



**POLICE OVERSIGHT &
ACCOUNTABILITY COMMISSION
SPECIAL MEETING**

MAY 7, 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

Council Chambers
 555 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>City Hall and the Council Chambers 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://ZoomRegular.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><u>VIEW THE MEETING:</u> There are four different ways you can view this public meeting:</p> <ul style="list-style-type: none"> • In Person • Watch Vallejo local channel 28 • Stream from the City website: www.cityofvallejo.net/Streaming • Join the Zoom webinar: https://ZoomRegular.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://ZoomRegular.CityofVallejo.net to launch and join the zoom application. Meeting ID: 914 0075 0676# Meeting Password: 131313</p>	<p><u>Option to Join by Phone</u> Dial (669) 900-6833 Enter Meeting ID: 914 0075 0676# 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 ACTION CALENDAR

*NOTICE: Members of the public wishing to address the POAC on Action Calendar Items may do so in person by signing in to the Public Speaker's kiosk located in the back of the Council Chambers or via ZOOM (<https://ZoomRegular.Cityofvallejo.net>), or via phone, by dialing (669) 900-6833. Enter Meeting ID: 914 0075 0676#. 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 COMMISSION CONSIDERATION OF VALLEJO POLICE DEPARTMENT PROPOSED POLICY 1011 CITIZEN COMPLAINTS AND ADOPT A RESOLUTION MAKING A RECOMMENDATION TO THE CHIEF OF POLICE CONCERNING THE PROPOSED POLICY OR, IN THE ALTERNATIVE, NOT RECOMMENDING THE PROPOSED POLICY

Recommendation: Staff recommends adoption of A Resolution of the Vallejo Police Oversight and Accountability Commission Recommending the Vallejo Police Department Proposed Policy 1011 – Personnel Complaints.

Contact: Randy J. Risner, Chief Assistant City Attorney (707) 648-5431

randy.risner@cityofvallejo.net

5 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 5:45 p.m., Thursday, April 30, 2026.

Dated: Thursday, April 30, 2026



Dawn G. Abrahamson, City Clerk



DATE: May 7, 2026
TO: Mayor and Members of the City Council
FROM: Veronica A.F. Nebb, City Attorney
Randy J. Risner, Chief Assistant City Attorney
SUBJECT: **COMMISSION CONSIDERATION OF VALLEJO POLICE DEPARTMENT PROPOSED POLICY 1011 CITIZEN COMPLAINTS AND ADOPT A RESOLUTION MAKING A RECOMMENDATION TO THE CHIEF OF POLICE CONCERNING THE PROPOSED POLICY OR, IN THE ALTERNATIVE, NOT RECOMMENDING THE PROPOSED POLICY**

RECOMMENDATION

Staff recommends adoption of A Resolution of the Vallejo Police Oversight and Accountability Commission Recommending the Vallejo Police Department Proposed Policy 1011 – Personnel Complaints.

BACKGROUND AND DISCUSSION

Pursuant to Vallejo Municipal Code section 18.03.050, the Police Oversight and Accountability Commission is required to "review, advise and provide recommendations" concerning any proposed Vallejo Police Department (VPD) policy and submit a recommendation to the Chief of Police within 45 days of submission. The Chief of Police submitted proposed Policy 1011 - Personnel Complaints to the Commission on March 30, 2026. The 45-day time period set forth in the Municipal Code will run on May 14, 2026.

As part of the City of Vallejo's agreement concerning police reform with the California Department of Justice, the Vallejo Police Department, among many other things, is required to draft a new complaints policy to replace the existing policy and include language in that policy required by the California Department of Justice. VPD drafted a new policy and submitted it to Jensen Hughes which is the independent evaluator selected by the California Department of Justice to oversee implementation of police reform. Jensen Hughes provided extensive comments and edits over several meetings between the VPD Compliance, Integrity and Accountability Division (CIAD), VPD members, the City Attorney's office, the City Manager's Office and the HR Department and the proposed policy was revised accordingly. Policy 1011 is a policy of VPD. It and all other VPD policies are directed to the actions, conduct, and accountability of VPD employees. Policy 1011 provides guidelines, for the reporting, investigation and disposition of complaints regarding the conduct of members of the VPD. The policy is separate and apart from the Police Oversight and Accountability Ordinance which governs the duties and powers of the Police Oversight and Accountability Commission (POAC). Police 1011 is not intended to modify, supplant or duplicate, the POAC ordinance but rather works in conjunction therewith.

On March 30, 2026, proposed Policy 1011- Personnel Complaints was submitted to the Commission at a public meeting attended by interested members of the community. Those community members were divided into small discussion groups with Commission member facilitators for each group. The groups then provided comments to the Commission. On April 9, 2026, the Commission held a second meeting to provide Commissioners an opportunity to provide comments about Policy 1011. Members of the public in attendance at that meeting also provided additional comments.

On April 30, 2026, the Vallejo Police Department will hold a Town Hall Presentation to again discuss the new policy and to hear comments from the public.

**Subject: COMMISSION CONSIDERATION OF VALLEJO POLICE DEPARTMENT PROPOSED
POLICY 1011 CITIZEN COMPLAINTS AND ADOPT A RESOLUTION MAKING A
RECOMMENDATION TO THE CHIEF OF POLICE CONCERNING THE PROPOSED
POLICY OR, IN THE ALTERNATIVE, NOT RECOMMENDING THE PROPOSED
POLICY**

In addition, to the above opportunities to provide comments, members of the public could also access www.myvallejo.com/personnel-complaint-policy and post a comment.

Responses to the comments, with the exception of the comments from the April 30 meeting are attached hereto.

FISCAL IMPACT

Policy 1011 replaces an existing policy. There may be fiscal impacts related to additional VPD and city staff time related to processing additional complaints.

ENVIRONMENTAL REVIEW

ATTACHMENTS

1.	POAC RESOLUTION POLICY 1011 CAO STAMP
2.	Comments/Responses Sykes
3.	Comments/Responses Yun
4.	Comments/Responses Roy
5.	Comments/Responses ACLU
6.	Public Response to Questions to Policy 1011_FINAL 4.21.26
7.	Grimm 2026.03.30
8.	Schussel 2026.03.29
9.	Policy 1011 Personnel Complaints Policy

CONTACT

Randy J. Risner, Chief Assistant City Attorney (707) 648-5431
randy.risner@cityofvallejo.net

Approved as to form:

By:  for _____
Veronica Nebb, City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE VALLEJO POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION RECOMMENDING/NOT RECOMMENDING THE VALLEJO POLICE DEPARTMENT PROPOSED POLICY 1011 – PERSONNEL COMPLAINTS

WHEREAS, the City of Vallejo Police Oversight and Accountability Commission (“Commission”) is required by Vallejo Municipal Code section 18.03.050 to review, advise and provide recommendations regarding any new policy of the Vallejo Police Department ; and

WHEREAS, as part of the City’s Settlement Agreement with the California Department of Justice, the Vallejo Police Department was required to revise its existing complaints policy; and

WHEREAS, a new complaints policy has been drafted and approved by the California Department of Justice; and

WHEREAS, on March 30, 2026, the Commission held a public meeting to hear comments from the public about the new complaints policy; and

WHEREAS, on April 9, 2026, the Commission held a public meeting wherein commissioners had the opportunity to discuss the complaints policy and hear additional comments from the public; and

WHEREAS, on April 30, 2026, the Vallejo Police Department held a Town Hall Presentation to again discuss the new policy and to hear comments from the public.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Commission recommends adoption and implementation of proposed policy 1011 concerning citizen complaints without revision.

