

PALOS VERDES ESTATES POLICE DEPARTMENT

POLICY MANUAL

SECTION 26

PERSONNEL COMPLAINTS AND INVESTIGATIVE PROCEDURES

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26.0 PURPOSE

The Palos Verdes Estates Police Department acknowledges its responsibility to establish a complaint system and discipline procedures which not only protect an officer from unwarranted scrutiny when he discharges his duties properly, but will also subject him to corrective action when he conducts himself improperly. It is the purpose of these procedures to provide a prompt, just, and fair disposition of complaints regarding the conduct of employees of this Department.

26.1 POLICY

It shall be the policy of the Palos Verdes Estates Police Department to accept, record and thoroughly investigate all complaints of alleged misconduct made against members of this Department, and to investigate complaints against the service, policy, or procedures of this Department, pursuant to California Penal Code Section 832.5

26.2 DEFINITIONS

- A. **COMPLAINANT**
The complainant is the party who makes a complaint or expresses dissatisfaction in the conduct or service of an employee of this Department.
- B. **DEPARTMENT**
The term Department refers to the Palos Verdes Estates Police Department.
- C. **DISMISSAL**
The termination of employment from this Department.
- D. **EMPLOYEE**
The term "employee" shall include any member of the Department: both sworn and non-sworn, both permanent and temporary, and both regular and reserve.
- E. **EXONERATED**
The disposition assigned to a complaint where the conduct in question was found to be proper.
- F. **INTERNAL AFFAIRS INVESTIGATION**
The investigation of an employee's alleged misconduct.

- G. **INVESTIGATOR**
Any employee designated to investigate a complaint against an employee or this Department.
- H. **MINOR ALLEGATION**
A minor allegation is any allegation of misconduct that if determined to be true would at most, likely result in a written reprimand of the involved employee.
- I. **MISCONDUCT**
The commission of any public offense, the violation of any lawful order, directive, departmental policy, procedure, rule or regulation, or any conduct which is unbecoming of an officer shall be deemed misconduct. Misconduct may also be the willful omission or failure to act in accordance with any law, rule, policy or order commanding the act.
- J. **NOT SUSTAINED**
The disposition assigned to a complaint where there is insufficient evidence either to prove or disprove the allegation.
- K. **OFFICER**
The terms officer and public safety officer are synonymous with sworn employee. These terms shall refer to all peace officers as defined in Penal Code Section 830.1 and 830.6 subsections (a) (1) & (a) (2).
- L. **PUNITIVE ACTION**
For the purpose of this order, punitive action is any corrective action taken by the department against an employee which is greater in severity than a verbal reprimand. Disciplinary action and punitive action are synonymous for the purpose of this order.
- M. **RULES AND REGULATIONS**
The administrative acts promulgated by the Chief of Police which are designated to regulate departmental standards of conduct, performance and appearance.
- N. **SERIOUS ALLEGATION**
A serious allegation is any allegation of misconduct that may result in disciplinary action: i.e. if determined to be true, will likely result in corrective action which is greater in severity than a written reprimand.

- O. **SERVICE COMPLAINT**
A service complaint is an expression of dissatisfaction by any member of the public directed toward a departmental policy or procedure, or the service provided or failed to be provided by this Department.
- P. **SUSPENSION**
The temporary removal of an employee of this Department from active duty for a period of time.
- Q. **SUSTAINED**
The disposition assigned to a complaint where the allegations are supported by a preponderance of evidence.
- R. **UNFOUNDED**
The disposition assigned to a complaint where the allegations were found to be false or unsupported by evidence.
- S. **WATCH COMMANDER**
The Watch Commander is the sworn employee in charge of a patrol shift or watch.
- T. **WITNESS**
A person who can produce evidence relevant to an alleged violation or act of misconduct or a service provided or failed.

26.3 PROCEDURE—RECEIPT OF A PERSONNEL COMPLAINT

Anytime a complaint is made against a member of the department, the matter should be referred to the appropriate supervisor, normally the on-duty Watch Commander. In the event the complaint is directed against the on-duty Watch Commander, any uninvolved supervisor, preferably of higher rank, may accept the complaint. In the event a complaint is directed against a Division Captain, the Chief of Police or his designee shall receive the complaint.

