



Kern County Sheriff's Office
Policies and Procedures

TITLE: EMPLOYEE DISCIPLINE-DEFINITIONS		NO: D-100	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 1, 1990	REVIEWED: 8/22/2017	REVISED: 4/20/2005	UPDATED: 8/22/2017

POLICY

The following definitions will govern terminology to be used in reports, memos, and any other documentation that occurs during the disciplinary process.

DEFINITIONS

COMPLAINT: A statement alleging that the Sheriff's Office or some member thereof (sworn or non-sworn) has engaged in an improper act or practice. Complaints can be made by members of the public or Sheriff's Office personnel.

COMPLAINANT: The person who files a complaint with the Sheriff's Office.

DISCIPLINE: For purposes of this section, discipline is defined as termination, demotion, suspension, reduction in salary, written reprimand, or a disciplinary transfer.

DISPOSITION: The status assigned to a case by the Sheriff or Chief Deputy following conclusion of the investigation:

- **Unfounded**: The investigation conclusively proved that the act, or acts, complained of did not occur. This finding also applies when the individual members(s) named were not involved in the act or acts which may have occurred.
- **Exonerated**: The acts which provided the basis for the complaint or allegation occurred; however, investigation revealed that they were justified, lawful, and proper.
- **Not Sustained**: Investigation failed to disclose sufficient evidence to clearly prove the allegation made in the complaint or to conclusively disprove such allegations.
- **Sustained**: The investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint.

DOCUMENTED ORAL ADMONISHMENT: An action taken by a supervisor that orally informs an employee of unacceptable behavior. The fact that the oral admonishment occurred is recorded on an Oral Admonishment form and kept in a Supervisory File. (See Attachment "B" for proper form).

EXHIBIT: Documentation or physical evidence relative to the case.

ORAL ADMONISHMENT: An action taken by a supervisor that orally informs an employee of unacceptable behavior.

SUBJECT: Employee or employees who are the focus of an investigation.

SUPERVISORY FILE: A file kept by a supervisor to aid in the E.P.R. process. (Note: Negative comments may not be entered into this file without the employee first having an opportunity to review and sign the entry).

WRITTEN REPRIMAND: A formal action taken that notifies the employee of unacceptable behavior and the corrective action expected from the employee. Written reprimands are entered into the employee's personnel file. (See Attachment "A" for proper format).

WITNESS: A person who can produce evidence pertaining to a complaint.

D-100-2

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Kern County Sheriff's Office
Policies and Procedures

TITLE: EMPLOYEE DISCIPLINE – DUTIES/PERFORMANCE		NO: D-200	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 1, 1990	REVIEWED: 8/25/2017	REVISED: 4/20/2005	UPDATED: 8/25/2017

POLICY

It is the policy of the Sheriff's Office that all its members perform their duties in a competent, efficient, and professional manner in conformity with the policies, rules, regulations, and orders of the Sheriff's Office and the County of Kern.

It is the intent of the Sheriff's Office to diligently investigate allegations of poor performance following accepted investigative standards, the Peace Officers Procedural Bill of Rights (Government Code 3300 et.seq.) as applicable and current statutory and case law. If employee performance requires the imposition of disciplinary action to correct the performance, such disciplinary action shall be taken in an informed, reasonable, timely, fair, and uniform fashion, without compromising the mission of the Sheriff's Office.

DIRECTIVE A

The procedures that follow are intended for use in cases where the employee problem is clearly one of work performance or violation of any rules set out in Section "B" of this manual. These procedures should be used within any of the following three dimensions:

- When lesser forms of discipline have failed to change the employee's behavior. Supervisors are expected to pursue lesser forms of discipline such as oral admonishments or documented oral admonishments (refer to section D-100).
- When the nature of the employee's behavior is serious enough to require more severe discipline even though lesser forms of discipline have not been exhausted.
- When the infraction is a violation of C-100, C-200, or C-300, and in the supervisor's judgement is of such a minor nature that an Internal Affairs investigation is not warranted and the matter may be adequately resolved at the supervisory level. In these situations, the supervisor will obtain the approval of their division commander before proceeding.

DIRECTIVE B

The command officer or supervisor may suspend, with pay, any subordinate for insubordination or disruptive behavior. The subordinate shall be told that he/she will be contacted by his/her respective Bureau Chief Deputy or their designee the next business day. The suspending officer shall immediately forward a written report on the suspension through the chain of command to the Chief Deputy or their designee.

DIRECTIVE C

During the disciplinary process, if the division commander is absent and will not return in time to comply with the prescribed time limit, guidelines, the package will automatically be routed to another division commander. In the absence of the Bureau's Chief Deputy, another Chief Deputy will be designated to act for the absent Chief Deputy.

PROCEDURE

When a supervising employee determines, discipline could be necessary to correct poor performance on the part of an employee under their supervision, or the employee has failed to perform a listed duty, they will:

- Comply with the requirement of Government Code 3300 et. seq. if the employee is a peace officer.
 - Particular attention must be paid to Government Code 3303.
- Conduct an investigation of the incident and establish:
 - The identities of the individuals involved, if any;
 - The acts or omissions that constitute the poor performance;
 - The statements or accounts of all persons involved.
- Prepare a written report in memorandum form that includes all the above, plus:
 - The rules, regulations, policies, or orders applicable;
 - The acceptable work standard, and a statement of where the employee has fallen short;
 - The apparent severity of the failure of performance.
- Forward this report and all supporting documentation to their Commander in a sealed envelope. In cases where the supervising employee is of the rank of Commander or higher, the documentation will be forwarded to the next highest level.
- Notify the employee of the situation at the time the report is forwarded.

Any commander receiving such report will:

- Act as the Sheriff's Office's reviewing authority;
- Determine if there are sufficient facts to warrant the imposition of discipline;
- Determine what discipline is appropriate;

D-200-2

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- If insufficient information is included in the report, return the report for further investigation.

When facts justify a written reprimand or oral admonishment, the commander will:

- Instruct the supervisor to prepare a written reprimand using the approved format (See D-100, Attachment A), or
- Instruct the supervisor to document an oral admonishment (See D-100, Attachment B).

