

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST THE STANISLAUS COUNTY DISTRICT ATTORNEY (SCDA) BUREAU OF INVESTIGATION AND/OR AGAINST A PEACE OFFICER (CRIMINAL INVESTIGATOR) FOR ANY IMPROPER CONDUCT

- California law requires agencies that employ peace officers to have a procedure to investigate citizen complaints (Penal Code § 823.5 (a)(1)). SCDA Bureau of Investigation (BI) employs sworn peace officers who are criminal investigators with full arrest powers.
- You have a right to a written description of the complaint process/procedure. (SCDA Policy 1010)
- SCDA may find, after investigation, there is not enough evidence to warrant action on your complaint. Even if that is the case, you have a right to make a complaint, and have it investigated if you believe a criminal investigator behaved improperly.
- Citizen complaints and any reports or findings related to complaints not amounting to a sustained finding, shall be retained by the SCDA for a minimum of 5-years. Likewise, a sustained finding of misconduct, will be maintained for 15-years Penal Code § 832.5 (b) and SCDA Policy 1013)
- It is against the law to make a complaint that you know to be false. If you make a complaint against a peace officer knowing that it is false, you could be prosecuted on a misdemeanor charge (Penal Code § 148.6).

Who would investigate my complaint?

The immediate supervisor or another supervisor will investigate the complaint.

Do I have to complain in person?

No. We prefer to talk to you in person. However, if there are valid reasons that cannot be done, your complaint can be made over the phone or by mail. Generally, we do not accept a complaint from another party on your behalf, as this would be considered hearsay information and could leave out important facts needed for an investigation. After receiving your complaint, a supervisor will contact you.

I am under 18. Do I have the right to make a complaint?

Yes. Just bring one or both of your parents/guardians in with you.

Will I have to write my complaint out?

Yes. We have found it is much easier to investigate a written complaint. If there are valid reasons this cannot be done, we will make other arrangements.

How thoroughly will you investigate my complaint?

We take complaints very seriously and will explore every aspect of your complaint to determine whether there is misconduct or a policy violation.

Will I be notified with the results of the investigation?

Yes. You will be notified of the disposition of our investigation. However, the release of specific details concerning the investigation may be limited by law.

Every citizen complaint investigation will contain one of the following dispositions (SCDA Policy 1010):

- 1) **Unfounded** – when the investigation discloses the alleged acts did not occur or did not involve SCDA employees;
- 2) **Exonerated** – when the investigation discloses the alleged act occurred but was justified, lawful, within policy and/or proper;
- 3) **Not Sustained** – when the investigation discloses there is insufficient evidence to sustain the complaint or fully exonerate the employee;
- 4) **Sustained** – when the investigation discloses the action(s) were found to violate law or SCDA policy;
- 5) **Closed** – used for an employee who either resigns or retires prior to the completion of an investigation.

Where do I make a complaint?

Stanislaus County District Attorney's Office

832 12th Street Rm 300

Modesto, CA 95354

209.525.5550