted by any Department member and given to the appropriate supervisor as soon as possible. Complaints may also be accepted at the City Manager's Office, City Attorney's Office, Human Resources or POAC.

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 complaint may also be filed electronically, orally, either in person by telephone, or any other way detailed in this policy. If a complainant requests to make an oral complaint, the supervisor shall offer the option of audio recording the complaint in addition to writing the complaint.

The refusal to accept a personnel complaint, discouraging the filing of a complaint, or providing false or misleading information about filing a complaint shall be grounds for discipline, up to and including termination.

Complaints received by any member shall be directed to the appropriate supervisor. If a supervisor is not immediately available to take a complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall accept and document the complaint.

The Department shall release to the complaining party a copy of the complaining party's own statements at the time the complaint is filed. (Penal Code Section 832.7(c)). The complaining party may subsequently add or correct their statement. A copy of the supplemental information shall be released to them.

1011.4.2 HATE GROUP ACTIVITY COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy. Additionally, if there is any allegation that an officer has, in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate, the Department shall investigate the allegation. (Penal Code § 13682(a)).

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The Department shall remove from appointment as a peace officer any peace officer against whom a complaint described in Penal Code § 13682(a) is sustained (Penal Code § 13682(b)).

1011.5 SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation and follow the below steps. Failure of a supervisor to follow this policy shall be referred to the supervisor's Division Commander for appropriate action.

The responsibilities of supervisors investigating a complaint include but are not limited to:

- (a) Ensuring that upon receiving or initiating any complaint, the complaint is properly documented and/or entered into the Department's Internal Affairs (IA) tracking system.
 - 1. The complaint and all associated documents will be directed to IA, which 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 compromised by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall report the matter to the member's Division Commander or the Chief of Police.
- (b) Responding to all complainants in a timely, courteous, and professional manner.
 - 1. Follow-up contact with the complainant should be made within 2 business days of the Department receiving the complaint.
- (c) Resolving those personnel complaints that can be resolved immediately based on the complaint classification, as described in Complaint Investigation Classifications, and entering the information about the resolved complaint in the IA tracking system.
- (d) Ensuring that upon receipt of a complaint involving allegations of serious misconduct, the appropriate commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the appropriate Division Watch Commander for direction in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses and documenting those efforts.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (g) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (h) Ensuring interviews of the complainant are generally conducted during reasonable hours.

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1011.5.1 ADMINISTRATIVE INVESTIGATION

When any member, as defined in Government Code § 3301, is under investigation for misconduct and subjected to questioning about their conduct by their commanding officer or another member of the Department that could lead to punitive action, the interview shall be conducted under the following conditions (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours, and preferably when the member is on duty, unless the seriousness of the investigation requires otherwise. If the member is off duty, they shall be compensated for their time in accordance with regular department procedures.
- (b) Unless waived by the member, interviews of an accused member shall be at the Vallejo Police Department or other reasonable and appropriate place.
- (c) All questions directed to the member under interrogation shall be asked by and through no more than two interrogators at one time.
- (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 shall be accommodated.
- (f) No member shall 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. Pursuant to Government Code 3303(h), a member shall 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 shall 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, except as provided by Government Code § 3303(f).
- (h) The interviewer shall audio record all interviews of members and member 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 who are the subject of any internal affairs investigation, have the right to have a representative present during the interview. However, to maintain the

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integrity of a statement, the chosen representative cannot be a witness or involved member, and the member shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

- (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).

1011.5.2 ADMINISTRATIVE INVESTIGATION PROCEDURES AND EXPECTATIONS

All investigations of complaints, including administrative approval and review, shall be as thorough as necessary to reach reliable and complete findings. The investigation shall address all substantive issues raised by the reporting party. The investigator shall consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations based upon that evidence.

- a. Investigator(s) shall not use leading questions when interviewing members.
- b. Members who are the focus of the investigation will not be permitted to submit a written statement in lieu of an interview with investigators.
- c. Automatic preference will not be given for a member's statement over a non-member's statement, nor shall an investigator disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history.
- d. The investigator shall make efforts to resolve material inconsistencies between witness statements.
- e. The investigator shall seek to identify and document all persons at the scene of an event giving rise to a misconduct allegation and determine if they are a witness or not. If the member was not involved or did not witness the event, that will be noted in the report. The investigator shall conduct further investigation of any such assertions that appear unsupported by the evidence.
- f. The investigator will make all reasonable efforts to separate and interview all witnesses and any other person at the scene giving rise to the misconduct allegation.
- g. All witnesses, including members identified by the investigator(s) as witnessing or involved in an event associated with a complaint, but not the subject of the complaint, shall provide either a written statement regarding their involvement in and/or observations of the incident, or be interviewed in accordance with this policy.
- h. An interpreter not involved in the underlying incident will be used when taking statements or conducting interviews of any Limited English Proficiency (LEP) complainant or witness.
- i. All member witnesses and subjects of an administrative investigation will be admonished not to discuss the issues underlying the investigation with others, and especially with witnesses to the events. This admonishment excludes a labor group representative or attorney during the pendency of the investigation. Once the investigation is complete, the

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admonishment is lifted.

- j. If the investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall investigate that misconduct in accordance with this policy.

1011.6 DOCUMENTATION AND TRACKING

Supervisors shall ensure that all complaints are documented and that the nature of the complaint is defined as clearly as possible.

Personnel complaints and internal administrative investigations shall be entered into the tracking software. The tracking software assigns a tracking number for each entry and will track the type of complaint, outcome, and demographic data for the complainant and involved member(s).

The tracking software records the following information as part of all complaint investigations:

1. PSD case number
2. Date case received
3. Accused member(s)
4. Witness member(s)
5. Criminal allegation(s) – assigned criminal investigator
6. Administrative allegations
7. Tolling dates: start and end
8. Reason(s) for tolling (i.e. criminal investigation, member unavailable, trial, etc.)
9. Case status (i.e. active administrative, criminal trial pending, member unavailable, closed, etc.)
10. Case disposition
11. Officer / Complainant demographics
12. Notes

This policy requires the interview of all subject members in administrative investigations. All attempted or completed member interviews will be logged and tracked. If the member cannot be interviewed, this information will be logged and tracked into the database with an explanation describing the circumstances of the incomplete interview.

1011.6.1 PROFESSIONAL STANDARDS DIVISION (PSD) NOTIFICATION PROCESS

The following will be the responsibility of the Professional Standards Division (PSD) upon notification of an allegation of misconduct.

- a. Confirmation that a complaint has been received by PSD. Confirmation can be made by email and/or a follow-up telephone call to the complainant.
- b. The complaint will be entered into tracking software and a member of PSD will attempt to contact the complainant within **5** business days.
- c. The assigned investigator will contact the complainant at a minimum once every 30 days to provide a case status update until the case is completed (see Completion of Investigations, for additional tolling limits).

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1011.6.2 NO CONFLICT ATTESTATION

To ensure that fair and impartial investigations are conducted, supervisors at the scene of the event, involved in the circumstances of the event, who have any conflict of interest that would impede their ability or judgment, or who are currently or have been scheduled to represent a member connected to the event will not have any investigative role in the administrative investigation.