When the apparent facts justify discipline greater than a written reprimand, the commander will:

- Meet with the investigating supervisor to corroborate and clarify any information or documentation.
- Comply with Government Code 3300 et. seq.
- Meet with the employee (and his/her representative if requested) to:
 - Give employee opportunity to explain actions or omissions;
 - Establish employee's understanding of events;
 - Gain any new or additional pertinent information;
 - Clarify information or documentation.
- Make final determination on justification for discipline;
 - If a written reprimand or less, return to supervisor.
- If discipline of more than a written reprimand is warranted, prepare a report in memorandum form of his/her actions, findings, and recommendations;
 - Attach to supervisor's report;
 - Forward to appropriate Chief Deputy within three (3) working days.
- Notify employee that the matter has been sent for further review.

The Chief Deputy, upon receipt of a request for discipline report, within three (3) working days, will:

- Review the contents and determine if facts support discipline;
- If necessary, meet with the commander and supervisor to clarify any points;
- At his/her discretion meet or confer with any other person they deem necessary;

D-200-3

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- At his/her discretion confer with County Counsel on any case;
 - Should confer on cases of severe discipline or representation by County Counsel is likely;
 - In those cases, referred to County Counsel, request a timely response.
- Determine the appropriate disposition of all allegations as identified in DPPM D-100 under “Definitions...Disposition.”

When the Chief Deputy makes, a disposition finding of other than sustained, he/she will:

- Notify the employee of the finding and that no discipline will be taken;
- Notify the Commander involved of the finding.

When the Chief Deputy makes, a disposition finding of sustained, he/she will notify the Personnel Commander.

The Personnel Commander will schedule a discipline review for the purpose of deciding on what, if any, discipline should be attached to the sustained allegations(s). The discipline review panel is to be comprised of all Chief Deputies available to attend. The Personnel Commander will attend in order to facilitate the review process.

When the decision is to not impose discipline, the Chief Deputy will:

- Notify involved parties of the decision.

When the decision is to issue a written reprimand, the Chief Deputy will:

- Cause the preparation and service of the written reprimand through the commander or supervisor of the employee.

When the review panel recommends discipline more severe than a written reprimand, the Personnel Division Commander will:

- Cause the preparation of a letter of intent to discipline or dismiss;
- Cause the letter of intent to be sent to the appropriate Deputy County Counsel for his/her review and recommendations;
- After County Counsel’s review, cause the service of the letter of intent in a timely manner.

D-200-4

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DIRECTIVE D

At any time during the process, the County Counsel’s Office may be contacted for advice or assistance and may be furnished any materials or information necessary to provide legal services. In addition, materials and information concerning a disciplinary matter may be provided to any other persons necessary to the proper completion of the disciplinary process.

DIRECTIVE E

Personnel assigned to perform an Internal Affairs investigation shall have full staff authority of the Sheriff-Coroner to order employees of the rank of sergeant and below, or any non-sworn member, to cooperate fully during Internal Affairs investigations and to answer questions, if they are the subject of the investigation.

Any member of the Sheriff’s Office of the rank of lieutenant or higher who is a subject of the investigation will be ordered to answer all questions fully and honestly by the Internal Affairs division commander or by a superior officer who will remain present during the interview.

All members of the Sheriff’s Office who are witnesses in an administrative investigation are hereby obligated and directed to cooperate and answer truthfully and completely all questions asked by the investigator.

Employees are reminded that a refusal to obey a lawful order to cooperate will be treated as insubordination by Administration of the Sheriff’s Office and will subject the offender to disciplinary action up to and including dismissal from employment.

D-200-5

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**Kern County Sheriff's Office
Policies and Procedures**

TITLE: EMPLOYEE DISCIPLINE- MISCONDUCT		NO: D-300	
APPROVED: Donny Youngblood, Sheriff-Coroner			
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POLICY

It is the policy of the Sheriff's Office that all its members conduct themselves according to standards set forth in this manual, the law, and accepted standards within the police profession.

The Sheriff's Office recognizes that in order to maintain public trust, it must diligently investigate all citizen complaints to establish the facts surrounding the given incident, enabling the protection of the Sheriff's Office and employee to the extent possible, as well as the community we serve.

All investigations involving misconduct will follow accepted investigative standards, the Peace Officers Procedural Bill of Rights (Government Code 3300 et. seq.) as applicable, and current statutory and case law.

When a supervisor or other divisional person is performing a personnel investigation or an employee interview which could result in discipline, the subject employee, if a peace officer, must be advised of his/her rights. All other employees may be extended these rights, should the interviewer so elect. When in doubt, the interviewer should extend all rights as far as possible.

If the misconduct occurred and requires the imposition of discipline, such discipline shall be taken in an informed, reasonable, timely, fair and uniform fashion.

DIRECTIVE A

The procedures in this section are intended to be used when the allegations against the employee are:

- Allegations of serious misconduct such as contained in Sections C-100, C-200, and C-300
- Complaints of excessive force or,
- Allegations of violations of law or,
- Any other allegation which is not solely duty or performance based as set forth in Section "B" of this manual.

DIRECTIVE B

Interviewing the Employee

Follow the directions contained in the Interview Guide and Dictation Guide attached as an addendum to this section.

Make copies of the Interview Guide and Dictation Guide.

Interview Guide

Read the employee his/her rights verbatim from the Interview Guide and fill in the blanks as they are read to the employee.

Dictation Guide

Fill in all the blanks on the Dictation Guide. Follow this form verbatim when dictation of your report is required. For ease of use, this form contains a male and female format.

Audio Recordings

All interviews should be recorded when possible. Digital recordings are recommended.

DIRECTIVE C

Personnel assigned to perform an Internal Affairs investigation shall have full staff authority of the Sheriff-Coroner to order employees of the rank of sergeant and below, or any non-sworn member, to cooperate fully during Internal Affairs investigations and to answer questions, if they are the subject of the investigation.

