



HOW TO FILE A COMPLAINT



Dear Resident:

There are certain kinds of offenses that an officer of the City cannot legally prosecute without a signed complaint by a citizen. In order to prosecute a misdemeanor, there must be a witness to the crime *as it was committed*. The witness must also be able to identify the offending party. An officer can take a report in these cases but cannot issue a citation because he/she was not a witness to the violation. This is where you come in. If you have "had it and can't take it anymore" and want to do something about a bad situation, please consider the following procedure:

- Call the Police Department or Code Enforcement/Animal Control and state that you wish to sign a formal complaint. You will need to be able to provide basic information to the call taker so that he/she can direct your call properly. The Police non-emergency number is 751-9564. The number for Code Enforcement/Animal Control is 751-0493.
- The appropriate officer will come to your home to take the report and have you sign the complaint. If you prefer, you can come to the Police Department/City Hall to sign the complaint. The officer will help to determine what ordinance to cite in the complaint and advise you accordingly.
- Your voluntary statement must indicate the specifics of your complaint such as the name or identity of the offender, the time, and place the offense occurred, other witnesses to the offense, etc. The more detailed the information, the greater the likelihood of successful prosecution.
- The city prosecutor will review the complaint and determine whether the alleged offense is, in fact, an offense under city ordinance. The prosecutor will also determine if there is enough evidence to prosecute the person who is accused of the offense. In most cases, you can expect the review process to take at least two weeks.
- If the City Prosecutor decides to prosecute, the person accused will receive a summons to appear in court to answer to the charges.
- If the accused pleads "guilty," he or she will be required to pay the fine set by the Municipal Judge. If the accused pleads "not guilty," the case will go to trial.
- In the event the complaint goes to trial, the complainant must come to court and testify against the accused. The complainant must be able to identify the perpetrator, and testify that he or she witnessed the crime being committed. The chance of success will depend on the credibility of the information and the testimony of witnesses.
- The Municipal Judge will hear the case and issue his ruling.
- Sometimes the Judge will be lenient on a first offense, but if the matter comes before the Judge again, the offending party is likely to face a harsher penalty. Sometimes multiple charges are necessary to get an offender's attention.