The handling supervisor will listen to the allegation(s) and will interview the complainant. Persons under 18 years of age may file a complaint. However, it is recommended that an adult be present when available. Whenever a person under the age of 18 makes a complaint absent the presence of a parent or legal guardian, the parents or guardians should be notified as soon thereafter as possible. The intent is to be sure that a responsible adult is aware that a complaint was made and accepted.

Persons telephoning or e-mailing complaints about personnel or services of the department shall be asked to come into the station immediately to register their complaint. If the complainant is unable to immediately respond, an appointment shall be made for his arrival at the station at the earliest possible date. Under special circumstances (determined by the Watch Commander) the Watch Commander may proceed to the complainant's location to accept the complaint. The person receiving the telephonic complaint shall attempt to record data such as the name, age, address, and telephone number of the complainant and any other pertinent information.

Letters making complaints against personnel or services of this department shall be recorded and acted upon promptly, if there is sufficient information with which to proceed. In the event the letter does not contain sufficient information with which to proceed, the complainant shall be contacted by the handling supervisor and shall be requested to come to the station in order to discuss the complaint in detail. In the event the complainant is unable to comply with the request, the appropriate person shall proceed to the complainant's location, if practical, and accept and discuss the complaint. The signed letter will suffice as a signed statement of fact.

26.4 ACCEPTING A COMPLAINT FROM OUTSIDE THE DEPARTMENT

Upon receipt of a citizen complaint against an employee, the supervisor hearing the complaint shall first make a determination as to the severity of the alleged offense. If the allegation is serious, the supervisor shall assure the facts are memorialized in a Personnel Complaint Form. However, if the allegation is minor and the complainant desires to render only a verbal complaint, the supervisor shall accept the verbal complaint, and take appropriate steps to resolve the matter. Possible remedies for a verbal complaint may be counseling with the complainant or the involved employee; education or training of the complainant or the involved employee; or a verbal or written reprimand to the involved employee.

26.5 INTERNALLY INITIATED COMPLAINT

Whenever a supervisor has knowledge that a member of this department has or may have engaged in an act of misconduct, the supervisor shall immediately make a determination as to the severity of the allegation of misconduct. If the supervisor has determined the allegation is serious, he shall memorialize the facts in a Personnel Complaint Form and forward it to the office of the Chief of Police. If he determines the alleged act is minor, he shall first investigate to determine the validity of the allegation. If the allegation of misconduct is determined to be true and is sustained, the supervisor shall take steps to resolve the matter in the following manner: training remediation, verbal warning, or

verbal or written reprimand, whichever method is most appropriate and effective to curb future conduct.

26.6 WRITTEN REPRIMAND

A written reprimand shall be documented on a standard department memorandum letterhead form addressed as follows:

TO: NAME OF EMPLOYEE RECEIVING REPRIMAND, EMPLOYEE'S TITLE
FROM: ISSUING SUPERVISOR'S NAME, RANK
SUBJECT: WRITTEN REPRIMAND
DATE: DATE OF ISSUANCE

The memorandum shall document the circumstances of the misconduct, the investigative finding of the supervisor, the violation, and any related investigative report, such as a Traffic Collision Desk Report, as an attachment. The memorandum shall also contain a warning that future violations will result in further discipline, up to and including dismissal. Additionally, the memorandum shall notify the recipient that the reprimand shall be placed into his personnel file. Also, the memorandum shall state the employee's appeal rights. Finally, the memorandum shall be signed by the issuing supervisor and the involved employee. If the employee refuses to sign the memorandum, it shall be so noted on the signature line of the reprimand.

26.7 DOCUMENTATION

Personnel Complaint Forms shall be available in the Watch Commander's office. The form shall be filled out by the appropriate supervisor or the complainant. Upon completion, the form shall be reviewed and signed by the complainant, verifying its accuracy. If the complainant is not desirous of speaking with a supervisor, but wishes to lodge a written complaint, a Personnel Complaint Form shall be given out with instructions as to how to complete the form and the necessity of accuracy and specificity. Upon return, the appropriate supervisor will accept the complaint form and interview the complainant.