Any member of the Sheriff's Office of the rank of lieutenant or higher who is a subject of the investigation will be ordered to answer all questions fully and honestly by the Personnel Division Commander or by a superior officer who will remain present during the interview.

All members of the Sheriff's Office who are witnesses in an administrative investigation are hereby obligated and directed to cooperate and truthfully and completely answer all questions asked by the investigator.

Employees are reminded that a refusal to obey a lawful order to cooperate will be treated as insubordination by Sheriff's Administration.

DIRECTIVE D

During the disciplinary process, if the commander of the division in which the subject employee is assigned is absent and will not return in time to comply with the prescribed time limits, the package will be routed to another commander. In the absence of the Chief Deputy of the bureau in which the subject employee is assigned, another Chief Deputy will be designated to act for the absent Chief Deputy.

D 300-2

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PROCEDURE A- CITIZEN INITIATED COMPLAINTS

Any member of the Sheriff's Office who is given a formal citizen's complaint will:

- Accept the complaint as written by the complainant
- Give the complaining party a copy of his/her statements at the time the complaint is filed
 - If received by mail, Internal Affairs personnel will mail the complainant a copy.
- Forward the complaint form, in a sealed envelope, to the Chief Deputy of the bureau in which the subject employee is assigned (by way of your Chain of Command, unless the complaint is regarding someone above you in the Chain of Command. Then the complaint can be forwarded to the next higher level).

PROCEDURE B- SUPERVISOR INITIATED COMPLAINTS

A supervising employee who becomes aware of misconduct on the part of any member will:

- Prepare a confidential memo, including:
 - The rules, regulations, policies, or orders applicable to the incident.
 - A description of what actions he/she took (if any) concerning the incident.
- Forward the confidential memo and all supporting documentation and information directly to his/her commander in a sealed envelope. In cases where the supervising employee is of the rank of commander or higher, the documentation will be forwarded to the next highest level.

The affected division commander will:

- Evaluate the nature of the complaint and determine if the situation may be appropriately handled at the supervisory level. If the situation is of a more serious nature and it appears discipline may be warranted, forward the documentation to his/her chief deputy.

PROCEDURE C-CASE INVESTIGATIONS

The Chief Deputy, upon receiving a personnel complaint, will evaluate the complaint and determine if the case will be:

- Returned to the appropriate division for a pre-investigation
- Concluded as an "Adverse Comment" only
- Eligible for a Pre-Disposition Settlement Agreement (PDSA)
- Handled as a division level investigation
- Handled as an Internal Affairs investigation

The Chief Deputy will document his/her decisions on the complaint form and return the entire package to the Personnel Division Commander.

Pre-Investigation:

If the case is to be handled as a pre-investigation, the Personnel Division Commander will forward the investigative package to the appropriate division commander for assignment. The assigned investigator will contact the complainant in a timely manner to gather additional facts and circumstances regarding the complaint. The investigator will not interview the subject employee regarding the incident. The investigator will document the information gathered on a memorandum and will forward the findings to his/her division commander through the chain of

D 300-3

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command. The division commander will evaluate the complaint to ensure sufficient facts have been gathered, and will then forward the package to the Personnel Division Commander.

The Personnel Division Commander will ensure the pre-investigation is complete and then forward the case to the appropriate Chief Deputy.

Adverse Comments:

If the Chief Deputy determines that the nature of the complaint is such that, even if the allegations are sustained, the subject employee would receive no discipline, or there is no benefit or statutory obligation to complete an Internal Affairs investigation, the Chief Deputy may order the case closed as an adverse comment. In such cases, the Personnel Division Commander will have the case retained pursuant to law and policy.

PDSA

If the Chief Deputy authorizes the case for a PDSA, the Personnel Division Commander will proceed pursuant to the provisions of D-0700.

Division Level Investigations:

If the case is to be handled at the division level, the Internal Affairs Sergeant will compile an investigative package and forward it to the appropriate division commander for assignment. Additionally, the sergeant will assign an Internal Affairs investigator to monitor the investigation to ensure proper procedures are followed. The Internal Affairs Unit will provide investigative assistance and advice as needed and will monitor the progress of the investigation to ensure it is conducted in a timely manner.

The division commander, within two (2) working days of receiving the investigative package, will familiarize him/herself with the contents and assign the investigation to a lieutenant or sergeant in his/her division. When the investigation is complete, the division commander will return the investigative package to the Personnel Division Commander.

The Personnel Division Commander will ensure the investigation is complete and then forward the case for first review.

Internal Affairs Investigations:

If the case has been assigned as an Internal Affairs Investigation, the Personnel Division Commander will have the case assigned to an investigator in the Internal Affairs Unit.

PROCEDURE D- FIRST REVIEW PROCESS

At the conclusion of the investigation phase of the internal affairs case, the Personnel Commander will ensure the package is complete and have two copies of the package made. The Personnel Division Commander will have one package sent to the subject employee's division commander and the other to the subject employee's chief deputy for review.

Upon receiving the investigative packages, the reviewing commander and chief deputy, jointly and within five (5) days, will:

D 300-4

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- Act as the Sheriff’s Office reviewing authority
- Determine the appropriate disposition of all allegations as identified in DPPM D-100 under “Definitions...Disposition.”
- If insufficient information is included, return for further investigation.

If the commander and chief deputy are unable to come to a consensus, the package will be sent to a second chief deputy for review. His/her review will serve to break the tie and the final disposition will reflect the majority decision of the three reviews.

PROCEDURE E-ALL ALLEGATIONS ARE OTHER THAN SUSTAINED

When all allegations on a subject employee are found to be other than sustained, the Personnel Division Commander will:

- Inform the complainant of the complaint disposition via a letter.
- Cause a letter, signed by the involved chief deputy, to be mailed to the subject employee informing him/her of the case disposition.

PROCEDURE F- DISCIPLINE REVIEW BOARD

When there is a finding of sustained on any allegation(s) that only rise to a level of written reprimand or lesser discipline, the reviewing authorities may jointly determine to impose such discipline. The reviewing commander and chief deputy will inquire as to whether the respective employee has any prior pertinent discipline to determine if a lesser level of discipline is appropriate. The Personnel Division Commander will cause the discipline to be imposed.

