

COUNCIL POLICY

SUBJECT: CITIZENS' COMPLAINTS REGARDING MUNICIPAL CODE VIOLATIONS
POLICY NO.: 000-24
EFFECTIVE DATE: March 2, 1977

BACKGROUND:

A citizen may file a complaint regarding an alleged Municipal Code Violation by referring the matter to the Police Department, Citizens Assistance Department, City Attorney's office, or to the appropriate enforcement agency within the City government.

PURPOSE:

It is the intention of the City Council to:

1. Reaffirm its official position to protect and safeguard the right and opportunity of all citizens to file a complaint of an alleged violation of a criminal statute and have it investigated at an appropriate level where an equitable adjudication can be made as to the validity of the complaint.
2. Define the rights of citizens who report the violation of the Municipal Code by any citizen or organization.
3. Insure that such complaints will be promptly and thoroughly investigated with the results and any subsequent actions taken reported to the City official or citizen initiating such investigations.

POLICY:

1. All complaints involving an alleged violation of the Municipal Code shall be referred to the Police Department or the appropriate department within the City government which has functional enforcement authority for the subject matter of the complaint.³
2. All such complaints shall be promptly and thoroughly investigated.³
3. Whenever possible, the resolution of such complaints shall be accomplished by the application of administrative remedies.
4. Only those complaints which cannot be administratively remedied or the initial administrative efforts fail to produce compliance shall be referred to the City Attorney's offices for legal prosecution.
5. The City Attorney's office shall review all requests for prosecution and requests for notify warrants as well as all complaints referred by the Police or other enforcement departments and shall determine whether to prosecute based on the merits of each case.

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6. The Police or other enforcement departments shall supply witnesses and whatever technical or informational assistance is required by the City Attorney in order to prosecute a violation.
7. If the City Attorney's office chooses not to prosecute a case, a statement of the findings of facts and reasons for nonprosecution shall be filed with the case and made available to the complainant upon request.

A quarterly comprehensive report of the results of these citizen contact matters shall be made available to the City Council.

8. The citizen initiating the complaint shall be notified of the results of the investigation and any subsequent corrective or prosecution actions taken.
9. Citizens who are dissatisfied with the results of an investigation or action taken shall be advised of their right to appeal any decision made by a person or organization authorized to make decisions on behalf of the City of San Diego. The policy and procedure for appeals from decisions of City employees is outlined in Administrative Regulation 10.05.
10. Additionally, citizens who are dissatisfied with the results of an investigation or action taken shall be advised that the Department of Citizens Assistance is designated as the City Manager's representative for reviewing complaints from citizens.
11. A comprehensive annual report shall be made to the City Council of all citizens' complaints governed under this policy. Such reports shall be organized and prepared so as to provide information to the Council of the scope and nature of citizens' complaints.
12. An informational guide shall be provided to citizens complaining in such form as the Council may approve.

HISTORY:

Adopted by Resolution R-217848 03/02/1977