

## Complaints

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Students, parents, administrators and school personnel who believe there has been misconduct on the part of law enforcement, or that the [District] or law enforcement officers are violating any of the terms in [District] policies regarding law enforcement involvement,<sup>1</sup> may file a complaint with the Superintendent or his/her designee within 120 days of the alleged misconduct.

Any law enforcement officer, or [District] or school employee who receives a request from a person who wishes to make a complaint shall provide the person with the [District] Complaint Form, which shall include basic information about the complaint process in an accessible format, or direct them to the website at [Insert District Website URL], where the Complaint Form and information about the complaint process can be accessed. Members of the public who call the Superintendent's office, or any other [District] pupil or personnel services office, by phone to complain will receive assistance with filling out a Complaint Form, which will be mailed to them for signature. Complaint forms shall be provided in languages other than English according to the requirements of Section 48985 of the California Education Code. Complaints may be submitted in the complainant's primary language.

The [District] shall keep a log of all such complaints. Within two work days of receiving the written complaint, the [District] shall acknowledge to the complainant, in writing, receipt of the complaint, provide anticipated actions and timeline, and refer all complaints regarding law enforcement officers to the police department's office of internal affairs for investigation. The Superintendent or designee shall investigate any complaints regarding [District] staff who may be violating the terms of [District] policies regarding law enforcement involvement.<sup>2</sup> The Superintendent shall make every effort on an ongoing basis to obtain the results of the police department's investigation into complaints regarding its law enforcement officers. The [District] shall report to each complainant the results of the police department or [District] investigation into her/his complaint no later than 30 days after the submission of the complaint and as new information is obtained.

Individuals have a right to make an anonymous complaint. If an anonymous complainant provides a means of contact, the results of the complaint will be reported to the anonymous complainant. If the anonymous complainant does not provide a means of contact, the results of the complaint will not be directly reported to the complainant.

Nothing in this policy shall limit legally mandated due process for students or the right of a private party to pursue legal action in a court of law.

### ***Log of Complaints and Semi-annual Complaint Statistical Summary Report***

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<sup>1</sup> See BP 5131.2 – Bullying; BP 5131.5 – Vandalism, Theft and Graffiti; BP 5136 – Gangs; BP ## - Data Tracking and Public Review; BP ## - Use of Force; BP ## - Prohibition of Racial Profiling.

<sup>2</sup> See *Id.*

The Superintendent or his/her designee shall keep a log of all complaints received by his/her office and assign a separate reference number to each complaint. Reference numbers shall be provided to the complainant once assigned.

The Superintendent or his/her designee shall be responsible for preparing a semi-annual complaint statistical summary report to distribute to the Chief of the [Police Department] and to the [District] Board at a regularly scheduled public Board Meeting. The summary shall include the following:

1. Type of complaint, by source and classification;
2. Number of complainants and allegations against individual law enforcement officers, identified by the officer's individual assigned code number;
3. Number of complainants and allegations against individual school security officers, identified by the officer's individual assigned code number, if applicable;
4. Complaints per school site;
5. Trends in complaints, if applicable;
6. Length of time to investigate and resolve/prove a disposition for each complaint;
7. Disposition of the complaint, including action taken to address the complaint;
8. Number of appeals by type of complaint, source, and classification;
9. Disposition of the appeal, including any responsive action to address a complaint; and
10. Any and all steps taken by the [District] or [Police Department] to resolve systemic concerns.

This summary shall also be included in publicly-available materials for each [District] Board meeting.