The Administrative Services Chief Deputy will review all first review packets deemed eligible for written reprimand or lesser discipline for consistency, prior to them being returned to the Internal Affairs Unit.

When there is a finding of sustained on any allegation(s) that rise to a level of discipline of written reprimand or above the Personnel Division Commander will schedule a Discipline Review Board (DRB). The DRB will be held for the purpose of deciding what, if any, discipline should be attached to the sustained allegation(s).

The Discipline Review Board is to be comprised of all chief deputies available to attend. The panel will include at least three reviewing authorities. If any of the three (3) chief deputies are unavailable, an available commander will serve as the third reviewing authority. The Personnel Division Commander will attend the DRB in order to facilitate the process. Personnel from the Office of the County Counsel will attend for legal consultation. The Sheriff-Coroner and the Undersheriff may attend and participate in the DRB at their discretion.

The assigned Internal Affairs Investigator will present the case to the Discipline Review Board. The board will discuss and consider the totality of the circumstances of the case and jointly determine the appropriate discipline to be imposed.

If the decision is to impose a written reprimand or lesser discipline, the Personnel Division Commander will cause the discipline to be imposed.

D 300-5

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If the discipline to be imposed is more severe than a written reprimand, the Personnel Division Commander will cause a "Notice of Proposed Discipline" (Skelly Letter) to be prepared and served on the subject employee in a timely manner. County Counsel will be consulted during the preparation of the letter.

The subject employee will be afforded five (5) business days after receiving service to appeal the proposed discipline to the Sheriff. The Sheriff may uphold or modify the discipline at his discretion.

- If the Sheriff decides to increase the proposed discipline, the Personnel Commander will have a new "Notice of Proposed Discipline" (Skelly Letter) prepared and served on the subject employee in a timely manner. County Counsel will be consulted during the preparation of the second letter.

After either the employee has met with the Sheriff for an appeal, or five (5) business days have elapsed since the employee was served with the Notice of Intent to Impose Discipline, the Personnel Commander will cause the decided-upon discipline to be imposed.

DIRECTIVE E

In all citizen complaints, the Personnel Division Commander will cause notification to be made to the complaining party of the disposition of the complaint within 30 days of the disposition.

DIRECTIVE F

At any time during the process, the County Counsel's Office may be contacted for advice or assistance and may be furnished any materials or information necessary to provide legal services. In addition, materials and information concerning a disciplinary matter may be provided to any other persons necessary to the proper completion of the disciplinary process.

D 300-6

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Kern County Sheriff's Office
Policies and Procedures

TITLE: EMPLOYEE DISCIPLINE – ADMINISTRATIVE APPEAL		NO: D-400	
APPROVED: Donny Youngblood, Sheriff-Coroner			
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POLICY

A pre-disciplinary administrative appeal is afforded to all members of the Sheriff's Office during the disciplinary or termination process to provide a meaningful opportunity for the members to respond and present their side of the story. The procedures set forth here give appeal rights in addition to any which are afforded by Civil Service provisions. This policy is also intended to implement and to satisfy any such right of appeal provided for in a Memorandum of Understanding with a recognized employee organization.

DIRECTIVE A

Commissioned reserve deputies, probationary, and extra-help employees are not entitled to the procedural protection set forth in the rules of the Civil Service Commission. However, the Sheriff's Office will give such members written notice (Skelly letter) of proposed disciplinary or termination action prior to the imposition of that action. Members in these three categories may be terminated without the establishment of evidentiary cause as defined by Civil Service Rule 1705 et. seq.

The in-house pre-disciplinary appeal to the Sheriff-Coroner shall constitute the full administrative appeal for commissioned reserve deputies, probationary, and extra-help employees. There is no right to further appeal except under the provisions and circumstances outlined in Civil Service Rule 1800 et. seq.

PROCEDURE A

Any member who has received a notice of discipline or termination may;

- In writing, appeal the imposition of discipline directly to the Sheriff-Coroner;
 - Include their account of events;
 - Include any pertinent information or documentation;
 - Submit within five (5) days of date of notice of discipline.

The Sheriff-Coroner or his designee upon receiving an administrative appeal will;

- Review all documentation and the member's written appeal;
- Meet with the member and allow the member to state their case;
- When practical, issue a final decision in writing within three (3) days of meeting.
- Forward decision to Human Resources Commander.

Upon receiving the final decision from the Sheriff-Coroner, or his designee, the Human Resources Section Commander will:

- Cause any notice of discipline to be drafted and served;
- Cause the notification to the member if discipline is not to be imposed;
- Place appropriate paperwork in the member's personnel file.

NOTE:

In the event of an extended absence of the Sheriff-Coroner, his designee will conduct the final stage of the administrative appeal and the member will be told such is the case.

DIRECTIVE B

Written reprimands and disciplinary transfers cannot be appealed to the Civil Service Commission, but a member may file an administrative appeal through the chain of command to the Sheriff-Coroner.

PROCEDURE B

Any tenured member who has received a notice of disciplinary transfer or been served a written reprimand may:

- In writing, appeal the action through the chain of command to the Sheriff-Coroner;
 - Include their account of events;
 - Include any pertinent information or documentation;
 - Submit within five (5) days of the reprimand or transfer.

Any member of the chain of command who receives such appeal will:

- Without delay forward to the next level.

D-400-2

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The Sheriff-Coroner or his designee, upon receiving an administrative appeal, will:

- Review all documentation and member's written appeal;
- Meet with the member as soon as practical and allow the member to state their case;
- When practical issue a final decision in writing within three (3) days of meeting;
- Forward decision to Human Resources Commander.

Upon receiving the final decision from the Sheriff-Coroner, the Human Resources Section Commander will:

- Cause notification to the member if the reprimand is not to be filed;
- Place reprimand in the member's personnel file.

If the member is to receive a written reprimand, they may:

- Within thirty (30) days submit a written statement to be attached to the reprimand and placed in the personnel file.

