

KERN COUNTY PROBATION DEPARTMENT  
CITIZEN COMPLAINT INVESTIGATION PROCEDURE



The Kern County Probation Department believes that a relationship of confidence and trust with the public is essential to effective law enforcement. Public safety officers must be free to exercise their best judgment and to initiate law enforcement action in a reasonable, lawful and impartial manner without fear of reprisal. So, too, enforcers of the law have a special obligation under the laws of this state and the Constitution of the United States to meticulously respect the rights of all persons.

The department acknowledges its responsibility to establish a system of complaint and disciplinary procedures which will subject public safety officers to corrective action when they conduct themselves improperly, but also to protect them from unwarranted criticism when they discharge their duties properly.

To this end, the department welcomes constructive criticism of the department and its procedures, as well as valid complaints against its members. It is the policy of the Probation Department to diligently investigate all personnel complaints in a fair and impartial nature.

Any member of the community who is aware of misconduct by **any** member of the department (i.e. sworn or non-sworn) may file a “Citizen’s Complaint.” The complaint may be made at any time to any member of the department. Complaints of misconduct will be accepted and recorded on a “Citizen’s Complaint” form available at all Kern County Probation Department offices. A copy of your statement will be given to you at the time you file a complaint. In addition; if you are filing a complaint against a peace officer employed by the Kern County Probation Department, you will be required to read and sign the “Advisory to Complainant” form.

Please attach that form to your complaint. Persons under the 18 years of age may make complaints, but we ask that a parent or guardian be present when a formal complaint is filed.

The person receiving the complaint will ask you to provide as much information as possible. The complaint will then be investigated in a timely and professional manner. The investigation consists of taking formal statements from all persons concerned and the collection and preservation of any physical evidence or other information related to the incident. Each allegation is examined on its own merits in an objective manner.

## **Additional Information**

Each complainant person will be notified of the disposition of the complaint in writing within 30 days of the disposition of the complaint. Disposition will be noted in one of four ways:

- **Unfounded** - The allegation is not supported by the evidence.
- **Exonerated** - The incident complained of occurred, but the employee involved acted lawfully and properly.
- **Not Sustained** - The investigation did not disclose enough information to either prove or disprove the allegation.
- **Sustained** - The allegation is supported by evidence.

**State law prohibits this department from advising a complainant of what exact discipline, if any, was imposed upon a public employee who is the subject of the complaint.**