

KERN COUNTY SHERIFF'S OFFICE

1350 Norris Road, Bakersfield, CA 93308
661.391.7500 - www.kernsheriff.org

DONNY YOUNGBLOOD
Sheriff - Coroner - Public Administrator



PERSONNEL COMPLAINT PROCEDURE

HOW TO SUBMIT A COMPLAINT

A complaint of misconduct by Sheriff's Office personnel can be made a multitude of ways as described below. You may file a complaint by submitting the Kern County Sheriff's Office Personnel Complaint Form either in person, over the phone, by mail, by electronic mail or by fax. Complaints may be made by anyone, including anonymous complaints.

You may contact the Internal Affairs Unit at the Kern County Sheriff's Office – Support Services Building, 34970 McMurtrey Ave, Second Floor Bakersfield California 93308, or by calling (661) 392-6791 between 8:00 a.m. and 5:00 p.m. on weekdays (Holidays excepted). You may also contact the Sheriff's Office Communications Center at (661) 861-3110 or any Sheriff's Office substation and request to speak to a supervisor.

Complaint forms are available to the public at every Sheriff's station and Kern County court houses, Kern County libraries and electronically on the Sheriff's Office website (www.kernsheriff.org). The completed complaint form can be sealed in an envelope marked "Internal Affairs" and delivered to any office or substation of the Kern County Sheriff's Office. Personnel complaint forms may also be obtained and returned through the mail or by calling (661) 392-6791. Additionally, you can file a complaint by phone, by calling (661) 392-6791 and speaking with an Internal Affairs investigator, or by email at INTERNALAFFAIRS@KERNSHERIFF.ORG. The Sheriff's Office will accept and investigate any complaints sent through social media outlets, or any other non-traditional means of communication.

The following information is requested to process your complaint:

1. Your name, address, and telephone number.
2. The location, date, and time of the alleged incident.
3. The name, address, and telephone number (if available) of all witnesses to the alleged incident.
4. The names or other identification of Sheriff's Office personnel involved.
5. All details of the alleged incident which prompts your complaint.
6. Your signature in the allotted spaces on the complaint form.

INVESTIGATIVE PROCEDURE

Your complaint will be investigated, and you will be advised of the disposition when the investigation has been completed. The investigation process may take up to a year to complete. After completion, all investigative reports are maintained for a period of at least five years. The Kern County Sheriff's Office is committed to a prompt, fair, and thorough investigation of all complaints regardless of how the complaints are submitted. After a formal review of the allegations and investigatory findings, you will receive a close-out letter with one of the following resolutions:

Sustained: The investigation disclosed sufficient evidence to prove the allegation made in the complaint. The standard of proof is the preponderance of the evidence.

Not Sustained: The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation made in the complaint.

Exonerated: The act or acts, which provided the basis for the allegation or complaint occurred, however, the investigation revealed they were justified, lawful, and proper.

Unfounded: The investigation conclusively proved that the act or acts complained of did not occur, or the member named in the allegation was not involved in the act or acts, which may have occurred. (An allegation may not be unfounded due to the inability to identify the employee who is alleged to have committed the act.)

Unfounded-Frivolous: The investigation determined the complaint made against the employee was frivolous. Frivolous is defined as “totally and completely without merit or for the sole purpose of harassing an opposing party.” – California Code of Civil Procedure § 128.5.

During the investigation into the complaint, the investigator may find the employee had committed other acts that violated department policy and procedures and/or State or Federal law. Those violations will be investigated, and a disposition will be rendered for those violations.

The Kern County Sheriff's Office expressly prohibits racial and identity profiling. The Kern County Sheriff's Office is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner that keeps both the community and deputies safe and protected. Racial or identity profiling is defined as the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that a deputy may consider or rely on characteristics listed in a specific suspect description. Such activities include, but are not limited to, traffic or pedestrian stops, or actions taken during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

Retaliation for making a personnel complaint will not be tolerated and is contrary to the mission of the Sheriff's Office. It is encouraged that any retaliatory actions be reported to the Sheriff's Office as soon as practical.

Kern County Sheriff's Office policies and procedures related to the employee complaint process can be found in “Section D” at the following web link:

<https://www.kernsheriff.org/Policies>

If you require physical copies of the Sheriff's Office policies and procedures, copies may be obtained from Sheriff's Office Headquarters or any Sheriff's Office substation.

KERN COUNTY SHERIFF'S OFFICE PERSONNEL COMPLAINT FORM

Office Use Only:

File #: _____

* Providing information gender and sexual orientation about the involved and/or reporting person is for data collection to comply with California Racial and Identity Profiling Advisory (RIPA). This information is optional and can be left blank.

INVOLVED PERSON					
Name (Last, First, Middle)	Date of Birth	Age	*Gender	*Sexual Orientation (Optional)	
Residence Address	Telephone Number(s)		Best time to call?	Arrested During Incident? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Address	Is English primary language? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have a preferred language? <input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other:		Inmate During Incident? (Provide Booking Number)		
City, State, Zip Code					
Describe Any Injuries Suffered: _____					
Attorney or Representative (If Applicable)	Telephone	Email		Date/Time of Complaint	
Name: _____					
Location of Incident		Crime Report No.	Date and Time of Incident		
REPORTING PERSON (if other than Involved Person)					
Name (Last, First, Middle)	Date of Birth	Age	*Gender (Optional)	*Sexual Orientation (Optional)	
Residence Address	Telephone:		Email:		
	Attorney or Representative (If Applicable)				
Address					
City, State, Zip Code					
KCSO EMPLOYEE(S) (if known) * Additional information can be place on the narrative page					
Name	Division/Unit	Rank	Badge	Vehicle No.	Description (If name unknown)
1. _____					
2. _____					
3. _____					
4. _____					
WITNESS(ES) *Additional witness(es) can be placed on the narrative page					
Name	Address				Telephone
1. _____					
2. _____					
3. _____					
4. _____					
RACIAL OR IDENTITY PROFILING					
<p>During this contact with Sheriff's Office personnel, do you believe you were stopped, arrested, searched, or detained by law enforcement based, at least in part, on your race or ethnicity (including color), nationality/national origin, gender, age, religion, gender expression, sexual orientation, mental disability, or physical disability?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>					

ADVISORY TO COMPLAINANT

“YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CIVILIAN COMPLAINTS. 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. CIVILIAN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.”

- California Penal Code § 148.6(a)(2)

By signing below, I declare the statement I have given is true and accurate; I have read and understand the advisory statement listed above.

Signature of Involved or Reporting Person		Printed Name of Involved or Reporting Person	
Signature of KCSO Personnel Receiving Complaint		Printed Name of KCSO Personnel Receiving Complaint	
Date and Time Received by KCSO	Copy Given To:		<i>(Check one)</i> <input type="checkbox"/> Mail <input type="checkbox"/> E-Mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Other:
	Name		
	Name		

DESCRIPTION OF THE INCIDENT

It is important to include as many factual details as possible so the incident can be fully investigated.

(Continue on additional narrative form if needed)

(Continue on additional narrative form if needed)

Additional Narrative

<u>Subject Employee:</u>	
Print Name	
Signature	Date Signed

Signature

Date Signed