NOTE:

In the event of an extended absence of the Sheriff-Coroner, his designee will conduct the final state of the administrative appeal and the member will be told such is the case.

D-400-3

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Kern County Sheriff's Office
Policies and Procedures

TITLE: EMPLOYEE DISCIPLINE – SUPERVISORY FILES NO: D-500			
APPROVED: Donny Youngblood, Sheriff-Coroner			
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POLICY

In order to properly evaluate the efficiency, productivity, and performance of subordinates, all supervisors shall maintain a file on all employees they supervise. Such files will be kept confidential to be shared only with the employee or another supervisor as the situation dictates.

Supervisory files shall contain all comments, negative and positive, regarding the employee's performance. The employee will have the opportunity to review and sign all negative comments prior to them being placed into the supervisory file.

DIRECTIVE A

Supervisory files are subject to "Pitchess Motions" and will be made available upon request by competent authority. They will also be easily accessible to the appropriate Division Commander. A Division Commander will be responsible for forwarding a supervisory file to the requesting authority within the time set by that authority.

DIRECTIVE B

A supervisory file will be assembled and maintained as follows:

- Letter size manila folder with metal fasteners to secure documents and labeled with the employee's name.
- A current emergency notification form.
- A copy of the employee's most recent EPR.
- A lined sheet of paper for dated narrative comments.

PROCEDURE A

A supervisor getting a new employee will:

- Create a supervisory file if the employee is a new hire or obtain the existing supervisory file from the employee's previous supervisor.
- Review the file for compliance with this section.

- Maintain confidentiality of the file.
- Make a dated narrative entry which includes the employee's new assignment and who the supervisor is. (For example: 1-20-2000 / Shift bid: Assigned to Patrol Division, 3 squad, under the supervision of Sergeant Smith.)
- Make performance-based, dated narrative entries as needed.

DIRECTIVE C

At the conclusion of a given rating period, and upon completing the employee evaluation, the contents of the supervisory file shall be given to the employee. (This does not include the emergency notification form.) A copy of the new EPR will be placed in the file, along with a replacement sheet of lined paper for dated narrative comments.

D-500-2

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**Oficina del Sheriff del Condado Kern
Procedimiento de Quejas del Ciudadano
Acciones y procedimientos D-600 Conexión "A"**

La oficina del Sheriff del Condado Kern se esfuerza en mantener un lazo de confianza y seguridad con la comunidad. Para mantener esta meta, es la póliza del Departamento el investigar diligentemente todas las quejas del personal en una manera justa e imparcial.

El método preferido de registrar una queja es hacerlo en persona a "Internal Affairs", 1350 Norris Road, Edificio A, Bakersfield, durante horas regulares de oficina.

Realizando esto no es siempre posible, las formas de quejas están disponibles en cualquier estación del Sheriff. Llenado el formulario la queja se puede mandar en un sobre cerrado y marcado "Internal Affairs" y entregarlo a cualquier oficina del Departamento del Sheriff del Condado Kern. Las formas de quejas del personal se pueden también obtener y volver a través del correo llamando al Tel. (661) 391-7470.

Cuando una queja es recibida por este departamento, es asignada a un investigador de la Administración del Sheriff. La investigación es examinada por la Administración y repasada por el Sheriff-Coroner o su designado. La queja se notifica por correo cuando se concluye la investigación. Asegúrese que si la investigación encuentra al empleado culpable la acción disciplinaria apropiada será tomada.

Las formas de quejas personales se pueden obtener y clasificar en cualquier oficina del Departamento del Sheriff del Condado de Kern, o enviar a:

**Kern County Sheriff's Office
Internal Affairs Unit
1350 Norris Road
Bakersfield, CA 93308**

Para futura información o formas de quejas favor de llamar al Tel. (661) 391-7470.

**Departamento del Sheriff del Condado Kern County
Quejas del Personal**

Numero de Reporte: _____

Nombre: _____ Fecha de Nacimiento: _____

Dirección: _____ Ciudad: _____ Codigo Postal: _____

Número de Teléfono: Casa: _____ Trabajo: _____ Otro: _____

Lugar de lo Ocurrido: _____ Fecha/Hora de lo Ocurrido: _____

Personal: _____
(Nombre del Empleado, Placa o Numero del Vehiculo)

Naturaleza de la Queja : _____

Usted tiene el derecho de presentar una queja contra de un empleo del oficina del Sheriff con motivo de cualquier conducta inapropiada. La ley de California requiere que esta agencia cuente con un procedimiento para la investigación de quejas de los ciudadanos contra oficiales de la policia. Usted tiene el derecho a una descripción por escrito de este procedimiento. Esta agencia podria concluir, despues de una investigación, que no hay pruebas suficientes como para que se amerite tomar acción respecto de su queja; sin embargo, a un en tal caso, usted tiene el derecho de presentar su queja y que esta sea investigada si usted cree que un oficial se comportó de manera indebida. Las quejas de los ciudadanos y cualesquiera determinaciones o informes relacionados con las quejas deben ser conservados por esta agencia durante por lo menos cinco anos.

He leído y entendido la declaración anterior.

_____ Fecha: _____
Firma

Received by: _____ Date: _____

Copy Given To: _____ Date: _____

Authorized: Yes _____ No _____ By: _____ Date: _____
(Sheriff, Undersheriff, Chief Deputy)

Reviewed by Admin Srvc's Bureau Chief: _____ Date: _____

Authorize:		NOTES:
<input type="checkbox"/> Handle at Supervisor Level: -DOC -Written -Remedial/Counseling: _____ -Other: See Notes	<input type="checkbox"/> Pre-Investigation _____ <input type="checkbox"/> PDSA _____ <input type="checkbox"/> Divisional _____	<input type="checkbox"/>
<input type="checkbox"/> Adverse Comment: -No Misconduct / Frivolous -Exonerated -Unfounded -Complaint Waiver / Informal Resolution	<input type="checkbox"/> IA Investigation _____ <input type="checkbox"/> POBR Memo _____	

Subject Employee
Signature: _____ Date: _____

**Kern County Sheriff's Office
Citizen Complaint Procedure
Sheriff's Policy & Procedure D-600 Attachment "A"**

The Kern County Sheriff's Office strives to maintain a relationship of trust and confidence with the community. In keeping with this goal, it is the policy of the department to diligently investigate all personnel complaints in a fair and impartial manner.

