

**BAY AREA RAPID TRANSIT
POLICE DEPARTMENT**



**CITIZEN'S ALLEGATION
OF
MISCONDUCT FORM**

**GARY GEE
CHIEF OF POLICE**

**PLACE
STAMP
HERE**

**Internal Affairs Unit
BART Police Department
800 Madison Street
PO Box 12688
Oakland, CA 94604-2688**

**CITIZEN'S INQUIRY OR COMPLAINT
REGARDING ALLEGED MISCONDUCT OF A
BART POLICE DEPARTMENT EMPLOYEE**

An Inquiry or Complaint may be made at any time, twenty-four hours a day, seven days a week.

- During regular business hours, 8:00 am to 4:00 pm, Tuesday through Friday, complaints can be made to a member of the Internal Affairs Unit toll-free at 877-679-7000 Ext. 7029.
- At all other times, or when a member of Internal Affairs Unit is not available, complaints can be made to a command or supervisory officer toll-free at 877-679-7000 Ext. 1 and state, "I wish to make a complaint against a BART Police Department employee." Your call will be transferred to a commanding or supervisory officer who will take the complaint.
- Complaints are also accepted via mail, email and fax to the Internal Affairs Unit.

Mail: Internal Affairs Unit
BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

Email: dchlebo@bart.gov

Fax: 510-464-7779

INQUIRY AND COMPLAINT INVESTIGATION

WHAT IS A CITIZEN'S INQUIRY?

A Citizen's Inquiry is any contact from a person in reference to an issue of concern that does not or may not require a formal investigation. The Inquiry process seeks to resolve the issue at an informal level, to the satisfaction of the citizen, by means of discussion, explanation or clarification. Inquiries are generally handled by an on-duty supervisor. An Inquiry that is not resolved can become a Citizen's Complaint.

WHAT IS A CITIZEN'S COMPLAINT?

A Citizen's Complaint or Allegation of Misconduct is a formal documentation involving a complaint against personnel which was not resolved at the Inquiry level or because of the nature of the allegation; it may require an administrative and/or criminal investigation.

All Complaints are received by the Internal Affairs Unit for follow-up. An investigator will be assigned to contact all witnesses, including officers, examine all evidence and gather all information pertaining to the allegation(s) made in the complaint.

HOW LONG WILL IT TAKE?

A simple complaint might take only a few days to complete, while a complex complaint might take several months to investigate. You will be notified by mail every 30 days on the progress of the investigation.

WHAT HAPPENS AFTER THE INVESTIGATION?

The Chief of Police reviews every Complaint. If the Chief determines that an employee violated Department policy or procedures, appropriate corrective action will be taken.

At the end of the investigation, you will receive written notification of the Chief's findings. State law prohibits releasing specific details concerning personnel actions.

NOTIFICATION OF FINDINGS

You will receive written notification of the Chief's findings. The possible findings are:

1. **Sustained:** The allegation is supported by sufficient information/evidence.
2. **Not Sustained:** There is insufficient information/evidence to prove or disprove the allegation.
3. **Unfounded:** The allegation is false; alleged act did not occur; employee or Department was not involved.
4. **Exonerated:** Action complained about did occur, but was lawful, justified and proper.
5. **No Finding:** Insufficient information available to conduct investigation.
6. **Policy Complaint:** The complaint pertains to an established policy which was properly handled or performed by an employee.

TO FILE A COMPLAINT: COMPLETE AND SIGN THIS FORM, AND FORWARD IT THE INTERNAL AFFAIRS UNIT.

NAME: _____	ADDRESS: _____	CITY: _____	ZIP: _____	PHONE: _____
INCIDENT DATE/TIME: _____		INCIDENT LOCATION: _____		POLICE CASE #: _____
INVOLVED EMPLOYEE: _____			WITNESSES: _____	
NATURE OF THE COMPLAINT (PROVIDE AS MUCH DETAIL AS POSSIBLE): _____				

COMPLAINANT'S SIGNATURE: _____ DATE: _____