The Commission recommends adoption and implementation of proposed policy 1011 concerning citizen complaints with the following revisions:

The Commission recommends not adopting or implementing the proposed policy 1011 concerning citizen complaints for the following reasons:

Adopted by the Police Oversight and Accountability Commission at a special meeting held on May 7, 2026, with the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JOHN LEWIS, CHAIR

ATTEST:

NALUNGO CONLEY, SECRETARY

**Questions Regarding VPD's Complaint Policy
POAC Commissioner Renee Sykes**

Community Comments

1011.3.1-the word "dishonesty"-the word is too broad to be practical. Outline how a limited amount of dishonesty occurs (i.e. performing undercover work, investigating a homicide suspect) and how a certain amount of dishonesty is required.

The word is intended to be broad. There are multitude of ways a member can be dishonest. Dishonesty related to a criminal investigation in the ways that the law legally allows is a widely recognized legal exception.

1011.4.2-Hate group-what are the consequences for an officer if it has been determined they were members of a hate group?

The circumstances of every instance of every violation will be different however the Discipline Guidelines indicate that discipline should begin with suspension – termination.

Renee's Comments

Q1-It is my understanding that VPD is under a stipulated agreement. Can POAC be given a copy of the stipulated agreement? It should have been provided during the 2025 training. **Reason:** to ensure that POAC recommendations do not go outside the scope of the agreement

The stipulated agreement is a matter of public record and can be found on the Department website.

Q2-Is DOJ opposed to including POAC in the new Complaint Policy and having them draft an introductory letter to the community (similar to what Chief Ta has written)?

The purpose of the Commission is advisory and oversight. It is intended to represent the public outside of the Police Department's influence and control. Any communication similar to what Chief Ta has written on the public complaint form should be attached to whatever materials or websites that are associated with the City or the Commission. Adding language from the Commission on a Department form might undermine the autonomous nature of the Commission.

Q3-Can the department provide a POAC complaint form link in VPD's Complaint Policy for individuals who do not wish to file a complaint with the police?

Same answer as above

Q4-What method or process will be developed to get complaints/compliments sent to POAC members to VPD staff and how will they be recorded?

The agreement appears to require the Police Department to provide all complaints to the Committee within two business days. That will be done on a case-by-case basis via email to the Secretary after each case has been received and entered the Department's tracking system.

Q6-Can POAC members receive training on the Internal Affairs process?

There is a provision in the Muni Code under section 18.03.040 (B)(3) that the Commissioners participate in a Department “ride along” program and attend a police training program with curriculum designed by the Chief of Police after consultation with the Commission.

Q7-Are there plans to videotape IA interviews? Although videotape is referenced in the ordinance, it’s not clearly stated in the complaint policy. Bodycams are videotaping officer’s activities while out patrolling. Is that correct?

There is a separate policy that deals with body cameras. The short answer is every uniformed officer engaged with the public generally is required to have the body camera operating.

There are times that a “non-involved” but “on scene” officer may only be required to submit a statement of their non-observations or non-involvement. Also, civilian witnesses are sometimes interviewed in the field. Video recording can be problematic in those cases. Furthermore, minor complaints that involve behavior that would likely result in corrective action are most often handled contemporaneously to the behavior and do not trigger GC3300 rules as the member is not subject to punitive action. These are nevertheless complaints and do involve a non-noticed interview of the member and a report. That interview is typically not recorded.

There are grammar issues in the document that should be corrected and will allow parts of the document to flow better. These issues are addressed in the PDF document which will be sent with the comments.

1011.1-Purpose and Scope

- What is the difference between local laws and municipal rules?

I’m not sure if there is a difference but leaving it in will not hurt anything.

- **Q4-**What is meant by the term “improper language” Does this include profanity? If so, why is that not clearly stated or referenced in this section?

1011.3.1 It is meant to be broad on purpose. Improper language encompasses profanity, tone, mocking accent, and any other way that language can be used to offend intentionally.

1011.2

- **Q-Is it commit misconduct or engage in misconduct? (2nd paragraph).** Can it be stated differently?

I suppose it could be stated as engage instead of commit.

1011.3-Definitions

- “Complaint means either of the following:” **Q-Why is this sentence listed twice?**

It’s typo from the last revision. It will be corrected.

- **Punitive Actions-Q-what is a punitive transfer?**

If a member is assigned to a special assignment or position such as Investigations or Traffic or any of the other special assignment positions, removal from that assignment can be a punitive action.

1011.3.1-Misconduct Categories

- **Serious Conduct (E)**-Is 832.7 (b)(1)(b) part of the penal code? If so, can it be listed here?

The Penal Code, Government Code, Vehicle Code and a number of other codes are often referenced in police policy manuals. Laws supersede policy. The intention of policy is not to echo the law necessarily but to provide general orders or policy that comply with the law. This is a common practice of law enforcement agencies throughout the country when authoring policy.

- (H)-Can you define what is considered a “law enforcement gang” and the criteria used to define the gang?

Defined in Penal Code 13760 (a)(2)

“**Law enforcement gang**” means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

1011.4-Availability of Written Investigation Procedures...

- What does “at a minimum mean?” 2nd paragraph. This has to do with the availability of complaint forms at various city locations.

The policy demands that the Department make compliment/complaint forms available at “appropriate City properties”. In addition to this, VPD is required to, at the very least or “at a minimum”, have them at “Department facilities that are open to the public and on the VPD website”. Section 8(A)(2) of the Settlement Agreement.

- Can the Complaint form and Compliment form be separated?

A complaint form and compliment form is required by the agreement with the California Department of Justice. The reason being that it is important to recognize and reward good behavior just as it is to recognize and discipline those that exhibit bad behavior. We could separate the forms and have both compliment forms and complaint forms at all the same locations however it does not seem to be very efficient and there is no reasonable downside to using one form to document both complaints and complements.

1011.4.1-Acceptance

- Is Human Resources a division or a department in the city? The word “office” is used after City Manager and City Attorney.

These terms are correct and are commonly used among City staff.

- 3rd paragraph-Refusal by whom? Should it refer to a member or staff person?

This policy, as with all policies, is written to govern the Police Department only. Orders are directed to all members of the Police Department unless otherwise noted. VPD policy defines a member as any person employed or appointed by the Vallejo Police Department, including:

- Full- and part-time employees
- Sworn Peace Officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers

Policy Manual, Definitions 103.4

1011.4.2-Hate Group Activity

- Question-Should it read, “has current or previous membership in a hate group?”

This language comes directly from the Penal Code 13682(a) PC. It encompasses the present time. Meaning from the discovery of the offense back to seven years.

1011.5-Supervisor Responsibilities

- (a)(2)-this section needs clarification. How is the integrity of the investigation compromised when reducing the complaint in writing?

This is common language in police department complaint policy. However, it is seldom employed as the circumstances of a vast majority of complaints would not involve a situation that might call for an oral complaint in lieu of a written complaint. In many law enforcement policies, there’s a recognition that putting a complaint into writing may:

- **Jeopardize the integrity of the investigation** — for example, if the written version is prematurely shared, it could alert involved parties, allow them to coordinate stories, or destroy evidence.
- **Risk the confidentiality of the complainant** — especially in sensitive cases where revealing details could expose them to retaliation or intimidation.