- a. Each lead investigator will complete a No Conflict Attestation Form (PSD Form 2-2022-10) or a digital acknowledgment in the Department's IA software application platform before case assignment. If a conflict of interest exists, an alternate investigator will be assigned as lead. All investigations require a No Conflict Attestation or a digital acknowledgment.

See attachment: VPD No Conflict Attestation Final.PDF

1011.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

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

- (a) **Background:**
 1. A statement of acknowledgment and understanding of the Department Personnel Complaint Policy.
 2. A declaration confirming completed IA training.
 3. A no conflict attestation statement.
 4. A description of the process by which the complaint was received.
- (b) **Summary:**
 1. A general event summary, allegations, main facts of the case.
 2. A list of the members on scene.
- (c) **Witness Statements**
- (d) **Member Statements**
- (e) **Additional Information** - Actions taken or information received outside of the witness or member statements or attached documents or files.
- (f) **Conclusions** - based on the facts of the case highlighting both the inculpatory and exculpatory evidence and using the preponderance of the evidence standard.
- (g) **Potential Policy Violation(s)** - List each potential policy violation and the corresponding facts.
- (h) **Attachments** - List sources of information attached to the report (e.g., criminal reports, written complaint, dispatch records).
- (i) **In File** - A list of all sources of information to be maintained in the file (e.g., recordings, photos, IA-related forms).

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1011.6.4 PSD INVESTIGATIVE CHECKLIST

To ensure that investigations are thoroughly completed in a timely manner, a standardized investigation procedure will be performed. This procedure will include, but is not limited to, investigative actions listed in the Professional Standards Checklist, such as interviewing all subjects and witnesses (for witness member it could include interviews or statements) and adherence to timelines.

The VPD has established investigative responsibilities and associated deadlines for investigative tasks. This Professional Standards Investigation Checklist outlines investigative steps that will be performed with deadlines for each phase. It serves to promote consistency within and between investigations, enhancing public trust and legitimacy. If the investigation is complex or other variables require a deviation from established deadlines, such as requiring more investigative resources or time exceeding deadlines, an explanation and approval will be required by the PSD Commander.

[See attachment: PSD Investigative Checklist 041824.pdf.](#)

1011.6.5 DISPOSITIONS

Each personnel complaint shall be investigated as to each substantive allegation using the preponderance of the evidence standard and be classified with one of the following dispositions:

- (a) **Unfounded** - When the investigation clearly established that the allegation is not true (Penal Code § 832.5(d)(2)).
- (b) **Exonerated** - When the investigation clearly established that the actions of the member that formed the basis for the complaint are not violations of law or Department policy. (Penal Code § 832.5(d)(3)).
- (c) **Not sustained** - When the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint (Penal Code § 13012(B)(iii)).
- (d) **Sustained** - A final determination by the Department, following an investigation and opportunity for an administrative appeal pursuant to Government Code §§ 3304 and 3304.5, that the actions of the member were found to violate law or Department policy (Penal Code § 832.8).
- (e) **Frivolous** - When the investigation is totally and completely without merit or for the sole purpose of harassing an opposing party. (Penal Code § 832.5(c)).

1011.6 COMPLETION OF INVESTIGATIONS

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

If an investigation cannot be completed within one year of the filing of the complaint, 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 3508.1.

Termination of an investigation into a complaint solely on the basis of a complainant's withdrawal of a complaint is prohibited. As long as the nature of the allegations can be sufficiently determined without the assistance of the complainant, the investigation shall proceed and be completed as

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normal.

1011.7 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 checked 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).

1011.7.1 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) If information exists that tends to indicate a conflict of interest with official duties; or
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements.

1011.8 ADMINISTRATIVE LEAVE

When an allegation of serious misconduct is received 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.

1011.8.1 REMOVAL OF DISCIPLINARY ACTIONS FROM PERSONNEL FILE

Disciplinary actions shall be removed from an employee's personnel file in accordance with applicable federal, state, and local law, the requirements of any collective bargaining agreements, and Policy 1014, Personnel Records.

1011.9 CRIMINAL INVESTIGATION

When 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.

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Any separate administrative investigation may be tolled by or conducted in parallel with the criminal investigation.

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.

Members accused of criminal conduct shall be advised of their constitutional rights (Government Code § 3303(h)). Members may be ordered to provide a statement in an administrative investigation conducted by the City of Vallejo. Prior to ordering a member under criminal investigation to provide a compelled administrative statement, the investigator will inform the Chief of Police to determine appropriate action.

The 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 shall be taken until an independent administrative investigation is conducted.

1011.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Administrative review shall ensure that all substantive allegations were identified and investigated, even if the allegation was not specifically articulated by the complainant.

- (a) All completed administrative investigations shall be submitted to the PSD Commander for comment, review, and written approval. The PSD Commander shall ensure that the complaint allegations are recorded accurately in the Department's IA software application platform.
- (b) Completed formal investigations after being reviewed and approved by the PSD Commander shall be forwarded to the Administrative Bureau Commander.
- (c) The Administrative Bureau Commander will review the investigation for completeness and author a memo recommending a disposition or finding as to each allegation and appropriate discipline, if any. The memo shall be routed to the Chief of Police following the chain of command of the accused member.

1011.10.1 PSD COMMANDER RESPONSIBILITIES

The PSD Commander shall oversee processes and meetings that:

- (a) Review and approve the completed investigation and forward the completed packet to the appropriate Bureau Captain for review and approval.
- (b) Review all letters to complainants prior to the Administrative Analyst sending them. All letters will be uploaded into the tracking software and the PSD Drive.
- (c) Conduct a monthly case status review of each PSD investigation. A PSD Open Case Report shall be completed and or updated to document the following:: review and approval for cases meeting the investigative deadlines, document circumstances for past due cases, give directions to the lead investigator to perform additional investigative steps, and to

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establish new deadlines.

- (d) Review each case monthly as updated in the PSD Open Case Report until all investigation and adjudication and resulting disciplinary or other action is completed. Training, policy, or practice deficiencies identified will be agendized and discussed at weekly PSD meetings.
- (e) Coordinate with the appropriate personnel to ensure if individual or group training may be required. Document in the PSD Open Case Report, and a memo in the PSD tracking software file, any deficiency identified and any corrective or remedial action taken. The PSD Commander or their designee is responsible for monitoring review and remediation of any deficiencies identified during the review or remediation process, measuring associated outcomes, monitoring adherence to the process, and providing an annual report on all outcomes to the Chief of Police.

PSD Case Inspections

- (a) Upon subsequent inspections, if deadlines or direction are not achieved, the PSD Commander will take corrective or other remedial action, which may include directing the lead investigator to complete a PSD Investigative Review Memo explaining the circumstances for non-adherence, reassigning the lead investigator, or other remedial or punitive action.
- (b) It shall be the responsibility of the PSD Commander to review all use of force complaints monthly and determine if trends are present that increase the likelihood of force being used in the future.
- (c) Additionally, the PSD Commander will conduct an annual review of the training curriculum for the PSD Officer Interview Questionnaire form and will make updates or changes as necessary.