A. NECESSARY NOTIFICATIONS

1. The Chief of Police and the appropriate Division Captain shall be notified in writing of any and all complaints lodged no later than 0900 hours of the working day following the receipt of the complaint. Should the allegation be of a serious nature, the appropriate Division Captain and the Chief of Police shall be notified, immediately.

2. The person receiving a written complaint shall complete the Personnel Complaint Form along with a narrative, and distribute it as follows:
 - a. Original to the Chief of Police
 - b. Copy to the appropriate Division Captain

B. RECORDING

1. Written

The supervisor accepting the written complaint shall begin by completing a Personnel Complaint Form. Attached to the form shall be a narrative which explains, in chronological order, the event and circumstances surrounding the complaint. The narrative shall be thorough and complete including dates, times, actions and, when appropriate, quotes. The form and narrative shall then be read to the complainant. Finally, the admonishment of truthfulness shall be read to the complainant and the form signed by the complainant and the supervisor.

2. Verbal

The supervisor accepting a verbal complaint will investigate the matter, develop a disposition, and will resolve the matter. The supervisor may make notations of his actions in his personal log for future reference, such as completing personnel performance ratings. If action is taken through an internally initiated complaint, and it is a minor violation (i.e. a training issue, failing to obey a policy, etc.) then the supervisor may, inform the division Captain.

However, if the conduct is such that it could be a future liability (i.e. arguing between employees, inappropriate workplace behavior) then supervisor shall notify their division Captain.

C. THE INVESTIGATION OF FORMAL COMPLAINT

When a written Personnel Complaint is received, it shall be forwarded to the Chief of Police for assignment to an appropriate supervisor for investigation. Upon receipt of the complaint the office of the Chief of Police shall assign an IA case number (not a DR number). This number shall be affixed to all items attached to the complaint and investigative report.

Whenever a complaint is of a nature as to require immediate investigation and the Chief of Police and the concerned Division Captain are not available, the Watch Commander shall immediately assign himself or another supervisor to conduct the investigation. The assigned investigator shall be an uninvolved party who is superior in rank to the person being investigated.

The supervisor assigned to investigate formal complaints shall conduct a thorough, accurate, and objective investigation. Such investigations shall include statements from all parties involved, the gathering and preservation of any physical evidence relative to the case, and all other information pertinent to the matter.

The employee under investigation shall be notified of the allegations prior to his interview. Every effort shall be made to ensure that all investigations performed pursuant to this order are completed within a reasonable time and shall be done under circumstances devoid of intimidation or coercion. Pursuant to Government Code § 3304(d) and 3508.1, the investigation should be completed within one (1) year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

D. INVESTIGATIVE INTERVIEW

The question of whether police employees are obligated to give statements for the purpose of an internal administrative investigation has been clearly defined in Federal and State courts of law.

1. Criminal Investigative Interview

If an investigation is criminal in nature, the investigator will advise the employee of his Miranda rights prior to the interview. For purposes of the criminal investigation, the employee may elect to not answer questions.

2. Administrative Investigative Interview

An employee must answer questions pursuant to an administrative investigation. An employee may be disciplined for refusing to answer questions directly related to the administrative investigation. Employees may also be required to submit to special examinations, interviews, interrogations and/or a line-up. Employees will be advised that refusal to comply may result in discipline up to and including dismissal.

An employee may choose to answer questions pursuant to the administrative investigation, but refuse to answer questions pursuant to the criminal investigation. Statements made in such a case shall be secure from criminal proceedings.

A sworn employee may request that his initial interview, relating to an administrative investigation, be delayed for a maximum of 24 hours so that he may arrange for his representative to be present. Delays longer than 24 hours may be authorized by the Chief of Police.

3. Searches

City owned desks, computers, e-mails and files, lockers, storage spaces, rooms, offices, equipment, work areas, and vehicles are the sole property of the City of Palos Verdes Estates and are subject to inspection at any time the Chief of Police deems necessary. Private property may be stored in areas thus mentioned, although privacy shall not be expected by the employee.

However, no sworn member of the Department shall have his locker or other storage space searched except in accordance with a valid search warrant or after first notifying the employee of the impending search and allowing him reasonable time to be present if he chooses.