This approach may help preserve evidence, protect witnesses, and maintain investigative integrity in a very unique set of circumstances.

- (d)-**Serious conduct**-Chief notified via the chain of command as soon as practicable. Q-What is considered practicable. Why not as soon as possible since this is a serious conduct issue.

Practicable – definition is, capable of being put into practice or of being done or accomplished, FEASIBLE. This seems like an appropriate word.

- (h) why is the word “generally” being used in this sentence? Can it be clarified?

The word “generally” is used because there may be unforeseen exceptions to this rule. As in every case a member would have to explain the reasoning, or it may be self-evident why an interview was conducted at an unreasonable hour as opposed to a reasonable hour.

1011.5.1-Administrative Investigation

- Q-An individual who is off duty is being paid to come in for an IA interview? Is that department policy and part of the VPOA contract?

This is a requirement of GC 3303(a). “The interrogation shall be conducted at a reasonable hour, preferably at a time when the public safety officer is on duty, or during the normal waking hours for the public safety officer, unless the seriousness of the investigation requires otherwise. If the interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for any off-duty time in accordance with regular department procedures” ...

- (h) Is the department keeping the member’s recording for its records? If not, how is the member’s recording being maintained?

The interviewer has their Department copy and it is maintained by the Department. The member who is the focus of the investigation and is being interviewed has a right to record that interview and maintain their own copy. This is also mandated by GC 3303(g).

- Paragraph after letter (k)-Can the Brady List be explained?

The Brady List is a record of law enforcement officers whose history of misconduct raises questions about their credibility as witnesses. Prosecutors’ offices maintain these lists to flag officers who have been caught lying, falsifying evidence, or engaging in other dishonest behavior. When one of these officers is involved in a criminal case, the prosecution is constitutionally required to tell the defense about that officer’s credibility problems. The obligation traces back to two landmark Supreme Court decisions and has become one of the most consequential intersections of police accountability and criminal justice.

1011.5.2-Administrative Investigation Procedures and Expectations

- (1) Are witnesses or subjects given an admonishment in writing or verbally? It’s not clearly stated in this section.

VPD has a form, but it is not required by the statute. The admonishment can be given verbally and therefore would be on the recording as well. The admonishment is an order not to discuss the interview or investigation with anyone other than their representative.

1011.6.1-Professional Standards

(b) 1011.5(b) states 2 business days. This section states 5 days for follow-up. Which one is correct?

The agreement with the Department of Justice is two business days. The five days that you see later in the order is a discrepancy from an earlier draft that will be corrected.

1011.6-Completion of Investigations

- The number of this section does not appear to be correct. Is it supposed to be 1011.6.6?

It's not correct. After the order has final approval, it will be imported into Lexipol and live as a digital document within our complete policy. At that time the numberings, the format, the spacing and other formatting errors will be corrected.

- Is the complainant notified in writing about the delayed investigation?

VPD does not specify in policy how the complainant will be contacted just that it will be done and logged in the IA pro software. Contact with the complainant might be dictated by how they want to be contacted. Nothing precludes the Department from notifying a complainant in writing, however if the complainant has contact information that can be entered into the online portal, then contact will be made through that platform. Doing it this way is more efficient for all parties involved.

1011.7-Administrative Searches

- How is the member's consent given? In writing or verbally?

There is no requirement that VPD obtain a member's consent specifically in writing, however on the very rare occasion that this might be done written consent may be preferable to verbal consent.

1011.8.1-Removal of Disciplinary Action

- Is there an established timeline for removal? (i.e. immediately, 6 months, 6 years)

Yes, this is documented in policy 1014 (Personnel Records). This policy as with all Department policy is available for public review on the Department website.

1011.9-Criminal Investigations

- The chief is notified about a member under criminal investigation when it is practicable? Would it not make this more of a "as soon as possible" scenario?

Answered above.

- Who in the city is conducting the administrative investigation and what is the timeline for completion.

The Department's administrative investigations are routinely completed by the Internal Affairs (IA) Sergeant. Simpler and minor violation investigations can be assigned to the direct supervisor of the person being investigated at the discretion of the PSD commander. The Chief of Police has the authority of course to assign an investigation to anyone he/she chooses. The maximum timeline for the completion of an investigation that will result in Punitive Action is one year from discovery of the offense GC 3300.

The PSD commander is tasked with reviewing each open investigation monthly. The purpose of that review is to ensure that IA Sergeant is making reasonable progress on the case.

- Who is information being released to?

?

1011.10-Post Administrative Procedures

- Does the Admin Bureau commander review the letter going to the complainant?

No, it's a form letter containing the necessary information and drafted only after a thorough administrative review of the case.

- If re-training is required, is it being noted in the member's personnel file? A check and balance system is needed to ensure training is being done.

If the disposition of an investigation results in Corrective Action, such as re-training it is noted in the IA file, the Department's digital tracking system (IA Pro) in addition the training is documented in the member's training file. (Policy 1014.5 Training File) It's important to remember that Corrective Actions are meant to correct behavior not punish it.

1011.10.1 PSD Commander Responsibilities

- (e) What information from PSD Open Case Report is placed in the personnel file?

The PSD open case report is a digital report that tracks all the open administrative investigations. It is updated and reviewed generally in PSD. The contents of that report would not be information that would be placed in the personnel file of an individual member.

PSD Case Inspection

- (c) Will POAC have a chance to review the PSD Officer Interview Questionnaire?

This language was imported into the draft policy from an attachment to the current policy. It was created in response to the original OIR recommendations. The PSD Officer Interview Questionnaire is an older, synonymous title for what we also call the Peace Officer Interview form. This form documents the date and location of the interview, who was being interviewed, the interviewer, the assisting officer if any and the subject officer's representative. Information is also documented in relation to the recording and copies. A Miranda waiver is noted as well as a Lybarger admonishment. Both having a place to sign, date and witness. Finally, an order not to discuss the investigation is documented.

Audit Reports

- (c) Will annual and bi-annual reports be available in hard copy?

It is a PDF so copies can be made.

1011.10.2-Chief's Response

- The paragraph below letter D. The sentence is confusing

It is a description of the Skelly process otherwise known as a pre-discipline hearing.

Proposed Changes:

Section 1011.4.1 (Acceptance): * *Current:* "Complaints may also be accepted at the City Manager's Office, City Attorney's Office, Human Resources or POAC".

- *Recommended Change:* Add a requirement that the Department must provide a **referral receipt** to the POAC whenever a complaint is forwarded from your office to PSD to ensure no complaints "disappear" during the transfer.

This seems unnecessary as the assumption is that POAC will keep track of the complaints that come through them and are passed on to VPD. Additionally, all complaints passed through the POAC are still a "public complaint" and are provided to the POAC in accordance with the ordinance within two business days [18.03.050 (H)]

Section 1011.10.3 (Notice of Final Disposition):

- *Recommended Change:* Add a clause stating: "A summary of final dispositions for all complaints, categorized by type and finding, shall be provided to the POAC on a quarterly basis to assist in trend analysis"

There are several obligations assigned to the Department by the Muni Code. These duties could all be contained in a separate sub-section which either generally refers to those duties and references the Muni Code or specifically enumerate them.

