



# KERN COUNTY PROBATION DEPARTMENT

## Policies And Procedures

TITLE: <b>Citizen Complaint</b>		Article: 1407	
APPROVED: <b>TR Merickel, Chief Probation Officer</b>			
EFFECTIVE: July 2016	REVIEWED: August 2018	REVISED: July 2016	UPDATED: August 2018

### POLICY

In accordance with Section 832.5 of the Penal Code, each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies and shall make a written description of the procedure available to the public.

Kern County Probation Officers and staff are highly trained and serve the community with pride. The 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. For this reason, this policy and procedural statement is a reflection of the department's ongoing interest in being responsive to citizen complaints while, at the same time, assuring staff that those complaints will be carefully investigated, in a manner which is consistent with rules of due process. The purpose of such investigation will be to develop an appropriate action plan that will render justice to all concerned persons.

#### I. SPECIFIC PROCEDURES

- A. All members of the public seeking to file a complaint against the Kern County Probation Department or a specific employee will be asked to complete a Citizen Complaint Form. Complaint forms can be obtained at any Kern County Probation Office or on the department's website at [www.kernprobation.com](http://www.kernprobation.com).
- B. Any employee of the department shall accept any complaint made by a member of the public. Complaints may be made in person, by telephone, by mail, or by a third party. Once a complaint form is provided, the employee will ask the complainant to provide as much information as possible and for the complainant to sign and date the form. A copy of the complaint shall be given to the complainant. If a complaint is made via telephone, the complaint shall be taken by a supervisor or above in the chain of command.
- C. Persons under 18 years of age may make complaints; however, they should be encouraged to bring a parent or guardian with them at the time of the filing of the complaint.
- D. Complaints will not be accepted from persons who are intoxicated. Persons who are intoxicated at the time they wish to file a complaint will be re-contacted by a department manager at a later time for the filing of the complaint.

- E. In addition to a copy of the complaint given to the complainant, a copy of the Citizen Complaint Investigation Procedure shall be provided. Citizen Complaint Investigation Procedure and Advisory to Complainant forms can be obtained at any Probation Department office or downloaded by clicking the following link:

<http://www.kernprobation.com/citizen-information/>

- F. The original signed Citizen Complaint and Advisory to Complainant forms shall be routed immediately to the Administrative Services Division located at 2005 Ridge Road for recording. The Chief Probation Officer shall be notified as to the nature of the complaint through the chain of command. The department's Deputy Chiefs shall meet and determine if the complaint warrants an administrative investigation, criminal investigation, or if the matter should be referred to the appropriate Probation Division Director for investigation. Regardless of the level of investigation, a prompt and thorough investigation will be conducted.
- G. Disposition of complaints will be noted in one of four ways:
1. Unfounded – The allegation is not supported by the evidence.
  2. Exonerated – The incident complained of occurred, but the employee involved acted lawfully and properly.
  3. Not sustained – The investigation did not disclose enough information to either prove or disprove the allegation.
  4. Sustained – The allegation is supported by the evidence.
- H. If the allegation(s) is sustained against the employee(s), the Chief Probation Officer or designee shall determine and administer appropriate corrective action. These measures may include additional training, verbal or written reprimand, suspension without pay, demotion or termination of employment.
- I. Any sustained finding(s) determined by the Chief Probation Officer that results in any punitive action (i.e. written reprimand, suspension, demotion, termination) will be noted in the employee's department and county personnel file.
- J. Citizen Notification: Pursuant to Section 832.7(e)(1) of the Penal Code, written notification of the disposition of the complaint shall be mailed to the complainant within 30 days of the completed investigation.
- K. Employee Notification: The subject employee(s) will be notified in writing of the nature of the allegation(s) prior to any questioning of that employee. The subject employee will be notified in writing as to the finding(s).