Audit Reports

- (a) PSD will prepare an annual report detailing the outcomes of each personnel complaint investigation to ensure PSD adheres to policy. The annual report will also include statistics of discipline issued.
- (b) PSD will submit an annual overview report of the complaints received that assert bias-based policing or racial identity profiling to the Chief of Police through the chain of command. The report shall be reviewed to identify any trends or issues that would inform changes that should be made in training or operations to improve service.
- (c) PSD will produce a bi-annual report showing evidence of remediation recommended by PSD to include training, discipline, and policy adjustment. The annual and bi-annual reports will be uploaded to the VPD webpage.

1011.10.2 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, return the file to the Division Commander for further investigation, or may refer

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the case to the Department's Disciplinary Review Panel (DRP). The DRP is comprised of the Professional Standards Division Commander and the Department member's chain of command, which includes their direct supervisor, and each rank above, including the Chief of Police. The panel will review the case and render a disposition and discipline recommendation. The Chief of Police will have the final decision on disposition and discipline.

Discipline decisions will be made using the Department's discipline guidelines (Insert Discipline Guidelines Doc link here). In making this determination, the Chief of Police and/or the DRP shall consider:

- a. the seriousness of the offense;
- b. the impact or potential impact on Department and its members;
- c. the member's work history and acceptance of responsibility; and
- d. the member's prior disciplinary history.

If punitive action is proposed, the Chief of Police or the appointed designee shall provide the member with a pre-disciplinary procedural due process hearing Skelly hearing by providing written notice of the charges, proposed action, and the 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:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed punitive action.
- (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 their 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.

1011.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

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

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1011.10.4 NOTICE REQUIREMENTS

The disposition of any complaint shall be released to the complaining party within 30 days of the final disposition. (Penal Code § 832.7(f)(1)).

Certain records detailed in Penal Code § 832.7(b)(3) shall be available for public inspection upon request if they are associated with a sustained finding involving specific allegations and circumstances, as detailed in Penal Code § 832.7(b). (See Policy 1014, Personnel Records).

1011.11 PRE-DISCIPLINE MEMBER RESPONSE (SKELLY HEARING)

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

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the member 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 member may suggest that further investigation be conducted or the member may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) If the Chief of Police elects to cause further investigation to be conducted, the member shall be provided with the results prior to the imposition of any discipline.
- (e) The member 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.

1011.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

If 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 (Penal Code § 13510.8).

1011.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary members have the right to appeal a punitive action (written reprimand, suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment). The member 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 a member covered by the POBR, the appeal process shall be in compliance with Government Code §§ 3304 and 3304.5.

During any administrative appeal, evidence that a member has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations

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of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1011.14 PROBATIONARY MEMBERS

At-will and probationary members 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 member 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 and 3304).

At-will, probationary members 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.

1011.15 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR § 1003.
- (b) Events that could affect an officer's POST certification, such as:
 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8);
 2. Findings of civilian review boards;
 3. Final dispositions of any investigations; and/or
 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Vallejo Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

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1011.15.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct, as defined by Penal Code § 13510.8, and codified in the California Code of Regulations (Cal. Code Regs., tit. 11, § 1205) (see SERIOUS MISCONDUCT CATEGORIES). The report shall include the following:

- (a) Name of the Department;
- (b) Administrative case number;
- (c) Name, current address, and phone number of the complainant, if available;
- (d) Name, POST ID, current address, and phone number of the involved officer;
- (e) A summary of the alleged misconduct including:
 - 1. A narrative of the allegations;
 - 2. Date and time of incidents;
 - 3. Location of occurrence;
 - 4. Any witness information, if available; and
 - 5. Summary of arrest or indictment of involved officer;
- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination); and
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (Cal. Code Regs., tit. 11, § 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record, as provided by the California Code of Regulations, title 11, section 1207.

1011.15.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (Cal. Code Regs., tit. 11, § 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 - 1. The Department shall provide the name of the body conducting the proceeding; and
 - 2. the status of the proceeding, if known.
- (b) If criminal charges are pending:
 - 1. The Department shall provide the name of the court having jurisdiction over the criminal charges against the officer; and
 - 2. the status of the criminal case, if known.

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1011.16 PROFESSIONAL STANDARDS CITY CLAIMS REVIEW PROCESS

The purpose of this policy is to guide the independent review of all claims involving VPD personnel to determine whether misconduct is observed or identify patterns that can be used as opportunities to improve the Department through changes to policy, supervision, or training.

This policy attachment is for use as a guide to the PSD when reviewing city claims submitted to the Department by the City of Vallejo Risk Management Division. This policy attachment will define the role and responsibility for the involved, establish a standardized internal review process, and describe reporting on action items that may come from the claim review.

See attachment: PSD City Claims Review Process 041824.pdf

1011.17 TRAINING

- (a) Officers will receive annual training about proper complaint intake, classification, and investigation techniques. The Department will also provide training about how to accept complaints from individuals who may not be proficient in English.
- (b) All supervisors involved in conducting personnel complaint investigations shall receive annual training on conducting misconduct investigations. This training shall include instruction in the practical application
 1. Investigative skills, including proper interrogation and interview techniques, gathering and objectively analyzing evidence, and data and case management;
 2. The particular challenges of personnel complaint reviews/investigations, including identifying alleged misconduct that is not clearly stated in the complaint or that becomes apparent during the investigation, properly weighing the credibility of both civilian witnesses and members, using objective evidence to resolve inconsistent statements, and the proper application of the preponderance of the evidence standard;
 3. Relevant state, local, and federal law, including state employment law related to officers and the rights of public employees, as well as criminal discovery rules such as those set out in *Garrity v. New Jersey* (1967) 385 U.S. 493, *Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822, and *Brady v. Maryland* (1963) 373 U. S. 83; and
 4. Department rules, policies, and protocols related to criminal and administrative investigations of alleged member misconduct.
 5. Independent Investigators retained to conduct investigations shall meet the requirements of the Police Oversight and Accountability Ordinance and shall be well versed in the application of items 1 through 4.
- (c) All members responsible for the review of personnel complaint investigations shall receive annual training on reviewing personnel complaint investigations. The training shall include instruction in the practical application of:
 1. Ensuring that all witnesses and accused members are accounted for in the investigation and that they are asked about allegations they may have witnessed

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or in which they were allegedly involved;

2. Ensuring that summarized statements accurately reflect the recorded interviews;
 3. Ensuring that evidence is identified, analyzed, and interpreted in the investigation;
 4. Ensuring any risk-management issues are identified and addressed, such as inadequate policies, insufficient training, inadequate or inoperable safety equipment, and ineffective field supervision;
 5. Determining the appropriate corrective action and/or penalty, when appropriate; and
 6. Relevant state and local laws dealing with conducting personnel investigations and disciplinary actions.
- (d) The Training Manager shall be responsible for Department compliance with the training requirements of this policy. (See Policy 207, Training Policy).