### ***Timelines for Handling Complaints***

All complaints shall be investigated in accordance with the Peace Officer's Bill of Rights. Cal. Gov't Code § 3303. The [District] shall make best efforts to provide a written response to the complainant within 30 days of the date that the Complaint Form is received by the Superintendent describing the [District]'s efforts to resolve or refer the complaint to the [Police Department]. If the complaint involves multiple individuals or incidents, the [District] shall make best efforts to complete the investigation within 45 days. If additional time is needed for the investigation, the [District] shall inform the complainant in writing that additional time is needed, the justification for the delay, and an update on its progress. Such additional time shall not exceed 90 days in any instance, unless circumstances exist which are beyond the [District]'s control and render completing the investigation impossible. The [District] shall make best efforts to ensure that law enforcement is aware of the aforementioned timelines to handle complaints and adhere to them as well.

### ***Disposition of Complaints***

In conducting its investigation into complaints regarding [District] employees or law enforcement officers violating the terms of [District] policies regarding law enforcement

involvement,<sup>3</sup> the [District] may contact any individuals that the complainant has listed to interview them with respect to the allegations. The [District] shall follow up in person, by phone, or in writing with the complainant to request any additional information or documents that might be helpful to the investigation and to inform the complainant of the assigned complaint reference number, if one has not already been provided.

The [District] shall not allow [District] employees or law enforcement officers who were involved in an incident that is the subject of the complaint or who otherwise have a conflict of interest to participate in the investigation of that complaint. Any [District] or law enforcement officer who is the subject of the complaint shall be allowed to submit a written response to the Superintendent or designee.

Where serious allegations of wrongdoing are raised, law enforcement officer(s) involved shall be removed from having contact with any students until the investigation is completed. Such matters would include allegations of physical assault, verbal threats of violence, sexual advances or assaults, and/or discriminatory language or practice based on race, national origin, ethnicity, language, sex, gender identity, sexual orientation, religion, disability, economic, or other status.

The [District] shall provide a detailed written disposition of the complaint to the complainant when the investigation by the [District] or the police department is completed. The disposition shall include whether the complaint was sustained or not sustained. The disposition shall also include any written response from the subject of the complaint; a description of the investigation; findings of fact (i.e., a detailed description of what the investigator believes occurred and what, if any, laws, or district policies were violated); an explanation of and rationale for the result and conclusion; if a violation occurred, what remedies must be effectuated (i.e., what has to be done to make up for the harm caused by the violation(s)), as well as any other actions that will be taken by the [District] to address the concerns raised in the complaint; and, an explanation of the appeal process described immediately below. The disposition must be signed and dated by the Superintendent or designee.

Where allegations of abuse or misconduct are substantiated, the [District] shall ensure that any law enforcement officer(s) involved shall be removed from any school assignments, and the officer's personnel file must indicate the incident in order to ensure that no abuse, racial profiling or other targeting of certain students or groups of students is taking place.

### ***Appeal of the Resolution of the Complaint***

If the complainant disagrees with the Superintendent's resolution of the complaint, s/he shall have a right to appeal the Superintendent's resolution of the complaint to the [District] Board. Within 60 days, the [District] Board shall either:

1. Uphold the Superintendent's decision; or
2. Reverse the Superintendent's decision and request further investigation

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<sup>3</sup> See *Id.*

The Board's decision shall be made public, unless the complainant requests that the results of the appeal remain confidential.

Nothing in this directive is intended to prevent or preclude a person from filing a complaint directly to the [District] Board in the first instance. The [District] Board shall also follow the same timelines and procedures as listed herein.

If allegations of serious misconduct by an officer are substantiated, that officer shall be permanently prohibited from [District] property.

***Confidentiality of Complaints***

Personally identifying information regarding minors that is contained in the complaint are subject to constitutional and statutory privacy protections.

***Prohibition Against Retaliation, Intimidation, Harassment, or Threats***

No [District] employee or law enforcement officer shall retaliate against, intimidate, harass, or threaten any person making a complaint. Any [District] employee or law enforcement officer found to have retaliated against, intimidated, threatened or harassed any person attempting to make or who has made a complaint will be disciplined to the full extent of the law.

**Adopted:**   
**Revised:**

**[DISTRICT]**  
**[LOCATION]**