Section 1011.18.1 (Transparency):

- *Current:* The report is made available to the public after approval by the Chief.
- *Recommended Change:* Suggest that the **draft** annual report be presented to the POAC for review and comment *before* final publication to ensure the community's oversight body can verify the data's clarity.

The purpose of this report is to inform the POAC so that POAC can prepare its own annual report with the information. There doesn't appear to be a "draft" exception in the code. If, however, the City Attorney and the DOJ agree perhaps this would be a good way to comply with both deadlines of Jan 30th to POAC and April 1st to the website.

- *OR:* The Department will publish an annual report of personnel complaint data.... This report will be made available to the public on the Department's public website. In alignment with the City's commitment to independent oversight, this section shall include a prominent link to the Police Oversight and Accountability Commission Ordinance (Vallejo Municipal Code Title 18), which governs the Commission's role in reviewing these data and advising on department policies.

Or add a new section:

1011.19 POLICE OVERSIGHT AND ACCOUNTABILITY COMMISSION (POAC) ROLE

(a) Policy Review: Pursuant to Vallejo Municipal Code Section 18.03.050, the Chief of Police shall submit all proposed new or revised personnel complaint policies to the Commission for review and recommendation 45 days prior to implementation.

(b) Complaint Intake: Personnel complaints may be filed directly with the POAC. All complaints received by the Commission shall be forwarded to the Professional Standards Division (PSD) for documentation and tracking in the Department's IA software.

(c) Access to Data: The PSD shall provide the Commission with access to redacted complaint data, trends, and the annual/bi-annual audit reports to facilitate the Commission's duty to advise the Chief and City Council on department performance.

(d) Community Feedback: The Commission shall serve as a public forum for community input regarding the effectiveness and transparency of the Personnel Complaints process.

Here is Community input from the table discussions:

Investigation Standards and Transparency

- **Recording of Interviews:** Mandate that all investigative interviews be audio and video recorded.

There are times that a "non-involved" but "on scene" officer may only be required to submit a statement of their non-observations or non-involvement. Also, civilian witnesses are sometimes interviewed in the field. Video recording can be problematic in those cases. Furthermore, minor complaints that involve behavior that would likely result in corrective action are most often handled contemporaneously to the behavior and do not trigger GC3300 rules as they are not subject to punitive action. These are nevertheless complaints and do involve a non-noticed interview of the member and a report. That interview is typically not recorded.

- **Redline Requirement:** Formalize a requirement that any future policy updates must be accompanied by a redline comparison (old vs. new) to ensure the public can identify changes.

This can be done in most instances. The Complaints Policy required many changes and additions which radically changed and added to our old policy and made the side-by-side comparison documents more difficult to produce.

- **Pattern Identification:** Draft language to establish a clear escalation path for "repeated similar complaints" involving the same officer to identify and address behavioral patterns.

There is a Discipline Guidelines form which is an attachment to the policy. It was developed in response to the original OIR. This guideline form is referred to in Complaints Policy. It's purpose is to create consistency in the application of discipline related to complaint investigations.

- **Body-Worn Camera (BWC) Enforcement:** Insert clear statements regarding mandatory BWC activation during incidents and define the specific disciplinary consequences for non-activation.

There is a general order or a policy directly related to body worn cameras. It's important to remember that this policy addresses complaints only. There are other policies that may be related or adjacent to the Complaints Policy in different ways but exist in a different policy altogether.

Complaint Filing and Accessibility

- **Simplified Language:** Revise the entire policy and all public-facing complaint materials to an eighth-grade reading level to improve public comprehension.

The purpose of all policy is to direct and guide members of the Department. It is not designed to inform the public. That is not to say that the public should not or cannot view or comment on policy, but its primary purpose is not to instruct the public. This particular policy was developed over many months with the subject matter experts, the Department of Justice and the Jensen Hughes Group, which serves as the independent evaluator and advisor before it was ever presented to any outside public scrutiny.

- **Visual Aids:** Integrate process diagrams and flowcharts into the policy to clearly show how a complaint moves from filing to final disposition.

There is a complaint document packet which serves as an instructional document for the public. It lives as an attachment to this policy. It is designed to explain to the layman the process and what to expect and includes FAQ's.

- **Expanded Intake Clarification:** Update the text regarding "supervisor-initiated complaints" to clarify that supervisors must initiate a complaint based on allegations received, not just conduct they directly observe.

This language already exists in the subsection sources of complaints 1011.3.3.

- **Expanded Translation:** Mandate that complaint materials be translated into additional languages beyond English, Spanish, and Tagalog based on Vallejo's specific demographic data.

There already is a requirement in the policy that mandates that an interpreter be employed who can translate language between the supervisor and complainant. The Department employs a service to fulfill this need. The agreement requires that the Police Department make the complaint brochure and the explanatory documents associated with the complaint be available in Spanish in any other language that the city provides to voters during an election. In the case of Vallejo those languages are Spanish English and Tagalog.

- **Ombudsman Function:** Propose the creation of a "complaint ombudsman" to assist residents in filing complete and technically sound complaints.

This would better couched in the duties of the Committee.

Here is a suggested Quick Guide for the layperson for the Personnel Complaint Policy:

How to Make a Complaint

- **Anyone can file:** You can file a complaint for yourself, for someone else, or even stay anonymous.
- **Many ways to reach us:** You can tell us what happened online, by phone, through email, or in person.
- **Language help:** Forms are available in **English, Spanish, and Tagalog**. If you speak another language, the department must try to find a translator for you.
- **Where to go:** You can give your complaint to any police supervisor, or take it to City Hall or the **Police Oversight & Accountability Commission (POAC)**.

What Happens Next?

- **First Contact:** Someone from the police department should reach out to you within a few days of getting your complaint.
- **Monthly Updates:** The investigator must check in with you at least **once every 30 days** to tell you how the case is going.

- **The Investigation:** The police will look at all evidence, like body cameras and witness statements. They will not automatically believe a police officer more than a regular person.
- **Closing the Case:** Even if you decide to take back your complaint later, the department must still finish the investigation to see if any rules were broken.

Your Rights & Protections

- **No Paybacks:** It is strictly against the rules for any officer to discourage you from filing a complaint or to treat you badly because you spoke up.
- **Fair Rules:** The department uses a "more likely than not" standard (called *preponderance of evidence*) to decide if an officer did something wrong.
- **Serious Mistakes:** Issues like using too much force, being dishonest, or treating people unfairly because of their race or identity are labeled as "Serious Misconduct" and are reported to the state.

DRAFT

DRAFT

VPD Personnel Complaints Policy Revision Recommendations

derived from notes at the 3.30.26 POAC Special Meeting in the Vallejo

Room

● I agree with Dr. Schussel and the other members of the community that wherever the policy is published, it should be in tandem with an FAQ/Key Aspects document that highlights the most important improvements from VPD's previous Personnel Complaints policy to the new Policy. The FAQ/Key Aspects document should be presented in Spanish and Tagalog as well as English, and should be colloquial in approach.

There is a complaint document packet which serves as an instructional document for the public. It lives as an attachment to this policy. It is designed to explain to the layman the process and what to expect and includes FAQ's. It is translated into Spanish and Tagalog. The policy is not a document meant for the Public. It is directed to the PD and governs only members of the PD only.