1011.18 EVALUATION AND AUDITS

- (a) The PSD shall conduct an annual audit of complaint intake, classification, investigations, and the adjudication of those matters. The audit will assess whether complaints are accepted and classified consistent with policy, investigations are completed, and complaint dispositions are consistent with a preponderance of the evidence. Audits will be submitted through the chain of command to the Chief for a determination regarding recommendations made and further action required.
- (b) The PSD will regularly assess the effectiveness of the complaint process, including the assignment of cases to the field; analyze the complaints to determine if there is a need for a re-evaluation of existing policies, procedures, or trainings; ensure regular audits of complaint investigations to ensure the quality of those investigations, that summarized statements accurately reflect recorded interviews, and that standards are being met.

1011.18.1 TRANSPARENCY

The Department will publish an annual report of personnel complaint data that reflects the categories of complaints received, including complaints detailing allegations of racial and/or identity profiling, and the final disposition of those complaint investigations that have been completed, as well as the number of any complaint investigations still pending (see PSD Commander Responsibilities). The report will be made available to the public on the Department's public website after being approved by the Chief of Police. This report will reflect data for the preceding calendar year and will be released by April 1 of each year.

Note: Policy 1011 does not include language regarding the POAC or POAC role in complaints. Complaints addressed in the POAC Ordinance (Vallejo Municipal Code Title 18) are governed by that Ordinance upon the applicability thereof.

Note: Where provisions of this policy conflict with provisions of the IBEW and CAMP MOUs or City Policy (including Administrative Rules, Civil Service Rules, etc.) those provisions and policies shall supersede any provisions in Policy 1011 as related to IBEW and CAMP members who are employed in the Vallejo Police Department.

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1011.1 PURPOSE AND SCOPE

State MODIFIED

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

1011.1.1 SUBJECT PERSONNEL

Agency Content

Personnel named as subjects of citizen complaints shall not contact the complainant regarding such complaint, except as directed by competent authority. Personnel are strictly prohibited from any act of retaliation in response to any citizen complaint. A violation of this section is subject to discipline, up to and including termination.

1011.2 POLICY

Best Practice

The Vallejo 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.

1011.3 PERSONNEL COMPLAINTS

Best Practice

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.

1011.3.1 COMPLAINT CLASSIFICATIONS

Best Practice MODIFIED

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

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- (a) **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 Unit, depending on the seriousness and complexity of the investigation.
- (b) **Inquiry Resolution** - A matter that if true, would not violate department policy or federal, state or local law.

1011.3.2 SOURCES OF COMPLAINTS

Best Practice **MODIFIED**

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) Tort claims and lawsuits may generate a personnel complaint.

1011.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

Best Practice **MODIFIED**

Personnel complaint forms will be maintained in a clearly visible location in the public area of the department and be accessible through the department website.

[See attachment: Citizen Complaint Form.pdf](#)

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

1011.4.1 ACCEPTANCE

State

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 the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

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1011.4.2 AVAILABILITY OF WRITTEN PROCEDURES

State

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

1011.4.3 HATE COMPLAINTS AGAINST PEACE OFFICERS

State

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1011.5 DOCUMENTATION

Best Practice **MODIFIED**

Supervisors shall ensure that all formal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Formal complaints and inquiries should also be documented 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. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1011.6 ADMINISTRATIVE INVESTIGATIONS

Best Practice

Allegations of misconduct will be administratively investigated as follows.

1011.6.1 SUPERVISOR RESPONSIBILITIES

State **MODIFIED**

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.

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

The responsibilities of supervisors investigating a formal complaint 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 appropriate 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.

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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.
 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 2. If the matter is resolved and no further action is required, no documentation is necessary.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the appropriate commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the appropriate Division Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the appropriate 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.

1011.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

State **MODIFIED**

Whether conducted by a supervisor or a member of the Internal Affairs Unit, 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.

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- (b) Unless waived by the member, interviews of an accused member shall be at the Vallejo 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.
- (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

Personnel Complaints

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).

1011.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Best Practice MODIFIED

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

- (a) **Summary** - Provide a brief summary of the facts giving rise to the investigation.
- (b) **Witness Statements**
- (c) **Officer Statements**
- (d) **Additional Information** - Actions taken or information received outside of the statements or attached documents.
- (e) **Conclusions** - Opinion(s) of the author are offered based on experience and the information contained in the report.
- (f) **Findings** - List each potential policy violation and a corresponding finding.
- (g) **Attachments** - List sources of information attached to the report (e.g., criminal reports, written complaint, dispatch records).
- (h) **In File** - A list of all sources of information to be maintained in the file (e.g., recordings, photos, I.A. related forms)

1011.6.4 DISPOSITIONS

State MODIFIED

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

- (a) **Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).
- (b) **Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.
- (c) **Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.
- (d) **Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

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.

Personnel Complaints

1011.6.5 COMPLETION OF INVESTIGATIONS

State

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.

1011.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

Best Practice

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

1011.7 ADMINISTRATIVE SEARCHES

State **MODIFIED**

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 checked 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).

1011.7.1 DISCLOSURE OF FINANCIAL INFORMATION

State

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

1011.8 ADMINISTRATIVE LEAVE

Best Practice **MODIFIED**

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:

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- (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.

1011.8.1 DISPOSITION OF REPORTS

Agency Content

Sustained or unappealed written reprimands shall be removed from the member or employee's personnel file two years from the date of issue, unless such written reprimand becomes part of a progressive disciplinary action undertaken within the two year period. In such a case, it will remain in the file for five years from the date of resolution of the progressive disciplinary action.

- (a) Written reprimands issued for disciplinary actions resulting from a sustained citizen's complaint shall be maintained in the personnel file at least five years (Penal Code 832.5).

Sustained or unappealed disciplinary actions other than written reprimands, including but not limited to suspensions, demotions, and punitive transfers, shall be removed from the file five years from the date of issue, or in the case of a sustained (or modified) appeal of such action by the Civil Service Commission, five years from the date of the decision by the Civil Service Commission, unless such disciplinary action becomes part of a progressive disciplinary action undertaken within the five year period. In such cases, the action will remain in the file for five years from the date of resolution of the progressive disciplinary action.

1011.9 CRIMINAL INVESTIGATION

State

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.

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 Vallejo 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.

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1011.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Best Practice MODIFIED

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 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.

1011.10.1 DIVISION COMMANDER RESPONSIBILITIES

Best Practice

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.

1011.10.2 CHIEF OF POLICE RESPONSIBILITIES

State MODIFIED

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 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:

- (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.

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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.

1011.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

State

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(f)).

1011.10.4 NOTICE REQUIREMENTS

State

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(f)).

1011.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

Best Practice

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.
- (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.

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1011.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

State

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 (Penal Code § 13510.8).

1011.13 POST-DISCIPLINE APPEAL RIGHTS

State MODIFIED

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).

1011.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

State

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.