4. Monitoring Calls

All telephone calls made or received on a Departmental telephone and all radio transmissions made or received on Departmental radios are the business of the Chief of Police and are not confidential. Due to the complex problems which face law enforcement agencies and the need for accuracy in recording, those using Departmental radios or telephones may expect monitoring and/or recording.

5. Recording Devices

All Departmentally mandated digital recordings shall remain the property of the department and are subject to inspection by any supervisor as is necessary for departmental business. These recordings may be used and preserved as part of any investigation. The absence of any mandated recordings shall be documented and shall be taken into consideration as part of any investigation.

E. EMPLOYEE RIGHTS

In the following referenced Government Code Sections, the words "police department employee" should be substituted for "public safety officer."

1. Sworn Employee

When any sworn employee comes under investigation and is subject to interview that could lead to punitive action, the guidelines listed in Government Code, Chapter 9.7, Section 3300 through 3311 shall apply. A copy of the applicable sections is attached to this order.

2. Non-Sworn Employee

Although the Government Code Sections, previously mentioned, specifically refer to sworn employees only, the following sections of Chapter 9.7 of the Government Code shall be interpreted as applying to non-sworn and reserve police department employees:

a. Section 3302

b. Section 3303, subsections a,b,c,d,f and g.

c. Section 3304

d. Section 3305

F. ALLEGATIONS OF A CRIME

When the allegations are of a criminal nature and the evidence is such that had the action been by a private citizen, it would have resulted in an arrest, the investigator will immediately notify the Chief of Police. The Chief of Police will determine whether:

1. The accused should be arrested forthwith

2. An arrest warrant should be sought

3. Further investigation is required

4. The accused should be taken into protective custody

5. The accused should be placed on administrative leave and relieved of all weapons, ID card, and badge

G. ARREST OF AN EMPLOYEE

When an employee of this Department has been arrested by this Department or another jurisdiction, the Chief of Police or his designee shall be notified immediately and the following shall occur:

1. The Chief of Police, or his designee, shall proceed to the place of confinement and notify the employee that he is suspended effective immediately, pending further investigation. The employee shall be relieved of Departmental property in his immediate possession and such property rendered into the hands of the Chief of Police. The employee shall surrender his badge and ID card.
2. An immediate administrative investigation shall be conducted by the Chief of Police or his designee.
3. If the investigation reveals that the arrest & charges were warrantless, the employee will be reinstated without loss of pay or benefits.
4. If the arrest & charges are warranted, Departmental action shall be initiated immediately through the Chief of Police.

H. INTERNAL AFFAIRS INVESTIGATIVE FORMAT

The Internal Affairs investigative report shall be written in the following format and order:

1. Cover Memo
The report shall contain a cover memo addressed to the appropriate Division Captain. This memo should simply state that an internal affairs investigation has been completed on (named employee) and attached is the entire investigation.
2. Table of Contents
The report shall contain a table of contents and each page thereafter shall be numbered.
3. Personnel Complaint Form
In the case of a formal citizen complaint, the Personnel Complaint Form should be filled out in its entirety and signed by both the complainant and the supervisor receiving the complaint.
4. Allegation
Allegation(s) of misconduct are to be listed in this section as follows: Count I, Count II, etc.
5. Synopsis
A recounting of the incident in brief form.

6. Facts of the Investigation
The narrative portion of the report should be written in chronological order, and should be specific. This section shall include statements from all concerned parties, and any other pertinent facts obtained in the investigation.
7. Attachments
Any documents or photographs, recordings, etc. which have evidentiary value shall be affixed to this section of the report.
8. Transcripts
In the event that tape-recorded interviews, radio transmissions, or telephone calls are transcribed, the transcription shall be placed into this section.

I. COMPLETED INVESTIGATION SUBMITTED TO THE APPROPRIATE DIVISION CAPTAIN

Upon completion of a formal internal affairs investigation, the completed investigative report shall be delivered to the concerned Division Captain. The Division Captain will review the report and supporting evidence and will render his opinion regarding the disposition. The Division Captain will then prepare a summary of the incident including findings, conclusions, and prior discipline. The complete investigation, summary, and recommendation for discipline will then be delivered to the Chief of Police for his final approval, and or directions.