The preferred method of registering a complaint is to do so in person at the Personnel Division, 1350 Norris Road, Building A, Bakersfield, during regular business hours.

Realizing this is not always possible, complaint forms are available to the public at every Sheriff's station. The completed complaint form can be sealed in an envelope marked "Internal Affairs" and delivered to any office of the Kern County Sheriff's Office. Personnel complaint forms may also be obtained and returned through the mail or by calling (661) 391-7470.

When a complaint is received by this department, the Sheriff's Administration assigns it to an investigator. The investigation is monitored by the administration and reviewed by the Sheriff-Coroner or his designee. The complainant is notified by mail when the investigation is concluded. Be assured that if the investigation finds the employee to be culpable, appropriate disciplinary action is taken.

Personnel complaint forms may be obtained and filed at any office of the Kern County Sheriff's Office, or mailed to:

**Kern County Sheriff's Office
Personnel Division/Internal Affairs Unit
1350 Norris Road
Bakersfield, CA 93308**

For further information or complaint forms, please call (661) 391-7470.

**Kern County Sheriff's Kern County Sheriff's Office
Personnel Complaint**

Crime Report # _____

Complainant's Name: _____ DOB: _____

Address: _____ City: _____ Zip: _____

Phone Number: Home _____ Work: _____ Other: _____

Location of Occurrence: _____ Date/Time: _____

Personnel: _____
(Employee's Name, Badge or Car Number)

Nature of Complaint: _____

(Use additional sheets if necessary)

You have the right to make a complaint against a Sheriff's Office employee. California law requires this agency to have a procedure to investigate citizen complaints against peace officers. You have a right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Citizen complaints and any reports of findings relating to complaints must be retained by this agency for at least five years.

I have read and understood the above statement.

Date: _____

Complainant's Signature

Received by: _____ Date: _____

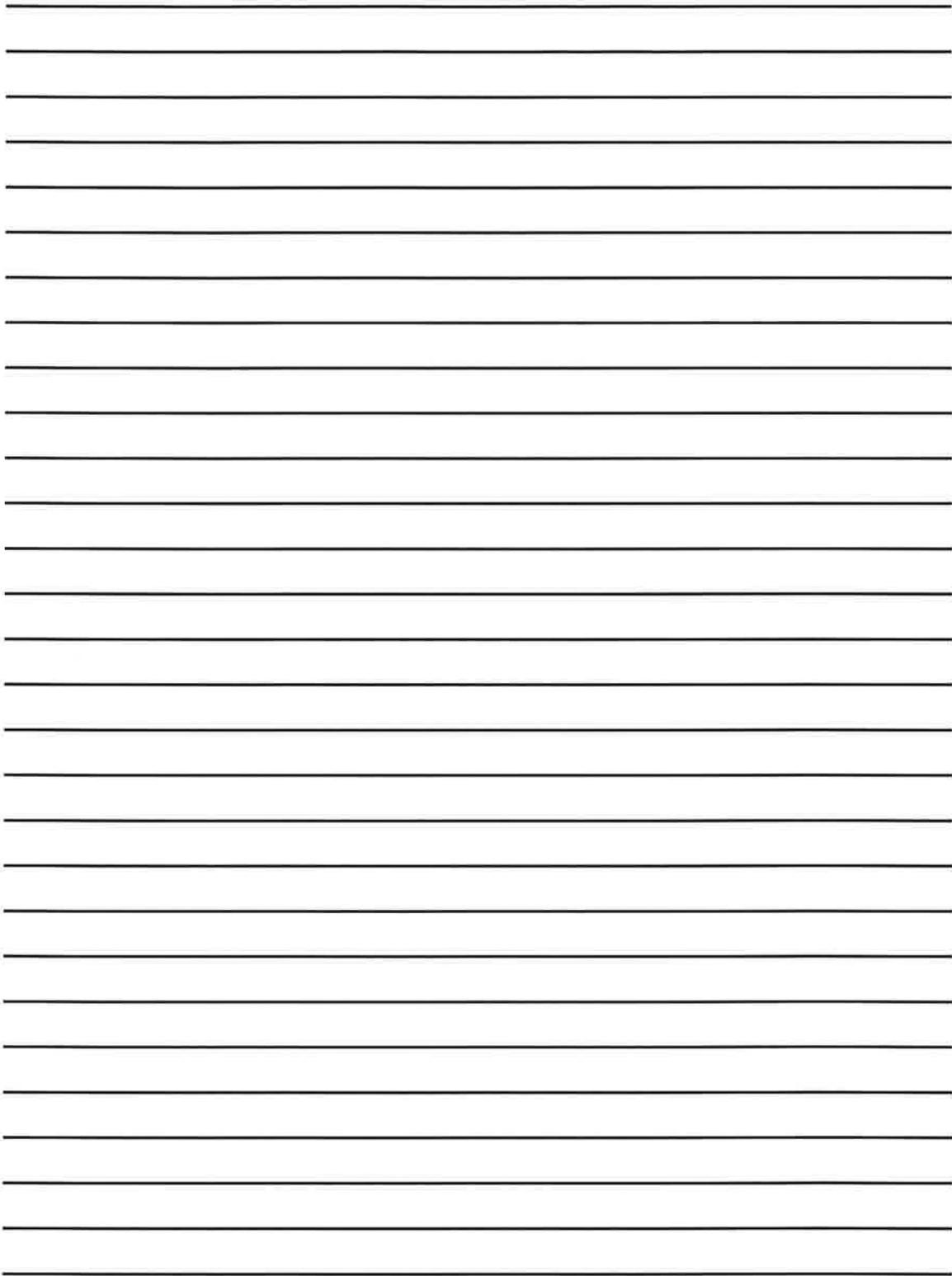
Copy Given To: _____ Date: _____

Authorized: Yes _____ No _____ By: _____ Date: _____
(Sheriff, Undersheriff, Chief Deputy)