● I didn't catch Layla's last name - but I agree with her findings that under section 1101.3.3, the following bullet points would follow each other more effectively if the receipt of alleged misconduct was foregrounded in the second bullet point - here is the language from the policy:

- *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.*

And here is the recommended amended language:

- *Any Department member becoming aware of alleged misconduct shall immediately notify a supervisor.*
- *Supervisors shall initiate a complaint based upon receipt of alleged misconduct from a Department member, any other source, or personally observed misconduct that, if true, could result in disciplinary action.*

This appears to be a comment how the information is organized as opposed to the content.

● Dr. Schussel emphasized the importance of outlining complainant confidentiality within the policy. I affirm his opinion. While the policy does address complainant confidentiality in a few places, it is scattered throughout. Given the historical breach of trust between the community of Vallejo citizens and the VPD, a dedicated section about complainant confidentiality is warranted. I have an example of this section that I will submit with my full Policy Revision Recommendations

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.

VPD Answers to ACLU's Response to 1011

THE DRAFT POLICY FAILS TO INCLUDE VPD'S OBLIGATIONS WITH REGARDS TO POAC.

- There are some requirements in the Muni Code of the Police Department in relation to the POAC. Specifically, we confirm with the Commission that a **complaint has been received and logged** when we receive one from them.
- There is a requirement that all complaints involving **serious incidents** (as defined in the Muni Code not in the VPD Complaints Policy) **are forwarded to the Commission**.
- There's a requirement that the Chief of Police forward **complaints** to the Commission within **two business days**.
- There is a duty for the Chief of Police to provide a **confidential quarterly report** to the Commission on all **"disciplinary matters"**. It's unclear if the definition of disciplinary matters involves all discipline or just punitive discipline.
- A second **quarterly report** on the **"outcome of all complaints"** is to be prepared by the Chief of Police and be provided to the Commission and the City Manager.
- Chief of Police also shall report to the Commission on any serious incident or bias incident. In the event the **Chief of Police doesn't agree** with the Commission's recommendation, the Chief of Police is required by the Muni Code to **provide justification to the Commission in closed session**.
- The Code requires that the Chief of Police may make a preliminary determination on a disciplinary matter involving a serious incident or bias incident **but shall not impose any discipline until the Commission makes its recommendation to him**.
- There's a general requirement that the Police Department **cooperate with the Commission and IPA** relating to matters within the subject matter jurisdiction of the Commission.

The requirements in the Muni Code in relation to the Department's duty to the POAC can be added to the Vallejo Police Department's policy, however there is no reason why the verbiage cannot generally sum up those duties and make a reference to the Muni Code.

It's important to note that the policy governs the actions and requirements of the Vallejo Police Department and not of any other city department, organization or committee. It is not intended to read like a law. Policy is often referred to as General Orders and they are supposed to be just that, general.

The draft Policy section on reporting under "Transparency" does not comport with the reports and schedule required by the POAC ordinance. As one example, the Draft Policy states that VPD must make an annual report by April 1.6 This does not appear to align with

the Vallejo Municipal Code which requires an annual report to POAC by January 30 and various other reports throughout the complaint review process

- The ACLU points out that there is an annual report completed by PSD that is due April 1st they're concerned that it doesn't align with the requirement of the Muni Code that we are to provide an annual report, *“concerning matters of investigation of complaints, serious incidents, bias incidents policy review and training...no later than January 30th”*. It's unclear what exact information is to be provided to the Commission in the required report. Based on the content of that report it may be a different report than the one that's provided by PSD on an annual basis for public consumption. If the reports are essentially the same, we should represent the content and the date in our policy.

REVISION TO DEFINITIONS

The ACLU alleges that the draft policy is silent on the issue **if a complaint is received that covers both definitions found in policy**. This is not an accurate statement.

The agreement with the California Department of Justice requires that we define a complaint verbatim as it is described in policy. Essentially a complaint is either defined as being aimed at a member or towards the Department regarding the dissatisfaction of a department service, policy or procedure.

At the end of policy section 1011.3.2 the policy states that if while investigating a complaint as defined in (b) the investigator discovers that there is a violation of a complaint defined in (a) that the two matters should be logged and tracked and investigated separately.

REVISION TO MISCONDUCT CATEGORIES

At the end of the response of the ACLU to the policy review it is suggested that we revise and reorganize the definitions of serious misconduct and general misconduct. I recommend we **reject** this line of reasoning as it demonstrates a lack of understanding of why those definitions exist. They don't exist to allow the Police Department to treat misconduct allegations “less seriously” as alleged in the response. Rather, it is in policy so that the investigator will have some standard guidance on how to proceed with an administrative investigation at the outset. **Matters that involve serious misconduct require the investigator to comply with Government Code 3300 (POBOR). Matters that are less serious and not a matter of progressive discipline and most likely would result in corrective action only do not require adherence to (POBOR).**

This special meeting gives the Public another reason to have no confidence that real reform and accountability will occur.

The majority of comments in this section are directed toward the Police Oversight and Accountability Commission (POAC); however, one comment asserts that the policy language should be written at an eighth grade reading level.

We'll address that suggestion. Department policy is not intended for a general audience but is instead written for internal use by sworn and professional staff, requiring a level of specificity and technical precision appropriate to its operational and legal function.

Public-facing materials are addressed separately. The complaint form and accompanying documents are specifically designed for public use and are structured to ensure clarity, accessibility, and ease of understanding.

The elephant in the room... Concerns regarding the integrity of the Internal Affairs function are addressed within the Department's Complaints Policy. The policy establishes multiple layers of supervisory and command-level review to ensure that all formal complaints are evaluated for completeness, accuracy, and adherence to investigative standards.

Additionally, the Police Oversight and Accountability Commission (POAC) retain independent authority to initiate investigations into any complaint within its jurisdiction. This authority includes the ability to engage an independent investigator to conduct a fully separate and impartial investigation when deemed appropriate by the Commission.

Why isn't a copy of the General Orders made easily accessible to the public and its availability well-advertised?

Anyone can access the current version of Department policy by visiting the Vallejo Police Department website, selecting the "Accountability and Transparency" tab, and then clicking on the "Policies and Manuals" link.

Why isn't confidentiality and feedback that person filing complaint will receive a the front of the complaint document?

The policy is intended for internal Department use and is not drafted as a public-facing document. The sequence in which information is presented does not reflect or indicate relative importance; rather, it is organized for clarity and operational reference within the Department.

What evidence does public have that PSD is unbiased and don't side with officer?

Answered above.

What about electronic forms and where available? VPD website is not sufficient—what about POAC, City Clerk etc.?

This question is best directed toward the City and the POAC not the Police Department. This question/comment seems to imply that complaint material and literature can/should be made available in various locations, which the Police Department is not opposed to.

Complaints should be separate from compliments.

The use of a combined complaint and compliment form is consistent with the Department's obligations under its agreement with the California Department of Justice. That agreement contemplates mechanisms not only for receiving and documenting complaints, but also for recognizing and recording commendable conduct. Providing a single form to capture both complaints and compliments supports this objective by ensuring accessibility and consistency in documentation.

While separate forms could be made available at all locations, maintaining a unified form is more administratively efficient and does not present a meaningful operational or legal drawback. The Police Department is open to further discussions related to this topic in which a separate hard copy compliment form can be created in the future.

Where are these documents?

The links to these documents are not currently active; however, the materials have been completed and will be made available once the new policy is implemented. The complaint/compliment document includes a message from the Chief of Police outlining the purpose and importance of the Internal Affairs process, as well as an overview of how complaints are reviewed and investigated. It also contains a Frequently Asked Questions (FAQ) section and the standardized complaint/compliment form

Why isn't person told about the different ways they can submit a complaint rather than what might be seen as pressure to do it in person?