1011.15 RETENTION OF PERSONNEL INVESTIGATION FILES

Best Practice MODIFIED

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

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Personnel Complaints

1011.16 REQUIRED REPORTING TO POST

State

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 2. Findings of civilian review boards.
 3. Final dispositions of any investigations.
 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Vallejo Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

1011.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

State

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 1. A narrative of the allegations
 2. Date and time of incidents
 3. Location of occurrence
 4. Any witness information, if available
 5. Summary of arrest or indictment of involved officer

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- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

1011.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

State

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 - 1. The Department shall provide the name of the body conducting the proceeding.
 - 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
 - 1. The name of the court having jurisdiction over the criminal charges against the officer.
 - 2. The status of the criminal case, if known.

1011.17 PROFESSIONAL STANDARDS DIVISION PROCEDURES

Agency Content

[See attachment: PSD City Claims Review Process 041824.pdf](#)

[See attachment: PSD Procedural Guidelines 041824.pdf](#)

[See attachment: PSD Investigative Checklist 041824.pdf](#)

[See attachment: VPD No Conflict Attestation Final.PDF](#)

Attachments

CURRENT POLICY

Citizen Complaint Form.pdf

CURRENT POLICY



CITY OF VALLEJO

OFFICE OF THE CHIEF OF POLICE

111 AMADOR STREET • VALLEJO • CALIFORNIA • 94590-6301 • (707) 648-4540 • FAX (707) 648-4390

HOW TO FILE A COMPLAINT

The Vallejo Police Department accepts and thoroughly investigates all complaints against its employees, policies or procedures. In so doing, the Department's goals are to:

- Maintain a constant check on the efficiency and fairness of our policies and procedures
- Absolve the innocent
- Establish responsibility for improper conduct when and where it exists
- Facilitate prompt and just discipline in accordance with the City of Vallejo Personnel Rules, Regulations and Police Department General Orders
- Enhance communication to resolve misunderstandings and improve service levels

Enclosed is information regarding the Vallejo Police Department's complaint process. The following documents are included:

- Citizen's Complaint Form
- Information Regarding Complaint Procedures

If you wish to file a complaint using the Citizen's Complaint Form, please thoroughly complete the Citizen's Complaint Form. Please be sure to:

- Include the date, time and location of occurrence
- Provide possible identification of the officer(s) or employee(s)
- Provide specific, detailed descriptions of what occurred
- List names, addresses, and telephone numbers of witnesses

If you wish to mail your complaint, please refold, tape or staple the completed forms, place a stamp in the upper right hand corner and drop it in the nearest mail box.

If you have any questions regarding the Citizen's Complaint Form, please call the Internal Affairs Unit at (707) 648-4695.

For Official Use Only

Watch Commander/Designee	Badge Number	Date
Employee Providing Complaint	Employee Number	Date
Employee Receiving Complaint	Employee Number	Date
Internal Affairs	Employee Number/Badge	Date

**CITIZENS COMPLAINT FORM
INTERNAL AFFAIRS SECTION
VALLEJO POLICE DEPARTMENT**

For Official Use Only

CASE NO. _____

Complainant's LAST Name	First	Middle	Date of Birth
Address	<input type="checkbox"/> City (Vallejo)	Zip	Home Phone () Work Phone ()

Complete this Portion if Complainant is a Minor or Assisted by an Attorney

LAST Name	First	Middle	Relationship to Complainant
Address	<input type="checkbox"/> City (Vallejo)	Zip	Home Phone ()

Location of Occurrence	Day	Date	Time	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
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Identity of Involved Personnel (Name, Badge No., Vehicle No., etc)

*If you need more space, please use an additional sheet of paper.
If you have any questions, please contact the Internal Affairs Section at (707) 648-4695*

Brief Narrative

Narrative (continued)

CURRENT POLICY

Witness Name (Last, First, Middle)	Address	City/ZIP	Phone (Include Area Code)

I have read and understand this statement, which I have made of my own free will and the facts contained therein are true and correct to the best of my knowledge.

Complainant's Signature X	Date
----------------------------------	------

CURRENT POLICY

FOLD ON DOTTED LINE

From _____

Place
Stamp
Here

VALLEJO POLICE DEPARTMENT
Internal Affairs Section
111 Amador Street
Vallejo, CA 94590

PSD City Claims Review Process 041824.pdf

CURRENT POLICY



VALLEJO POLICE DEPARTMENT

PROFESSIONAL STANDARDS DIVISION

POLICY 1011 - ATTACHMENT

City Claims Review Process

Purpose

The purpose of this policy is to guide the independent review of all claims involving VPD personnel to determine whether misconduct is observed, or identify if there are patterns that are present which can be used as opportunities to improve the department through changes to policy, supervision, or training.

This policy attachment is for use as a guide to the Professional Standards Division (PSD) when reviewing city claims submitted to the Vallejo Police Department (VPD) by the City of Vallejo Risk Management Division. This policy attachment will define the role and responsibility for this involved, establish a standardized internal review process, and describe reporting on action items that may come from the claim review.

Background

In the City of Vallejo, when a person wishes to be compensated for a loss of any kind that was caused by the alleged actions of the city, a city claim must be filed with the City Clerk's office. Claims associated with VPD often range in significance from minor property damage to allegations of civil rights violations. As such the response to city claims by VPD are standardized and undergo a consistent review process with uniform action outcomes and recommendations.

Internal Review and Responsibilities

The City Clerk's Office receives and processes the city claim. The claim is then routed to the Risk Management Division – general liability section. The general liability liaison receives the claim and is the link between the city, the involved department, and the insurance carrier. In cases involving the police department, the Risk Management Division deals with the VPD Professional Standards Division (PSD).

General Liability (GL) Liaison – Member of the Risk Management Division (Human Resources Department) who processes the claim once sent by the City Clerk's Office. The GL liaison is responsible for forwarding the claim electronically to the police department's Chief, Deputy Chief/Captain, and Professional Standards Lieutenant and analyst for review and claim response. The GL liaison will indicate the specified time limit associated to the claim pursuant to the California Government Code (generally 45-65 days). PSD will conduct an intake on the claim by issuing it a claim number (CL#) and issuing it to the internal affairs sergeant for review and response.

Assigned CAO Attorney – There is an assigned lawyer from the City Attorney's Office (CAO) tasked with representing the police department and providing legal counsel. The Professional Standards Division hold weekly meetings with this attorney to provide legal input on police related matters. During this weekly meeting, the internal affairs sergeant provides updates on any city

claim review(s) that have yielded conduct or risk concerns. The CAO attorney will then liaison with the Risk Management GL liaison as the claim processes through the insurance carrier. The CAO attorney does not provide direct input into the police department's internal review and ultimately response to the city claim.

PSD Claim Reviewer – The claim reviewer (generally the IA Sgt.) will gather necessary information on the claim to properly formulate an assessment and potential response with recommendation to the GL liaison within the specified time period. The reviewer's response will involve an analysis of the facts/circumstances of the incident, any legal justification or factors involved, and a preliminary recommendation as to whether or not the claim should be accepted or denied. This recommendation is not intended to be binding or all encompassing, but used as a basis of evaluation by the GL liaison when reviewing the claim with the insurance adjuster.

If the PSD reviewer observes any risk issues, potential misconduct, need for training, or other remediation while reviewing the claim incident, he/she will bring the issue(s) to the attention of the next level of authority in the chain of command (generally the PSD lieutenant). This chain of command meeting will be requested in writing and should occur within 30-days of the claim response submission.