1. Findings
In this section, the Division Captain shall list each count separately, followed by disposition.
2. Conclusion
In this section, the Division Captain will explain the reasons for his disposition.
3. Prior Discipline
Prior discipline within the last five years shall be listed in this section.

J. PERSONNEL COMPLAINT PACKAGE RECEIVED BY THE CHIEF OF POLICE
Upon the receipt of the Personnel Complaint Package, the Chief of Police will make a final determination as to the disposition. If the Chief of Police agrees with the initial disposition of the Division Captain, he will sign the

summary indicating his concurrence. If the Chief of Police does not concur with the disposition of the Division Captain, he may order further investigation or simply change the disposition. The final disposition is the responsibility of the Chief of Police. The Personnel Complaint Package shall be maintained and filed in the office of the Chief of Police. The Chief of Police shall determine the type, severity and appropriateness of discipline.

K. **SUSTAINED DISPOSITION**

In the case of a sustained allegation of a sworn employee, the Chief of Police will inform the employee of his notice of intent to impose discipline and of his pre-discipline hearing rights. In all cases, the Chief of Police will follow the guidelines set forth under current law and the regulations of the City of Palos Verdes Estates. Following the pre-disciplinary hearing (Skelly) or in the case of a waiver of such hearing, the Chief of Police shall impose final discipline; the investigation and notice of discipline shall be retained with the employee's personnel file.

1. Only the sustained investigations and related notice of discipline shall be placed into the employee's personnel file. No other investigation shall be entered into an employee's personnel file.
2. When more than one employee is involved, the investigation and specific notice of discipline will be prepared for each employee regarding his involvement. Each involved employee will receive a copy of the investigation and notice of discipline.
3. Prior to the disposition being placed into the employees personnel file, the employee will be shown the written disposition with the concurring signature of the Chief of Police. The employee will indicate that he has read the document with his signature and date.
4. Due to the extreme confidentiality and personal nature, personnel files shall be considered private records of the Chief of Police. The Department Custodian of Records will maintain the integrity of these files and no information will be released to unauthorized persons without his express approval or by a court order.
5. The completed internal affairs investigative report shall be retained in an Internal Affairs File for a period of 5 years, pursuant to Government Section 34090, after which time it may be destroyed.

L. NOTIFICATION TO COMPLAINANT

The Chief of Police shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the final disposition, pursuant to Penal Code Section 832.7(d).

26.8 PEACE OFFICERS' BILL OF RIGHTS/GOVERNMENT CODE §3300 - 3311

3300 SHORT TITLE

This chapter is known and may be cited as the Public Safety Officers' Procedural Bill of Rights Act.

3301 DEFINITION; LEGISLATIVE FINDINGS AND DECLARATIONS

For purpose of this chapter, the term public safety officer means all peace officers specified in Section 830.1, 830.2, 830.31 except subdivision (f), 830.4 except subdivision (f), and 830.5 of the Penal Code.

The Legislature hereby finds and declares that the rights and protections provided to peace officers under this chapter constitute a matter of statewide concern. The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that such stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California.

3302 POLITICAL ACTIVITY; MEMBERSHIP ON SCHOOL BOARD

(a) Except as otherwise provided by law, or whenever on-duty or in uniform, no public safety officer shall be prohibited from engaging, or be coerced or required to engage, in political activity.

(b) No public safety officer shall be prohibited from seeking election to, or serving as a member of, the government board of a school district.

3303 INVESTIGATIONS AND INTERROGATIONS; CONDUCT; CONDITIONS; REPRESENTATION; REASSIGNMENT

When any public safety officer is under investigation and subjected

to interrogation by his commanding officer, or any other member of the employing public safety department, which could lead to punitive action, such interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action is defined as any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

(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 such interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for such off-duty time in accordance with regular departmental procedures, and the public safety officer shall not be released from employment for any work missed.

(b) The public safety officer under investigation shall be informed prior to such interrogation of the rank, name and command of the officer in charge of the interrogation, the interrogation officers, and all other persons to be present during the interrogation. All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time.

(c) The public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation.

(d) The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his own personal physical necessities.