As previously noted, this document is intended for internal Department use. It is not for public instruction or use beyond the purpose that it is being offered. Members of the Police Department are instructed in all the various ways that we can and will accept complaints.

Department personnel are instructed and legally mandated to accept complaints through all available channels, ensuring accessibility and responsiveness. In addition to in-person, telephone, and written submissions, the Department's public website includes a prominently displayed "File Complaint or Compliment" option on the main page, further supporting ease of access to the complaint process. It is the Police Department's understanding that POAC is continuing to explore various opportunities to accept complaints as well, which the Department is in favor of.

Why aren't representatives from POAC (independent lawyer/auditor) and or OIR part of the interviewing process?

This function is not fully within the scope of the Police Oversight and Accountability Commission (POAC) as defined in the Municipal Code, however it is within the authority of the IPA (see 18.04030 B.). The Commission does, however, retain the authority to recommend independent investigations into complaints at its discretion (see 18.03.050).

While the Department does not prohibit individuals from having another person present during an interview, it does not encourage this practice, as third-party observers may inadvertently interfere with the interview process and impede the ability to obtain a complete and accurate statement. To support accessibility and encourage full participation, the Department offers flexibility in how complainant interviews are conducted, including accommodating preferences for location and format, such as in-person interviews at a residence or neutral site, telephone interviews, or written submissions.

When interviewed the person should be able to have a lawyer etch be there as well as a video make of the interview that the person making the complaint (complainant) is provided a copy.

There's an audio file that's maintained in the overall complaint file of the complainant interview there's no prohibition from allowing the complainant to have their own recording as well.

Why isn't POAC notified when a complaint is made and given a copy of such?

They are in accordance with the Municipal Code. The complaint is provided to the POAC Secretary within two business days (see 18.03.050 G. & H.). The complaints are then reviewed in-person by the POAC in closed session due to the confidentiality of the records.

**These interviews should be taped/video made and a copy retained
Why isn't an independent POAC representative part of the questioning?**

This question was previously asked, and is addressed above.

Brady list should be explained

The policy cites *Brady v. Maryland* (Government Code § 3305.5) in subsection **1011.5.1 ADMINISTRATIVE INVESTIGATION.**

The Brady List is a record of law enforcement officers whose history of misconduct raises questions about their credibility as witnesses. Prosecutors' offices maintain these lists to flag officers who have been caught lying, falsifying evidence, or engaging in other dishonest behavior. When one of these officers is involved in a criminal case, the

prosecution is constitutionally required to tell the defense about that officer's credibility problems. The obligation traces back to two landmark Supreme Court decisions and has become one of the most consequential intersections of police accountability and criminal justice (also see Vallejo PD Policy – 606 Brady Material Disclosure).

Written statements should be discouraged or even better NOT Allowed

There are circumstances in which a “non-involved,” but on-scene, officer may be required only to provide a statement documenting their lack of involvement or relevant observations. In addition, civilian witnesses are at times interviewed in the field, where audio or video recording may be impractical or otherwise problematic.

Further, minor complaints involving conduct that would reasonably result in corrective, rather than punitive action, are typically addressed contemporaneously to the complaint. In such cases, the process does not trigger the requirements of Government Code § 3300, as the member is not subject to punitive action. Nonetheless, these matters are still documented as complaints and may include a non-noticed interview of the involved member and the preparation of a report. These interviews are generally not recorded, consistent with their administrative and non-punitive nature.

Link to checklist requires a password that the public does not have access to

The link to this document is not currently live. It has been created and will be provided upon implementation of the policy.

Where are the deadlines listed and what do other Police Departments require?

The Department's policy requires that complainants be contacted within two business days of receipt of a complaint. The Municipal Code establishes a corresponding requirement for timely notification and delivery of complaints to the POAC Secretary within the same two-business-day timeframe.

In addition, Government Code § 3300 et seq. establishes a one-year statute of limitations for completing administrative investigations for purposes of imposing discipline, subject to some specified statutory exceptions.

Department policy further requires periodic communication with complainants throughout the investigative process, including 30-day status updates during the course of an active investigation and notification of the final disposition within 30 days of case closure.

To support accountability and consistency in case management, the Professional Standards Division (PSD) Investigative Checklist is used to document required investigative steps and associated completion dates. This checklist is included as an attachment to the Department's Complaints Policy

Is the complainant notified of the delay?

The Department is required to complete administrative investigations in a timely manner consistent with applicable law and policy. In that regard, complainants are notified of any delays or extensions that arise during the course of a standard investigation as part of routine investigative procedures and ongoing case management responsibilities.

What is it?

The assumption is that this question is directed at the reference to “administrative investigation”. In police work, an **administrative investigation** is an internal, non-criminal inquiry conducted by a law enforcement agency or an independent investigator to determine whether an employee’s conduct complied with departmental policy, rules, regulations, or applicable laws.

Who has access to this information—does this include complainant?

POAC members are permitted to review IAPro-related materials within a secure and controlled environment in the Professional Standards Division and/or closed session meetings, consistent with the performance of their oversight responsibilities. The use, handling, and dissemination of such information are governed by codified provisions set forth in Title 18 of the Municipal Code.

At the conclusion of an Internal Affairs investigation, complainants are notified that the investigation has been completed and the disposition, if any, has been taken. Due to applicable laws, the Department is limited in the level of detail it can disclose regarding specific of the investigation or disciplinary outcomes.

Under California law and standard confidentiality rules: The following information is generally NOT provided to complainants

- Detailed investigative files (witness statements, internal analysis, body-worn camera review summaries) are usually not provided directly to complainants
- Officer discipline outcomes are often limited due to privacy protections (though this has changed in some contexts noted in the next bullet point)
- Personnel records remain confidential under Penal Code § 832.7, with limited exceptions after SB 1421 and SB 16

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. **As only the chief of police sees this information (investigation) where are the checks and balances. In the badge bending episodes the Chief sat on the information**

As the transparency section indicates 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 1st of each year. Much of this information is already contained on the Department's website in the Transparency & Accountability section.

What level of detail is provided in why the determination?

This question was asked and answered above

What records are available?

This question was also asked and answered above. It involves the information related to the Senate bills noted above and is specifically delineated in Penal Code section 832.7(b)(3).

Who provides the training (complaints etc.) what are their qualifications?

Training is typically overseen by the Sergeant assigned as the Department's Training Manager. In California, POST establishes and regulates many of the training standards applicable to law enforcement agencies, including minimum requirements and approved curricula.

Within this framework, Department-specific training is developed in coordination with the California Department of Justice and Jensen Hughes (Vallejo Evaluation Team) to ensure alignment with the Settlement Agreement and reform objectives. This collaborative process is intended to ensure that training content satisfies the requirements of the agreement while remaining consistent with any POST standards and best practices.

Is the availability of the report publicized so that the Public is well aware of it?

The annual report referenced is publicly available on the Department's website and can be readily accessed by any member of the public who wishes to review it.

Why isn't information about POACs role etc. also included so that there are no misunderstandings?

The Department's roles and responsibilities related to the Police Oversight and Accountability Commission (POAC) are established in Title 18 of the Municipal Code. While those responsibilities can be cross-referenced in Department Policy to an extent for context and coordination, the Commission's authority and functions are defined by the Municipal Code and are not intended to be substantively outlined within operational policies specific to the Police Department.

