



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

TITLE: EMPLOYEE DISCIPLINE-ADMINISTRATIVE PROCESSES NO: D-0300			
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 1, 1990	REVIEWED: 03/30/2026	REVISED: 03/30/2026	UPDATED: 03/30/2026

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 and alleged misconduct by adhering to Sheriff's Office investigative standards, the Peace Officers Procedural Bill of Rights (Government Code (GC) § 3300 et. seq.) as applicable, and current statutory and case law. If an employee's performance or sustained findings of misconduct require 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.

INTERNAL AFFAIRS STAFF AUTHORITY

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, including managers, to cooperate fully during Internal Affairs investigations and to answer questions.

Any member of the Sheriff's Office at 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 Section Lieutenant or by a superior officer who will remain present during the interview. The presence of the Administrative Investigations Lieutenant is not required when conducting a witness interview with an employee at the rank of Lieutenant or higher.

All members of the Sheriff's Office who are interviewed 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 the Sheriff's Office administration and will subject the offender to disciplinary action up to and including dismissal from employment.

ALLEGATIONS OF SERIOUS MISCONDUCT REVIEW

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

- Allegations of serious misconduct identified in DPPM Sections C-100, C-200, and C-300.
- Complaints of excessive force.
- Allegations of violations of law.
- Dishonesty.
- Insubordination.
- Any circumstance where lower levels of corrective action or discipline have failed.
- A review of the employee's disciplinary history reveals multiple sustained findings for similar allegations.
- Any allegation that is subject to decertification or revocation by the California Commission on Peace Officer Standards and Training (POST) (GC § 1029, PC § 832.7, 11 CCR § 1022).

ADMINISTRATIVE INTERVIEWS

Interviewing the Employee

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

- Make copies of the Interview 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.
- Interview Recordings
All interviews shall be audio-recorded, and each witness, complainant, and subject officer shall be interviewed separately. If it is not possible, the reason shall be included in the report. The civilian/public safety officer being interviewed/interrogated may bring their own recording device and record all aspects of the interview/interrogation (GC § 3303(g)).

Language Access

An interpreter who is not connected to the underlying complaint shall be utilized when obtaining statements or conducting interviews with any limited-English proficiency complainant or witness.

SHERIFF'S OFFICE INITIATED COMPLAINTS

Refer to Policy and Procedure section D-0200 under "Sheriff's Office Initiated Complaints" for guidance.

CASE INVESTIGATIONS

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

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- Returned to the appropriate Division Commander for further investigation.
- Concluded with a disposition (e.g., sustained, not sustained, unfounded, etc.).
- Eligible for a Pre-Disposition Settlement Agreement (PDSA).
- Handled as a division-level investigation.
- Handled as an Internal Affairs investigation.
- Handled as a criminal investigation (Professional Standards Unit).

The Bureau Chief Deputy will document his/her decisions on the complaint form and return the entire package to the Internal Affairs Section Lieutenant.

Pre-Disposition Settlement Agreement (PDSA):

If the Bureau Chief Deputy authorizes the case for a PDSA, the Internal Affairs Section Lieutenant will proceed pursuant to the provisions of DPPM Section 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 and 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 Internal Affairs Section Lieutenant. The assigned investigator will be responsible for providing the Division Commander with an update within one (1) month of case assignment. The investigator will be given three (3) months to complete the divisional internal affairs investigation. If more than three (3) months are needed to complete the investigation, the assigned investigator may request, through their Division Commander and the Internal Affairs Section Lieutenant, up to a three (3) month time extension. No further extensions will be granted.

The Internal Affairs Section Lieutenant 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 Internal Affairs Sergeant will have the case assigned to an investigator in the Internal Affairs Unit.

FIRST REVIEW PROCESS

At the conclusion of the investigative phase of the Internal Affairs case, the Internal Affairs Section Lieutenant will ensure the package is complete and have two copies of the package made. The

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Internal Affairs Section Lieutenant will have one package sent to the subject employee's Division Commander and the other to the subject employee's Bureau Chief Deputy for review. If the subject employee moves to a different division or bureau, the first review packet will be sent to their Division Commander and Bureau Chief Deputy, where they were initially assigned when the allegations occurred.

Upon receiving the investigative packages, the reviewing Division Commander and Bureau Chief Deputy, jointly and within ten (10) days, will:

- Act as the Sheriff's Office reviewing authority.
- Determine the appropriate disposition of all allegations as identified in DPPM D-0100.
- If insufficient information is included, return for further investigation.
- Complete the First Review Form, including a recommendation on how to proceed with the investigation.

Sustained Allegation(s):

When there is a finding of sustained on any allegation(s) that rises to a level of written reprimand or lesser discipline, the reviewing authorities may jointly determine to impose such discipline. The reviewing Division Commander and Bureau Chief Deputy will inquire as to whether the respective employee has any prior pertinent discipline to determine if a lesser or higher level of discipline is appropriate (refer to the five (5) factors listed on the "Disciplinary Review Board" form below for further details). The Internal Affairs Section Lieutenant will cause the discipline to be imposed.