PSD Lieutenant – The division commander is responsible for the overall internal review process and response to the Risk Management Division. Should any issues of misconduct, risk mitigation, training, opportunity for agency improvements, or other concerns arise, the PSD Lt. will conduct an evaluation of the fact and circumstances and make a recommendation to the next level of authority in the chain of command (generally a Captain or Deputy Chief). Depending on the nature of the concern, several tasks or outcomes could result from a claim review, to include but not limited to: initiation of an internal investigation (IA) or citizen complaint, additional training (either as an individual or line-up/AOT training), convening of the Critical Incident Review Board (CIRB), or other action as dictated by the Chief of Police or his/her designee.

PSD Analyst – The analyst will document any action resulting from a city claim review. The action will be noted in writing in the CL# file and referenced to the corresponding outcome so the task can be monitored for completion by the PSD lieutenant. Once the claim response is completed and approved by the PSD lieutenant, the PSD analyst will submit the claim response on behalf of the PSD lieutenant to the GL liaison, insurance adjuster, CAO attorney, risk manager, and VPD executive staff.

Required Review & Reporting

The updated status of all claim reviews (CL #) or action items resulting thereof, will be reviewed by PSD staff at their monthly case status meetings. At these meetings, any unfinished or outstanding action items will be identified and assigned to PSD staff for follow up. The PSD lieutenant who will have overall responsibility of overseeing any improvement and/or remediation resulting from a city claim review.

Annual Audit Report – in the PSD Annual Audit, there will be a city claim review section. This section will identify the amount of actions taken as a result of city claims reviews, address any connectivity between community concerns and litigation. Report on any community problem-solving actions attempted as a result of a city claim incident and/or review. The annual report information and other data will be used to assist VPD in evaluating whether or not there are trends or patterns that necessitate improvement, remediation, or training. This information will be contained in the overall PSD annual report as described in other areas of this policy.

Routing

If during a city claim review, remedial action is deemed warranted by the PSD lieutenant (or officer of higher authority), the recommended action will be forwarded to the appropriate unit. In cases requiring additional training, the PSD Admin/Training Sgt. will be tasked with follow-up. In cases involving potential policy violation(s) and/or discipline, the IA Sgt. will be tasked with follow-up. In cases involving performance issues, the employee's supervisor will be tasked with the follow-up.

Any action item(s) identified will be time bound and will be tracked in the PSD software system's "TASKS" section of the case file. The PSD will be responsible for following up on any time sensitive action items to ensure timely completion.

Last Rev. 5/23/23

CURRENT POLICY

PSD Procedural Guidelines 041824.pdf

CURRENT POLICY

Policy 1011 Attachment

Professional Standards Division

Procedural Guidelines

Purpose

This policy attachment is to be used by the Professional Standards Division (PSD) as a procedural guide when conducting certain administrative tasks. This is including, but not limited to, when investigating Use of Force Complaints or Citizen Complaints submitted to PSD. This policy attachment will define new responsibilities for the involved investigator, establish a standardized internal review process, and describe action items that may come from the administrative review.

NO CONFLICT ATTESTATION FORM

To ensure that fair and impartial investigations are conducted, supervisors at the scene of the events or otherwise involved in the circumstances of the event will not have any investigative role with the PSD investigation. Collective bargaining board members or officers who represent other police officers during internal interviews or disciplinary hearings will also not have any investigative role in that particular PSD investigation. Each lead investigator will complete a No Conflict Attestation Form before case assignment. If a conflict of interest exists, an alternate investigator will be assigned as lead. All investigations require a completed No Conflict Attestation.

TRACKING SOFTWARE

Citizen Complaints and Internal Investigations that are received by the Professional Standards Division for review shall be entered into the tracking software. The tracking software will issue a tracking number for each entry and will document the type of complaint, outcome, and demographic data for the complainant and involved officer(s).

The tracking software tracks many aspects of the PSD investigation to include the following information:

- PSD case number
- Date case received
- Accused officer(s)
- Witness officer(s)
- Criminal allegation(s) – assigned criminal investigator
- Administrative allegation(s)
- Tolling dates: start & end
- Reason(s) for tolling (i.e. criminal investigation, member unavailable, trail, etc.)
- Case status (i.e. active administrative, criminal trial pending, member unavailable, closed, etc.)
- Case disposition
- Officer / Complainant demographics
- Notes

This policy requires the interview of all subject and witness officers in administrative investigations. All attempted or completed officer interviews will be logged and tracked. If the

officer could not be interviewed, this information will still be logged and tracked into the database with an explanation describing the circumstances of the incomplete interview.

Use of force incident will be entered into the use of force reporting software by the officer who used force. This report will then be forwarded to the first line supervisor for review. After the first line supervisors review, the UOF report will be forwarded to the Watch Commander for additional review. After the Watch Commander has reviewed the use of force entry, it will be forwarded to PSD Sergeant for a final review. At any point in the review process, a reviewer determined a violation of the use of force policy has occurred, a PSD investigation will be initiated.

The use of force reporting software will be used by PSD to look for trends in force use that may constitute a conduct that violates department policy or law. A component of the use of force reporting software is the Early Intervention System that identify trends resulting from complaints. Watch Commanders will track complaints filed during their shift to also identify trends in complaints. The PSD Commander will also review all use of force complaints monthly to determine if trends are present that can be addressed to reduce the likelihood of use of force incidents. In addition to a monthly review, the PSD Commander will present an annual audit report to the Chief of Police. These trends will be forwarded to the PSD training manager for further training as needed.

PSD TRAINING

PSD investigators will be educated and trained on policies and procedures including, but not limited to, the use of the No Attestation Form, the PSD Investigative Checklist, PSD Officer Interview Questionnaire Form, and the PSD Monthly Investigative Review Memo prior to conducting any internal investigations.

All internal PSD training records will be retained by the PSD Commander or their designee. The PSD Commander will also document deficiencies identified, and any corrective / remedial action taken.

A PSD Officer Interview Questionnaire will be utilized to ensure consistent investigative integrity.

PSD INVESTIGATIVE CHECKLIST

To ensure that investigations are thoroughly completed in a timely manner, a standardized investigation procedure will be performed. This procedure will include, but are not limited to, investigative actions listed in the Professional Standards Checklist such as interviewing of all subjects and witnesses (to include all witness officers) and adherence to timelines.

The VPD has established investigative responsibilities and associated deadlines for investigative tasks. This Professional Standards Investigation Checklist outlines investigative steps will be performed with deadlines for each phase. It is serves to keep consistency to the investigation, enhancing public trust and legitimacy. If the investigation is complex or other variables require a deviation from established deadlines, requiring more investigative resources or time exceeding deadlines, an explanation and approval will be required by the PSD Commander.

PROFESSIONAL STANDARDS DIVISION NOTIFICATION PROCESS

The following will be the responsibility of the Professional Standards Division upon notification of an allegation of misconduct.