Reviewed by Admin Srvc's Bureau Chief: _____ Date: _____

Authorize:		NOTES:
<input type="checkbox"/> Handle at Supervisor Level: -DOC -Written -Remedial/Counseling: _____ -Other: See Notes	<input type="checkbox"/> Pre-Investigation _____ <input type="checkbox"/> PDSA _____ <input type="checkbox"/> Divisional _____ <input type="checkbox"/> IA Investigation _____ <input type="checkbox"/> POBR Memo _____	<input type="checkbox"/>
<input type="checkbox"/> Adverse Comment: -No Misconduct / Frivolous -Exonerated -Unfounded -Complaint Waiver / Informal Resolution		

Subject Employee
Signature: _____ Date: _____





Kern County Sheriff's Office
Policies And Procedures

TITLE: CITIZEN COMPLAINT PROCEDURE		NO: D-600	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 22, 1992	REVIEWED: 6/1/2007	REVISED: 5/25/2006	UPDATED: 03/24/2016

POLICY

The Kern County Sheriff's Office strives to maintain a relationship of trust and confidence with the community. In keeping with this goal, it is the policy of the Sheriff's Office to diligently investigate all personnel complaints in a fair and impartial manner.

A written description of the procedure shall be made available to the public. See Attachment "A" to this policy.

DIRECTIVE A

Whenever possible the complainant shall be provided with a Kern County Sheriff's Office Personnel Complaint form (Sheriff 580 2210 876 (Rev. 05/06)). An accompanying "Citizen Complaint Procedure" (Attachment "A") shall be made available to citizens wishing to make a complaint. Personnel Complaint forms and Citizen Complaint Procedures are printed in English and Spanish. The Advisory found at the bottom of complaint forms is available in several other languages, and may be obtained from the Sheriff's Human Resources Division.

In the absence of the above-described form, a documented complaint shall be accepted and forwarded up your Chain of Command.

The Undersheriff or Chief Deputy, upon receiving a personnel complaint, will:

- Determine if an Internal Affairs investigation is warranted;
- Determine if the investigation, if any, will be done by the Internal Affairs Section or be returned to the appropriate division for investigation;
- Forward the entire package to the Human Resources Division Commander with authorization for an investigation to be conducted;
- Monitor or cause to be monitored the progress of the investigation.

PROCEDURE

Any member of the Sheriff's Office who is given a formal citizen's complaint will:

- Accept the complaint as written by the complainant;
- Give a copy to the complaining party of his or her own statements at the time the complaint is filed.
 - If received by mail, the person receiving the complaint will mail the complainant a copy.
- Forward the complaint form in a sealed envelope to the Undersheriff or his designee.

DIRECTIVE B

Investigation involving employee misconduct shall comply with the policies and procedures set forth in Sheriff's Office Policies and Procedures Section D-300.

D-600-2

EFFECTIVE: August 22, 1992	REVIEWED: 6/1/2007	REVISED: 5/25/2006	UPDATED: 1/18/2008
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Kern County Sheriff's Office **Policies and Procedures**

TITLE:	EMPLOYEE DISCIPLINE – PRE-DISPOSITION SETTLEMENT AGREEMENT	NO: D- 0700	
APPROVED:	Donny Youngblood, Sheriff-Coroner		
EFFECTIVE: November 22, 2010	REVIEWED: 8/31/2017	REVISED: 11/22/2010	UPDATED: 8/31/2017

POLICY

The Kern County Sheriff's Office recognizes that good order and discipline are essential elements of the law enforcement profession. As such, the Kern County Sheriff's Office endeavors to hold its employees, sworn and non-sworn, to the highest standards of the police profession. An essential element of maintaining these standards and ideals is the imposition of discipline when an employee's conduct falls short of the standards established by the Sheriff's Office.

All disciplinary matters will be investigated and handled consistent with accepted investigative standards, the California Peace Officers Procedural Bill of Rights (Government Code 3300 et. seq.) as applicable, and current statutory and case law. If employee misconduct requires the imposition of disciplinary action, such disciplinary action shall be taken in an informed, reasonable, timely, fair, and uniform fashion, without compromising the mission of the Sheriff's Office.

It is recognized that occasions exist where both the Sheriff's Office and the subject of an investigation will benefit from a prompt, mutually-agreed upon resolution to specific, non-serious disciplinary matters. Pre-disposition settlement agreements offer the following advantages over traditional full investigations:

- The matter is resolved relatively quickly and the subject employee is able to put the matter behind him/her.
- Less investigatory time and effort is required.

This policy is therefore enacted in order to establish policies and procedures relevant to pre-disposition settlement agreements.

DEFINITIONS

A pre-disposition settlement agreement (PDSA) is an alternative to a full disciplinary investigation to be employed only under specific, limited circumstances as described in this policy.

DIRECTIVE A – ELIGIBILITY

Pre-disposition settlement agreements may be utilized in lieu of a full investigation only under the following circumstances:

- The subject employee readily acknowledges his/her error, accepts responsibility for his/her conduct and desires the matter be rapidly resolved.
- The issue is not a serious policy violation.
 - Internal Affairs cases that, if sustained, could possibly result in a termination of employment or demotion are not eligible for a PDSA.
 - Allegations of sexual or discriminatory harassment or other serious violations of Sheriff's Office policy are not eligible for a PDSA.
- The subject employee agrees to forego a full investigation and agrees to all conditions of the PDSA.
- The involved bureau chief and division commander concur that the PDSA is an appropriate remedy to the disciplinary situation.

PROCEDURE A – PRE-MEETING PROCEDURES

Prior to sending any complaint to a bureau chief for evaluation, the Internal Affairs Unit will evaluate the complaint to determine if it meets the criteria of a PDSA.