(e) The public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press or news media without his express consent

nor shall his home address or photograph be given to the press or news media without his express consent.

(f) The complete interrogation of a public safety officer may be recorded. If a tape recording is made of the interrogation, the public safety officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The public safety officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports which are deemed to be confidential may be entered in the officer's personnel file. The public safety officer being interrogated shall have the right to bring his own recording device and record any and all aspects of the interrogation.

(g) If prior to or during the interrogation of a public safety officer it is deemed that he may be charged with a criminal offense, he shall be immediately informed of his constitutional rights.

(h) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters which are likely to result in punitive action against any public safety officer, that officer, at his request, shall have the right to be represented by a representative of his choice who may be present at all times during such interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for noncriminal matters.

This section shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or other public safety officer, nor shall this section apply to an investigation concerned solely and directly with alleged criminal activity.

(i) No public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his department would not normally be sent to that location or would

not normally be given that duty assignment under similar circumstances.

3304 **LAWFUL EXERCISE OF RIGHTS; INSUBORDINATION;
ADMINISTRATIVE APPEAL**

(a) No public safety officer shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure.

Nothing in this section shall preclude a head of an agency from ordering a public safety officer to cooperate with other agencies involved in criminal investigations. If the officer fails to comply with such an order, the agency may officially charge him with insubordination.

(b) No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency without providing the public safety officer with an opportunity for administrative appeal.

3305 **COMMENTS ADVERSE TO INTEREST; ENTRY IN PERSONNEL FILE
OR IN OTHER RECORD; OPPORTUNITY TO READ AND SIGN
INSTRUMENT; REFUSAL TO SIGN**

No public safety officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer, without the public safety officer having first read and signed the instrument containing the adverse comment indicating he is aware of such comment, except that such entry may be made if after reading such instrument the public safety officer refuses to sign it. Should a public safety officer refuse to sign, that fact shall be noted on that document, and signed or initialed by such officer.

3306 **RESPONSE TO ADVERSE COMMENT ENTERED IN
PERSONNEL FILE; TIME**

A public safety officer shall have 30 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

- 3307 POLYGRAPH EXAMINATION; RIGHT TO REFUSE; EFFECT
No public safety officer shall be compelled to submit to a polygraph examination against his will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take a polygraph examination.
- 3308 FINANCIAL DISCLOSURE; RIGHT TO REFUSE; EXCEPTIONS
No public safety officer shall be required or requested for the purposes of a job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under state law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning the public safety officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.
- 3309 SEARCH OF LOCKER OR STORAGE SPACE; CONSENT; SEARCH WARRANT
No public safety officer shall have his locker, or other space for storage that may be assigned to him searched except in his presence, or with his consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency.
- 3309.5 LOCAL PUBLIC SAFETY OFFICERS; APPLICABILITY OF CHAPTER; JURISDICTION; REMEDIES
(a) It shall be unlawful for any public safety department to deny or refuse any public safety officer the rights and protection guaranteed to them by this chapter.

(b) The superior court shall have initial jurisdiction over any proceedings brought by any public safety officer against any public safety department for alleged violations of this section.

(c) In any case where the superior court finds that a public safety department has violated any of the provisions of this chapter, the court shall render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature, including, but not limited to, the granting of a temporary restraining order, preliminary, or permanent injunction prohibiting the public safety department from taking any punitive action against the public safety officer.

3310 PROCEDURES OF PUBLIC AGENCY PROVIDING SAME RIGHTS OR PROTECTION; APPLICATIONS OF CHAPTER
Any public agency which has adopted, through action of its governing body or its official designee, any procedure which at the minimum provides to a peace officers the same rights or protections as provided pursuant to this chapter shall not be subject to this chapter with regards to such a procedure.

3311 MUTUAL AID AGREEMENTS; EFFECTS OF CHAPTER UPON
Nothing in this chapter shall in any way be construed to limit the use of any public safety agency or any public safety officer in the fulfilling of mutual aid agreements with other jurisdictions or agencies, nor shall this chapter be construed in any way to limit any jurisdictional or interagency cooperation under any circumstances where such activity is deemed necessary or desirable by jurisdictions or agencies involved.