- (a) Confirmation that a complaint has been received by the Professional Standards Division. Confirmation can be made by email and or a follow up telephone call.
- (b) The complaint will be entered into tracking software and a member of the Professional Standards Division will attempt to contact the complainant within 48 hours of receipt.
- (c) The assigned investigator will contact the complainant at a minimum once every 30 days to provide a case status update until the case is completed.

POST ADMINISTRATIVE INTERVIEW PROCESS

At the conclusion of the investigation, policy violations will be identified and documented in the PSD report. The completed investigation will be reviewed and approved by the PSD Commander. The PSD Commander will forward the completed packet to the appropriate Bureau Captain for review and approval. The Bureau Captain will complete a Findings and Recommendations Memo to be routed through the chain of command to the Chief of Police for final approval.

PROFESSIONAL STANDARDS DIVISION COMMANDER RESPONSIBILITIES

The Professional Standards Division Commander is responsible for reviewing all letters prior to the Administrative Analyst sending them. All letters will be uploaded into the tracking software and the Professional Standards Division Drive.

PSD INVESTIGATIVE REVIEW MEMO

The PSD Commander will conduct a monthly and phase review of each PSD investigation. A PSD Investigative Review Memo will be completed. The PSD Investigative Review Memo is used to document review and approval for cases meeting the investigative deadlines, documenting circumstances for past due cases, direction to the lead investigator to perform additional investigative steps, and to establish new deadlines.

The PSD Commander will review each case monthly until all remediation is completed.

Training, policy, or practice deficiencies identified will be agenized and discussed at weekly PSD meetings. The PSD Commander will coordinate with the appropriate personnel to ensure if individual or group training may be required. The PSD Commander will document in a memo deficiency identified and any corrective / remedial action taken.

The PSD Commander or their designee is responsible for monitoring review and remediation of any deficiencies identified during the review or remediation process, measuring associated outcomes, monitoring adherence to the process, and provide an annual report on all outcomes to the Chief of Police.

PSD CASE INSPECTIONS

Upon subsequent inspections, if deadlines or direction is not achieved, the PSD Commander will take corrective or other remedial action which may include directing the lead investigator to complete a PSD Investigative Review Memo explaining the circumstances for non-adherence, reassigning the lead investigator, or other remedial or punitive action.

It shall be the responsibility of the Professional Standards Division Commander to review all use of force complaints monthly and determine if trends are present that increase the likelihood of force being used in the future.

Additionally, the PSD Commander will conduct an annual review of the training curriculum for the PSD Officer Interview Questionnaire form and will make updates or changes as necessary.

AUDIT REPORTS

PSD will conduct an annual report detailing the outcomes of each personnel complaint investigation to ensure PSD adheres to policy. The annual report will also include statistics of discipline issued.

PSD will create a bi-annual report will be created showing evidence of remediation recommended by PSD to include training, discipline, and policy adjustment. The annual and bi-annual reports will be downloaded to the VPD webpage.

FORCE TRENDS

The Professional Standards Division Commander will assess use of force trends on a quarterly basis with the assistance of the Force Options Team as Subject Matter Experts. This assessment will be used to identify officer(s) who would benefit from further training.

PSD Investigative Checklist 041824.pdf

CURRENT POLICY



PSD INVESTIGATIVE CHECK LIST

FIRST PHASE

- Make contact with complainant within 48 hours of receipt of complaint. Date completed:**

If not completed, add explanation here:

- Open an internal complaint and assign complaint number. Date completed:**

If not completed, add explanation here:

- Schedule a date and time to conduct an interview with complainant**

If not completed, add explanation here:

- Interview complainant & determine allegations against the employee. Date completed:**

If not completed, add explanation here:

- Determine if there are civilian or officer witnesses. Date completed:**

If not completed, add explanation here:

- Interview civilian witnesses. Date completed:**

If not completed, add explanation here:

- Review CAD data and any reports generated. Date completed:

If not completed, add explanation here:

- Update complainant. Date completed:

If not completed, add explanation here:

PSD Commander _____ Date _____

SECOND PHASE

- Speak to supervisor to determine basic facts. Date completed:

If not completed, add explanation here:

- Review BWC or In-Car videos.

Date completed:

If not completed, add explanation here:

- Review other video evidence.

Date completed:

If not completed, add explanation here:

- Schedule interviews with witness and complainant officers.

Date completed:

If not completed, add explanation here:

[Empty box]

- Conduct interviews with witness and complainant officers.**

Date completed:

If not completed, add explanation here:

- Consult subject matter experts (SMEs) if necessary.**

Date completed:

If not completed, add explanation here:

- Update complainant. Date completed:**

If not completed, add explanation here:

PSD Commander _____ **Date** _____

THIRD PHASE

- Generate PSD report with facts gathered. Date completed:**

If not completed, add explanation here:

- Submit to PSD Commander for review and approval.**

Date completed:

If not completed, add explanation here:

- Update complainant. Date completed:**

If not completed, add explanation here:

PSD Commander _____ Date _____

CURRENT POLICY

VPD No Conflict Attestation Final.PDF

CURRENT POLICY



NO CONFLICT ATTESTATION

To ensure fairness and impartiality for internal affairs investigation, I attest that I do not have any conflicts that would impede my ability or judgment relating to the person(s) or entities associated to this investigation/complaint.

I attest that ALL of following are true:

1. I did NOT have an active or supervisory role during this event.
2. I do NOT currently represent nor am I scheduled to represent any department member relating to, or having any association with, the event(s) surrounding this investigation.

I understand that if EITHER of the above attestations is NOT accurate, I CANNOT act as the lead during this investigation/complaint.

Investigator Name: _____

Investigator Signature: _____ Date: _____

Supervisor Name: _____

Supervisor Signature: _____ Date: _____

Vallejo Police Department

Key Complaint Policy Changes Overview

◆ NEW SECTION – 1011.3 DEFINITIONS

2025	2026	Change
<p>✗ None (definitions embedded).</p>	<p>Defines Complaint, distinguishing Discipline as a general term that encompasses both Corrective and Punitive actions, Preponderance of evidence.</p>	<p>Entirely new section introducing critical legal definitions and framework. Adopted language from the 2020 & 2023 RIPA Advisory Board Annual Reports</p>

◆ 1011.3.1 MISCONDUCT CATEGORIES

2025	2026	Change
<p>General references to serious misconduct with no definition.</p>	<p>Adds exhaustive General Misconduct examples (e.g., poor service, discourtesy). Adds Serious Misconduct list (dishonesty, excessive force, sexual assault, discrimination, hate groups, intoxication, etc.).</p>	<p>New classification aligning with Penal Code §13510.8 (SB 2 – POST decertification). Expands grounds for reporting to POST. Provides supervisors who may receive a complaint with a general framework with which they can classify the alleged offense to determine how to proceed with the investigation (Gov Code 3300 triggered or not)</p>

◆ 1011.3.2 COMPLAINT CLASSIFICATIONS

2025	2026	Change
“Formal” or “Inquiry Resolution.”	Replaced with Formal / Informal / Public Inquiry and defined PSD designated as central coordinator.	<p>Restructured investigation flow: all complaints must be accepted, logged, investigated and/or reviewed by PSD.</p> <p>Allows Watch Commanders to identify those complaints that can be investigated contemporaneously to the alleged offense and provides the discretion for corrective actions for informal matters.</p>