If the Division Commander and Bureau Chief Deputy are unable to come to a consensus, the package will be sent to a second Bureau Chief Deputy for review. Their review will serve to break the tie, and the final disposition will reflect the majority decision of the three (3) reviews.

Other than Sustained Allegation(s):

When all allegations on a subject employee are determined to be other than sustained, the Internal Affairs Section Lieutenant will:

- Inform the complainant of the complaint disposition via a letter.
- Cause a letter, signed by the involved Bureau Chief Deputy, to be mailed or hand-delivered to the subject employee informing him/her of the case disposition.

DISCIPLINE REVIEW BOARD PROCEDURE

When there is a finding of sustained on any allegation(s) that could result in discipline more severe than a written reprimand, the Internal Affairs Section Lieutenant will schedule a Discipline Review Board (DRB). The DRB will be held for the purpose of deciding what discipline should be attached to the sustained allegation(s).

The DRB consists of all Bureau Chief Deputies, three (3) of which constitute a quorum. If only two (2) Bureau Chief Deputies are available, a Division Commander from the unrepresented

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bureau will serve as the third reviewing authority. The Internal Affairs Section Lieutenant will attend the DRB in order to facilitate the process. Personnel from the Office of 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 DRB. The board will discuss and consider the totality of the circumstances of the case and jointly determine the appropriate discipline to be imposed. The board may choose to have deliberations on potential imposed discipline in private. The DRB form (see Attachment C) will be completed by the affected Bureau Chief Deputy or their designee after the DRB has convened.

When discipline is proposed from the DRB, the Internal Affairs Section Lieutenant will cause a "Notice of Proposed Discipline" (Skelly letter) to be prepared and served on the subject employee in a timely manner.

The subject employee will be afforded five (5) business days after receiving a Notice of Proposed Discipline (Skelly letter) to appeal the proposed discipline to the Sheriff. The Sheriff may uphold or modify the discipline at their discretion.

- If the Sheriff decides to modify the proposed discipline, the Internal Affairs Section Lieutenant will have a new "Notice of Proposed Discipline" (Final Letter) prepared and served on the subject employee in a timely manner.

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 Internal Affairs Section Lieutenant will cause the decided-upon discipline to be imposed.

A "Notice of Disciplinary Action" will then be drafted and served to the employee, stating the final disciplinary action against the employee. Section 1730.00 of the Rules of the Civil Service Commission allows the employee to appeal the discipline. The employee will have to notify the Secretary of the Civil Service Commission within ten (10) days of receipt of the "Notice of Disciplinary Action" letter.

Should the employee not wish to appeal the discipline to the Civil Service Commission, the employee will be allowed to file a written response to the "Notice of Disciplinary Action" letter and a copy of the written response will be attached to the letter.

NOTIFICATION PROTOCOL FOR PUBLIC COMPLAINTS

For all public complaints, the Internal Affairs Section Lieutenant will ensure that the complaining party receives notification, either by mail or hand delivery, within 30 days of receiving the complaint. Additionally, the party will receive a notification regarding the outcome of the complaint within 30 days of its final disposition.

COUNTY COUNSEL

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Members of the Internal Affairs Unit may contact the County Counsel's Office at any time for advice or assistance. Internal Affairs may furnish any materials or information to the County Counsel's Office necessary to provide legal services. In addition, materials and information concerning a disciplinary matter may be provided to any other persons necessary to achieve proper completion of the disciplinary process.

DISCIPLINE RECOMMENDATION PROCESS

To ensure fairness, transparency, and predictability, the Sheriff's Office will ensure that discipline is uniformly applied by considering the following factors:

- Seriousness of the offense.
- Impact or potential impact on the Department and its members.
- Employee's work history and acceptance of responsibility.
- Employee's prior disciplinary history.
- Impact on public trust.

ABUSE OF FORCE TRAINING PROHIBITION (GC § 7286(b)(18))

If a sworn employee of the Sheriff's Office is found to have committed excessive or unreasonable force, that employee will be prohibited from training other sworn employees for three (3) years, at a minimum, from when discipline is imposed. This prohibition includes, but is not limited to, any academy instruction or training, in-service training, field training, and instructing/evaluating scenarios where sworn employees are being assessed, trained, or graded.

DOCUMENTATION SUBMISSION

The reviewing authority in an administrative investigation will submit all documentation used and considered for disposition in an administrative investigation to the Internal Affairs Unit for storage.

The Internal Affairs Section Lieutenant will ensure that all documentation involved in any administrative investigation is stored and uploaded to the appropriate Internal Affairs Unit electronic database used to track employees' discipline. The Lieutenant will also ensure that every disposition to each allegation is accurately recorded and stored.

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