Frivolous Finding 1101.6.5 is Troubling

Responses to Community Questions Related to the Complaints Policy 1011

Under California law, “*frivolous complaints*” in the peace officer context are addressed in California Penal Code § 832.5. The statute expressly recognizes that a complaint may be determined to be *frivolous*, but it does not provide a detailed, standalone definition. In practice, and consistent with California case law and prevailing administrative standards, a *frivolous* complaint is generally understood to mean:

- A complaint that is knowingly false; or
- A complaint that is totally without merit, lacking any factual basis or credible supporting evidence, such that it would not reasonably support the alleged misconduct even if accepted as true.

Department policy further refines this standard by defining a frivolous complaint as one that is totally and completely without merit or made for the sole purpose of harassing an opposing party. This definition is intentionally narrow and applied with caution.

The determination that a complaint is *frivolous* does not preclude a complete investigation and supervisory review. Rather, it reflects a final classification based on the totality of the evidence after the complaint has been fully investigated.



Vallejo Police Complaint Process

From Sherianne Grimm <sagrimm1961@icloud.com>

Date Mon 3/30/2026 10:01 AM

To John Lewis <John.Lewis.POAC@cityofvallejo.net>; Renee Sykes <Renee.Sykes.POAC@cityofvallejo.net>; Rommye Qualls <Rommye.Qualls.POAC@cityofvallejo.net>; Richard Hybels <Richard.Hybels.POAC@cityofvallejo.net>; Derek Roy <Derek.Roy.POAC@cityofvallejo.net>; Naomi Yun <Naomi.Yun.POAC@cityofvallejo.net>; Melvin Jones <Melvin.Jones.POAC@cityofvallejo.net>; Cameron Clark <Cameron.Clark.POAC@cityofvallejo.net>

Cc Tonia Lediju <Tonia.Lediju@cityofvallejo.net>

This Message Is From an External Sender

This message came from outside your organization.

Dear POAC Chair Lewis, Vice-Chair Sykes and Commission Members,

The decision to convene a special meeting with only three days notice to review and discuss revisions to the Vallejo police complaint process raises serious concerns about the City's commitment to transparency and meaningful public engagement. A policy of this significance—one that directly impacts accountability, public trust, and constitutional policing—warrants robust community input, adequate notice, and the opportunity for thoughtful review. Providing minimal notice for such a consequential discussion limits the ability of community members to participate, undermines confidence in the process, and suggests a lack of genuine commitment to inclusive and transparent governance.

This draft is a meaningful improvement and aligns in several areas with modern policing standards—but it still falls short of true best practice in independence, transparency and civilian oversight.

Lack of True Independence Major Issue

The current complaint process continues to rely heavily on internal control. Investigations remain under the authority of Professional Standards Division, the Chief of Police retains final authority over disciplinary decisions, and the Disciplinary Review Panel includes individuals within the officer's chain of command. This structure creates an inherent conflict of interest and raises serious concerns about bias. Best practices call for a truly independent civilian oversight body with actual authority, along with a clear separation between those who investigate and those who determine outcomes. A particularly concerning omission is the absence of any defined role for the Police Oversight and Accountability Commission in this policy, which represents a significant gap in accountability.

In the City of Vallejo, this lack of independence is further reinforced by the combined effect of the POA and POAC ordinances. These are separate frameworks, but together they create a system in which independence is not meaningfully achievable in either process or outcome.

The POAC ordinance establishes a civilian oversight body that is structurally limited in authority. The body does not possess independent investigatory power, lacks the ability to compel testimony or evidence through subpoena authority consistent with Government Code § 37104, and is

restricted to a review and advisory role. In practice, it relies on investigations conducted by the Police Department's Professional Standards Division, rather than conducting its own independent inquiries. As a result, the oversight function is derivative of internal processes rather than independent from them.

At the same time, the POA ordinance, along with incorporated state law protections under the California Public Safety Officers Procedural Bill of Rights Act (Government Code §§ 3300–3313), imposes binding procedural requirements on all misconduct investigations. These include strict rules governing officer interrogation (Gov. Code § 3303), notice requirements, timelines for completion of investigations, and limitations on the use of statements and evidence. These provisions apply regardless of whether an investigation is conducted internally or externally, requiring any outside investigator to operate within the same constrained framework as the department itself.

Additionally, final disciplinary authority remains vested in the Chief of Police, and investigative findings are subject to challenge through grievance and arbitration processes governed by the Meyers-Milias-Brown Act (Government Code §§ 3500–3511). This further limits the practical impact of any investigative outcome, including those reviewed or supported by the POAC.

Taken together, the POAC ordinance restricts the authority necessary to conduct independent investigations, while the POA ordinance and state law restrict the manner in which any investigation can be carried out and enforced. The combined effect is a system in which civilian oversight lacks both the power to independently investigate and the authority to ensure accountability, thereby undermining public trust and falling short of established best practices for independent police oversight. The POAC ordinance should be changed to reflect independent police oversight best practices.

Civilian Oversight is Missing or Weak

Although the City has established the Police Oversight and Accountability Commission, it is not meaningfully integrated into this complaint process. There is no requirement for independent review of investigative findings, no role for civilian concurrence in disciplinary decisions, and no provision for public hearings. Best practices, including guidance from the Department of Justice and the Police Executive Research Forum, emphasize that civilian oversight bodies should have meaningful authority, including subpoena power, independent investigative capacity or review authority, and the ability to disagree with or challenge departmental findings. Without these elements, oversight remains largely symbolic rather than effective.

Frivolous Finding 1101.6.5 is Troubling

The inclusion of a finding that labels complaints as frivolous presents a risk of discouraging individuals from coming forward. Historically, such classifications have been misused by departments to dismiss complaints without adequate review. Best practices recommend that this designation be used very narrowly, if at all, and only with heightened levels of review to ensure that legitimate concerns are not improperly dismissed.

No Clear Anti Retaliation Protections

While the policy appears to make improvements in access to the complaint process, it does not clearly establish protections for complainants or witnesses against retaliation. This omission may deter individuals from reporting misconduct. California law recognizes the importance of protecting whistleblowers and complainants (see Government Code § 53298.5 and related protections), and best practices require an explicit prohibition against retaliation, along with clear mechanisms for reporting and addressing any retaliatory behavior that may occur. This is a critical omission that must be addressed.

Transparency Still Limited

Although the policy includes provisions for publishing reports, transparency remains limited. There is no requirement to release meaningful case summaries or detailed information regarding disciplinary actions beyond the minimum required by law. Additionally, there is no mechanism for real time or case level transparency. Recent changes in California law, including Senate Bill 1421 and Senate Bill 16, codified in Penal Code §§ 832.7 and 832.8, allow for significantly greater disclosure of police misconduct records than what is currently reflected in this policy. Best practices encourage the publication of detailed, anonymized case summaries and making sustained findings readily accessible to the public.

Chief Has Too Much Control Over Outcomes

The Chief of Police maintains broad authority to modify investigative findings, determine discipline, and control final outcomes. This concentration of authority undermines both perceived fairness and actual accountability. Best practices support shared or independent disciplinary authority, as well as civilian or external review of final decisions, to ensure a more balanced and credible process.

