



SAN JOSE STATE UNIVERSITY POLICE DEPARTMENT

One Washington Square, San Jose, CA 408 924-2222 Fax 408 277-3512

INTERNAL AFFAIRS INVESTIGATION PROCEDURE

Penal Code 832.5 requires every law enforcement agency in California to establish a procedure to investigate complaints against peace officers made by members of the public. If you believe that a member of the University Police Department has mistreated you, violated your rights, or has otherwise been unprofessional in his or her conduct, you may file a complaint and have your complaint investigated.

In some cases, a complaint may be based on a misunderstanding of accepted law enforcement practices or the University Police Department Policy and Procedure. Supervisors are authorized to informally resolve complaints and clarify any issues where a misunderstanding has occurred.

However, if you feel that a formal complaint is warranted, you may initiate the process by any one of the following methods:

PHONE You can contact the Watch Commander by dialing the 24 hour University Police Department Dispatch telephone number (408)924-2222.

IN PERSON San Jose State University Police Department is located at 377 S. 7th Street, San Jose, CA 95192. The Police Department Lobby is located next to the entrance to the San Jose State University 7th Street Garage. During the normal business hours (8am-5pm), please notify any of the front desk personnel that you wish to speak to the Watch Commander. After hours, you may dial the 24 hour Dispatcher by picking up the lobby telephone, dialing 4-2222 and asking to speak to the Watch Commander.

ON LINE

1. You may contact the University Police Department either via email at police@sjsu.edu or via the website at www.sjsu.edu/police
2. You may also download a copy of the **Complaint Form** in .pdf format at http://www.sjsu.edu/police/policies_forms/complaints/index.htm.

FAX: Completed Complaint Forms may be faxed to (408) 277-3512. Please fax the form to the attention of the Administrative Services Commander.

All complaints of Personnel misconduct will be accepted by the UPD Personnel regardless of the time of day or day of the week. The University Police Department encourages those who wish to file a complaint to submit their complaint as soon after the incident and with as much detail as possible.

Under provision of 148.6 of the California Penal Code, every person who files any allegation of misconduct against any peace officer, knowing the report to be false, is guilty of a Misdemeanor. A complainant should also be aware that a peace officer, under provisions of 47.5 of the California Civil Code, may bring civil action against an individual who knowingly makes a false personnel complaint.

COMPLAINT INVESTIGATION PROCESS

All completed complaint form will be reviewed by the University Police Department Administration Bureau Commander. Once reviewed, the complaint will be assigned to an Internal Affairs Investigator (usually the rank of Sergeant or above) for a full investigation.

All complaints will be investigated in the event that sufficient factual information is provided and that information warrants an investigation. Once an investigation is begun, you should expect to be contacted by the assigned Investigator either by telephone, email or both.

In cases where the identity of the employee is unknown, the assigned Investigator will use all available means to identify the personnel involved.

The University Police Department strives to have all complaint investigations completed as soon as practical and committed to conduct all investigations in a fair and unbiased manner

COMPLAINT FINDING/DISPOSITION

Once completed, the investigative report will be reviewed by the Chief of Police who will determine which of the following findings best suits the facts uncovered by the Investigator:

Sustained

The investigation revealed that sufficient evidence exists to clearly prove the allegation lodged by the complaint.

Not Sustained

The investigation failed to reveal sufficient evidence exists to clearly prove or disapprove the allegation lodged by the complainant.

Exonerated

The investigation revealed that the alleged act(s) did occur, however the act(s) were justified, legal and proper.

Unfounded

The investigation revealed that the alleged act(s) did not occur. This finding shall also apply when the investigation reveals that a Department member was not involved in the alleged act(s).

Complainants will receive written notification from the Chief of Police once a complaint has been thoroughly investigated and reviewed.