



# Use of Force Recommendation 49

- *Remove Warning About Making False Complaint from Materials, Website and Over Phone*



# Agenda

---

- Recommendation Highlights
- Current Practice
- Regional Trends
- Discussion Points
- Final Guidance



# Recommendation Highlights

## Recommendation 49

- MPD should remove the warning about making a false complaint from its complaint materials and website.
- Additionally, this warning should not be given to individuals making complaints in person or over the phone.

**The Police Executive Research Forum (PERF)**

# Current Practice

---

## **In-person and Telephone**

Verbal warning is not provided

## **Website**

Can a person get in trouble for filing a complaint?

Not if you are truthful. The Mesa Police Department will not take action against a person who has acted in good faith. However, be aware that per Arizona State Law, [A.R.S.13-2907.01](#), it is a misdemeanor to knowingly make a false statement to a law enforcement agency.

## **Mail in Form**

Be aware that per Arizona State Law, [A.R.S.13-2907.01](#), it is a misdemeanor to knowingly make a false statement to a law enforcement agency. By submitting this form you attest to the truthfulness of the statements made below.

# Current Practice

---

## ***Online Complaint Form***

Be aware that per Arizona State Law, [A.R.S.13-2907.01](#), it is a misdemeanor to knowingly make a false statement to a law enforcement agency. By submitting this form you attest to the truthfulness of the statements made below.

I understand that it is unlawful for a person to knowingly make a false, fraudulent or unfounded report or statement to a law enforcement agency of this state or a political subdivision of this state, or to knowingly misrepresent a fact for the purpose of interfering with the orderly operation of a law enforcement agency or misleading a peace officer. I certify that all information provided herein is true and correct to the best of my knowledge.

# Regional Trends

---

Agency	Advisement Against Making False Report
Phoenix PD	X
Tucson PD	
Tempe PD	X
Scottsdale PD	
Chandler PD	X
Gilbert PD	X

- No Legal Requirement for Warning

# Community Oriented Policing Services (COPS)

---

Unless required by law, a complaint need not be under oath or penalty of perjury. Unless required by law, no threats or warnings of prosecution or potential prosecution for filing a false complaint should be made orally or in writing to a complainant or potential complainant.

# Discussion Points

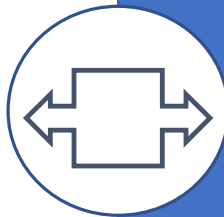
*List the reasons **for** adopting the recommendation*

- Encourages complaints to be based on fact



*List the reasons **against** adopting the recommendation*

- Deterrent from coming forth with a complaint due to fear of retribution
- Deters those who may be scared to misrepresent a trivial point





## Final Guidance

- Adopt PERF's recommendation to remove the warning about making a false complaint from the complaint materials and website.
- If direction is received to keep the warning, make the verbiage consistent on the website, mail-in form, and online submission form.



# Discussion