No Firm Timeline for Completing Investigations Beyond One Year Maximum

While the policy acknowledges the one-year legal maximum for completing investigations under Government Code § 3304(d), it does not establish internal target timelines for completion. Without clear expectations, investigations may be unnecessarily prolonged. Best practices call for defined timelines, such as ninety to one hundred eighty days, along with public reporting when those timelines are not met.

This policy represents a meaningful improvement over prior practices. It is more structured, more organized, and aligns more closely with current legal requirements. However, it does not appear to meet best practice standards because it continues to rely heavily on internal control. The most significant shortcomings include the lack of independent civilian oversight with real authority, the concentration of disciplinary power in the Chief of Police, and insufficient transparency and anti retaliation protections.

This information reflects the research I was able to complete within limited time available this weekend. I encourage each of you to review established best practices for independent police oversight.

Thank you for your consideration and your time and service.

Respectfully,

Sherianne Grimm

Sent from my iPhone



This special meeting gives the Public another reason to have no confidence that real reform and accountability will occur. No action should be taken

From robert schussel <rschussel@yahoo.com>

Date Sun 3/29/2026 12:39 PM

To John Lewis <John.Lewis.POAC@cityofvallejo.net>; Renee Sykes <reneeka2000@yahoo.com>; Tonia Lediju <Tonia.Lediju@cityofvallejo.net>; Andrea Sorce <Andrea.Sorce@cityofvallejo.net>; Alexander Matias <Alexander.Matias@cityofvallejo.net>; Veronica Nebb <Veronica.Nebb@cityofvallejo.net>; Rommye Qualls <Rommye.Qualls.POAC@cityofvallejo.net>; Cameron Clark <Cameron.Clark.POAC@cityofvallejo.net>; Richard Hybels <Richard.Hybels.POAC@cityofvallejo.net>; Derek Roy <Derek.Roy.POAC@cityofvallejo.net>; Naomi Yun <Naomi.Yun.POAC@cityofvallejo.net>; Melvin Jones <Melvin.Jones.POAC@cityofvallejo.net>; Kirby Allison <customerservice@kirbyallison.com>; Kirby, Debra <debra.kirby@jensenhughes.com>; barbara.jotautas@jensenhughes.com <barbara.jotautas@jensenhughes.com>; Jason Ta <Jason.Ta@cityofvallejo.net>; Bobby Knight <Bobby.Knight@cityofvallejo.net>; Andrew Murray <Andrew.Murray@cityofvallejo.net>

This Message Is From an External Sender

This message came from outside your organization.

This special meeting gives the Public another reason to have no confidence that real reform and accountability will occur. No action should be taken

The process is backwards.

The Public was given just 3 working days to review the materials. The complaint process is one of the most critical elements of oversight, yet you are making sure input will be limited. Giving the Public just 3 minutes to provide their thoughts about Policy 1011 indicates an unwillingness to receive input.

Diagrams showing the process are missing, as are some links. More information needs to be given to the complainant such right to bring someone with them to the interview, the feedback they will receive, getting a videotape of the interview etc.

Input from POAC should only occur after **community town halls in each district are held**. Having one meeting for the entire city is a way to limit input.

This effort should include interviewing people who filed complaints and what needs to be changed.

POAC should have a subcommittee learn what best practices are in other cities that can be adopted.

POAC should spend one meeting going through the document line by line and discussing any changes, confusion prior to any recommendations.

POAC members need to go to community events in their district and get feedback from the Public.

The language in Policy 1011 should be at an 8th grade level so that both patrol officers and the public can understand it.

The elephant in the room has never been addressed. The Public does not believe that Internal affairs/PSD is unbiased but believe they side with their own. All interviews etc. need to be videotaped and there needs to be an independent source monitoring the interviews.

OIR should be brought in to conduct their own investigations etc. to make sure the process is fair and unbiased.

Why isn't a copy of the General Orders made easily accessible to the public and its availability well-advertised.

Robert Schussel PhD.

FEEDBACK ABOUT POLICY 1011

Why isn't confidentiality and feedback that person filing complaint will receive at the front of the complaint document

What evidence does public have that PSD is unbiased and don't side with officer most of time?

Where is there a review of PSD decision?

Page 3

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).*** Question—how do you know reassigned person is qualified/not biased

Page 4

1011.4 AVAILABILITY OF WRITTEN INVESTIGATION PROCEDURES AND COMPLAINT FORMS

What about electronic forms and where available? VPD website is not sufficient—what about POAC, City Clerk etc.?

The form will be used to document both complaints and compliments for exemplary member performance

Complaints should be separate from compliments

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

Where are these documents?

Page 5

1011.4.1 ACCEPTANCE

Why isn't person told about the different ways they can submit a complaint rather than what might be seen as pressure to do it in person?

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)

supervisor shall offer the option of audio recording the complaint in addition to writing the complaint.

Why aren't representatives from POAC (independent lawyer/auditor) and or OIR part of the interviewing process?

When interviewed the person should be able to have a lawyer etch be there as well as a video make of the interview that the person making the complaint (complainant) is provided a copy.

Page 6

1011.5 SUPERVISOR RESPONSIBILITIES

Ensuring that upon receiving or initiating any complaint, the complaint is properly documented

Why isn't POAC notified when a complaint is made and given a copy of such?

Page 7

1011.5.1 ADMINISTRATIVE INVESTIGATION

All questions directed to the member under interrogation shall be asked by and through no more than two interrogators at one time

The interviewer shall audio record all interviews of members and member witnesses.

These interviews should be taped/video made and a copy retained

Why isn't an independent POAC representative part of the questioning?

Page 8

Bradys list should be explained

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.

Written statements should be discouraged or even better NOT Allowed

Page 9

1011.6 DOCUMENTATION AND TRACKING

Whether a valid complaint or not, ALL complaints MUST be entered into the tracking system

Page 10

1011.6.3 ADMINISTRATIVE INVESTIGATION FORMAT Formal investigations of personnel complaints shall be **thorough complete** and shall follow this format:

Statement doesn't make sense

Page 11

1011.6.4 PSD INVESTIGATIVE CHECKLIST

Link to checklist requires a password that the public does not have access to

The VPD has established investigative responsibilities and associated **deadlines** for investigative tasks

Where are the deadlines listed and what do other Police Departments require?

1011.6.5 DISPOSITIONS

Other than being given a single phrase answer does the complainant receive a detailed explanation of why their complaint was “not valid”

COMPLETION OF INVESTIGATIONS

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.

Is the complainant notified of the delay?

Page 13

. Members may be ordered to provide a statement in an administrative investigation conducted by the City of Vallejo.

What is it ?

1011.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

The PSD Commander shall ensure that the complaint allegations are recorded accurately in the Department’s IA software application platform.

Who has access to this information—does this include complainant?

Page 14

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. **As only the chief of police sees this information (investigation) where are the checks and balances. In the badge bending episodes the Chief sat on the information**

Page 15

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)).

What level of detail is provided in why the determination?

Page 16

1011.10.4 NOTICE REQUIREMENTS

Certain records detailed in Penal Code § 832.7(b)(3) shall be available for public inspection upon request

The person should be told of this right?

What records are available?

Page 19

1011.17 TRAINING

Who provides the training (complaints etc.) –what are their qualifications?

Page 20

011.18.1 TRANSPARENCY The Department will publish an annual report of personnel complaint data

Is the availability of the report publicized so that the Public is well aware of it

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.

Why isn't information about POACs role etc. also included so that there are no misunderstandings?

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.