◆ SOURCES OF COMPLAINTS (1011.3.2 in 2026 → 1011.3.3 in 2025)

2025	2026	Change
Accept complaints in any form; tort claims may generate a complaint.	Adds anonymous, third-party, minor, parent/guardian, POAC, City offices; requires investigation even if not articulated as misconduct.	Specifies all potential sources of complaints

◆ 1011.4 – AVAILABILITY & ACCEPTANCE

2025	2026	Change
“Personnel complaint forms will be maintained in a clearly	Adds Personnel Complaint/Compliment Form, multilanguage (Spanish/Tagalog) availability, translation requirement, integration with oversight bodies.	<p>Replacement of complaint form and modernization.</p> <p>Adding a general description of complaints process, what to expect and</p>

2025	2026	Change
visible location and online.”		instructions based on RIPA AB Annual Reports Requires ADA/LEP-friendly procedures. Expands availability of forms

◆ 1011.5.2 – ADMINISTARTIVE INVESTIGATION PROCEDURES AND EXPECTATIONS

2025	2026	Change
GC 3300 Rules	GC 3300 plus no leading questions, no written statement from focus member, resolve material inconsistencies, identify all members at the scene and determine involvement if any.	Adds and specifies investigative techniques. Adds requirement to id all members on scene. Specifies how to evaluate and resolve inconstancies. Standards related to weighing the validity statements.

◆ 1011.6.1 - .4 – DOCUMENTATION, TRACKING & PSD PROCESS

2025	2026	Change
Annual log and audit by department.	Mandatory case entry into IA software with 12 data fields (case #, demographics, tolling, status, etc.). Requires PSD contact within 2 business days and 30-day complainant updates.	Adds digital tracking system and update frequency requirement. Introduces No Conflict Attestation digital form. PSD case checklist.

◆ **1011.6.5 - DISPOSITIONS**

2025	2026	Change
4 findings (Unfounded, Exonerated, Not Sustained, Sustained).	Same + Frivolous; references updated Penal Code subsections.	Adds statutory definition and updated numbering.
Standard of proof not declared.	Explicitly preponderance of evidence.	Aligns to California POST and DOJ mandates.

◆ **1011.6.6 - COMPLETION OF INVESTIGATIONS**

2025	2026	Change
“Due diligence; one-year limit from discovery; extensions per Gov Code §3304(d).”	Same plus prohibits terminating case due to complainant withdrawal.	Adds mandatory continuation even if complainant retracts.

◆ **1011.10.1 - PSD COMMANDER RESPONSIBILITIES / AUDITS**

2025	2026	Change
Mentions monthly “Investigative Review Memo.”	Same concept but renamed PSD Open Case Report; adds tracking spreadsheet, remedial actions, trend reviews, annual + biannual reports published online.	Institutionalizes public transparency reporting.

◆ 1011.10.2 - CHIEF OF POLICE RESPONSIBILITIES

2025	2026	Change
Authority to modify recommendations of discipline or return for further investigation, Skelly procedures	Same authority and responsibilities adds additional option of referral to (DRP), specifies discipline guidelines incorporation of Discipline Guidelines memorandum	expanded processes and guidelines to ensure completeness of investigations and consistency of discipline

◆ NEW 1011.17 – TRAINING

2025	2026	Change
Only scattered notes about supervisor responsibilities.	Entire new section mandating annual training for officers, supervisors, and reviewers, with comprehension of Garrity, Lybarger, Brady, bias recognition, and complaint handling for LEP individuals.	Adds recurring education and competency expectations.

◆ NEW 1011.18 – EVALUATION, AUDITS & TRANSPARENCY

2025	2026	Change
Sparse audit clause.	Expands to full annual and biannual audit, effectiveness and trends assessment, publication on website by April 1.	Strengthens continuous improvement and public accountability

OVERALL IMPACT SUMMARY

Aspect	Direction of Change	Why It Matters
Tone & Intent	Procedural → Values-driven, public-facing	Builds public confidence and transparency.

Aspect	Direction of Change	Why It Matters
Legal Compliance	Basic → SB 2 / POST Decertification / Gov Code modernized	Ensures conformity with 2022–2024 California statutes.
Accountability	Internal tracking + annual audit → Digital IA tracking, scheduled updates, audit & public posting	Adds measurable accountability infrastructure.
Investigation Quality	Supervisor discretion → Centralized PSD control with standard methods	Promotes consistency and impartiality.
Community Access	Limited → Broad, multilingual, anti-retaliation, multi-channel intake	Expands complainant rights and equity compliance.
Training & Oversight	Minimal → Formalized annual training + evaluation program	Ensures policy sustainability and effectiveness.

Vallejo Police Department

Personnel Complaints Policy

Key Changes After Police Reform

Big Picture Shift

- Old policy focused on internal processes for handling complaints.
- New policy emphasizes accountability, transparency, and public trust.
- Clear expectation that investigations must be fair, consistent, and evidence-based.

Stronger Rights for the Public

- Complaints can be filed by anyone, including anonymously or on behalf of others.
- Multiple ways to file: online, phone, email, in person.
- Materials available in multiple languages.
- Complainants can update or correct their statements after filing.

Zero Tolerance for Discouraging Complaints

- Officers cannot refuse or discourage complaints.
- Retaliation, intimidation, or interference is explicitly prohibited.
- Violations can result in discipline, including termination.

Clearer Definition of Misconduct

- Misconduct categorized as General or Serious.
- Serious misconduct explicitly includes excessive force, bias/discrimination, dishonesty, and failure to intervene.
- Greater clarity reduces ambiguity and strengthens accountability.

Higher Standards for Investigations

- Findings must be based on 'preponderance of evidence' (more likely than not).
- Investigations must consider all evidence equally and resolve inconsistencies.
- Witness interviews and evidence collection are more structured and standardized.

Centralized Oversight (Professional Standards Division)

- All complaints are reviewed and tracked by a central unit (PSD).

- PSD ensures consistency, quality control, and proper classification of cases.
- Reduces risk of bias or inconsistent handling across supervisors.

Tracking, Data, and Transparency

- All complaints are logged in a tracking system with case details and outcomes.
- Data includes timelines, demographics, and findings.
- Annual reporting identifies patterns and trends for improvement.

Improved Communication with Complainants

- Initial contact within a few days of filing.
- Regular updates (at least monthly) during the investigation.
- Ensures transparency and reduces uncertainty for complainants.

Investigations Continue Regardless of Withdrawal

- Cases cannot be closed simply because a complainant withdraws.
- Ensures serious allegations are still investigated fully.

Stronger Accountability and External Reporting

- Serious misconduct must be reported to state oversight (POST).
- Additional oversight ensures accountability beyond the department.
- Clearer consequences for violations, including potential removal from service.

Bottom Line

- The old policy focused on handling complaints internally.
- The new policy is designed to ensure fairness, transparency, and accountability.
- Overall goal: rebuild and maintain public trust through a more rigorous and open process.