Upon becoming aware of any PDSA-eligible personnel complaint against a member under his/her command, the affected bureau chief will evaluate the complaint and authorize the complaint for a PDSA or order the complaint investigated pursuant to D-0200 or D-0300 as applicable. The Chief Deputy's decision will be indicated on the associated complaint documentation.

Upon receiving a PDSA-authorized complaint from a chief deputy, Internal Affairs Unit personnel will prepare a PDSA package and forward the package to the subject employee's division commander. The PDSA package will minimally contain:

- The PDSA authorized complaint.
- A summary of the subject employee's past and pertinent disciplinary history, if any.
 - Documents concerning any discipline stemming from an incident that occurred more than five years before the date of the PDSA authorized complaint will be excluded from the package.
- Additional relevant information as appropriate.

The division commander will:

- Thoroughly review the complaint and make him or herself aware of the facts of the matter and any mitigating or aggravating factors that may exist.
- Develop a proposed disciplinary action based on the facts of the case and past practice.
- Contact his/her bureau chief and present the proposed discipline for approval.
 - The bureau chief will evaluate the commander's proposed discipline and either authorize the discipline or suggest alternatives. In any case, PDSA disciplinary actions must have both the involved division commander and the chief deputy's approval before being presented to the subject employee.

D 0700-2

EFFECTIVE: November 22, 2010	REVIEWED: 8/31/2017	REVISED: 11/22/2010	UPDATED: 8/31/2017
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- Once the appropriate discipline has been agreed upon, the division commander will personally contact the subject employee. Pursuant to Government Code §3303, the commander will not ask the subject employee any questions regarding the complaint, but will:
 - Inform the subject employee a complaint has been lodged against him/her.
 - Inform the employee of the nature of the complaint including approximate date, time, and policy, procedure or law violated.
 - Inform the employee that the matter has been approved for a pre-disposition settlement agreement.
 - Provide the employee a copy of the complaint and a PDSA notification letter.
 - Inform the subject employee that he/she has the right to refuse the PDSA and have the matter fully investigated and adjudicated pursuant to the provisions of D-0200 or D-0300 as applicable if he/she wishes.
 - Inform the employee that he/she has the right to consult with an attorney or representative before making any decisions regarding the PDSA. The representative shall not be a person subject to, or involved in the investigation.
 - Inform the employee that all matters resolved by PDSA require the subject employee to accept full responsibility for his/her misconduct and submit a responsibility memorandum. The memorandum must clearly acknowledge personal responsibility for the misconduct or policy violation alleged in the complaint and must include a statement that outlines how the employee will go about ensuring the errant behavior will not be repeated.
 - Inform the subject employee that the responsibility memorandum will be retained with the Internal Affairs case file.
 - Order the subject employee to contact the commander or his/her designee within 5 business days with a decision on whether he/she wishes to pursue the PDSA.
 - If the employee wishes to pursue the PDSA, a PDSA meeting will be scheduled at a mutually convenient date and time pursuant to Government Code §3303.
 - If the subject employee fails to contact the commander or designee within 5 business days to schedule the PDSA meeting, the matter will be returned to the Internal Affairs unit for investigation and adjudication pursuant to D-0200 or D-0300 as applicable.

PROCEDURE B – PDSA MEETING PROCEDURES

The affected division commander will conduct the PDSA meeting in a manner that affords the subject employee all applicable rights pursuant to County and Sheriff’s Office Policies and Procedures and the Peace Officer Bill of Rights.

- The PDSA meeting will commence with the commander specifically telling the subject employee:
 - An audio recording will be made of the meeting and the employee has a right to a copy of the recording. The employee also has the right to record the meeting.
 - The employee has the right to waive the PDSA and have the matter investigated pursuant to D-0200 and D-0300 as applicable.

D 0700-3

EFFECTIVE: November 22, 2010	REVIEWED: 8/31/2017	REVISED: 11/22/2010	UPDATED: 8/31/2017
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- The employee has the right to have an attorney or representative of her/his choice present during the meeting. This representative shall not be a person subject to, or involved in the investigation.
- The commander will verbally present the proposed discipline to the employee. The commander and the employee may discuss the proposed discipline, but the commander will not interrogate the subject employee regarding any aspect of the complaint. Unless the employee immediately refuses the proposed discipline, the commander will prepare, and present to the subject employee, a written, but unsigned, settlement agreement document containing the proposed discipline.
- The employee will be afforded a reasonable period of time, not to exceed 72 hours, to privately discuss the proposed discipline and the settlement agreement document with his/her representative or attorney, if the employee so desires.

At the subject employee’s discretion, the remaining actions may be conducted during the PDSA meeting, or at a later, mutually agreed upon time, not to exceed 72 hours after the employee receives the verbal presentation of the proposed discipline.

- If the employee agrees to the discipline, the employee will present his/her prepared memorandum of responsibility to the division commander.
- The commander will review the employee’s memorandum of responsibility and verify the memorandum meets the criteria established in this policy before signing pre-disposition settlement agreement.
- The employee and the commander will sign the PDSA document. The commander will add the original, signed PDSA document to the case file and will cause the file to be returned to the Internal Affairs Unit. Internal Affairs Unit personnel will retain the case file consistent with County and Sheriff’s Office policies.
- The division commander will cause the agreed-upon discipline to be administered.

DIRECTIVE A- PDSA TERMINATION

The employee has the right to abort the PDSA process at any time prior to signing the PDSA document. If the meeting is aborted by the employee, the matter will be returned to the Internal Affairs Unit for investigation and adjudication pursuant to D-0200 or D-0300 as applicable.

DIRECTIVE B- MEMORANDUM OF RESPONSIBILITY

The subject employee may prepare his/her written memorandum of responsibility prior to the PDSA meeting, or after being verbally advised of the proposed discipline. The memorandum must minimally include the following:

- A description of the relevant incident.
- A statement accepting full responsibility for his/her misconduct as alleged in the complaint.
- A statement explaining the specific actions the employee will take or has taken to ensure the errant behavior will not be repeated.

D 0700-4

EFFECTIVE: November 22, 2010	REVIEWED: 8/31/2017	REVISED: 11/22/2010	UPDATED: 8/31/2017
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