

# PERSONNEL COMPLAINT PROCEDURE

## **Personnel Complaints Defined**

Personnel complaints consist of any allegation of misconduct or improper job performance against any Sheriff's Office employee that, if true, would constitute a violation of department policy, federal, state or local law.

A complaint may be filed in person, in writing, or by telephoning the Imperial County Sheriff's Office. Although not required, every effort should be made to appear in person.

## **Availability and Acceptance of Complaints**

Personnel complaint forms are available at the Imperial County Sheriff's Office/Main Office located in El Centro, California. Forms may also be available at other Imperial County Sheriff's Office Substations throughout the Imperial County. To request a personnel complaint form to be mailed, please contact the Administrative Investigations Unit at (442) 265-2100. Personnel complaint forms are also accessible through the Imperial County Sheriff's Office website [www.icso.org](http://www.icso.org).

The complainant is asked to provide details of the incident and/or of the allegation(s). The complaint form should include such information as the name of the employee(s), date and time of the incident, the location, and any witness information. If the employee(s) name is unknown, a description is helpful. Should there be any additional evidence, such as photographs, videos, any audio recordings, and/or if it is known whether or not the Deputy/Officer was wearing a Body Worn Camera; this information should be included on the complaint form.

When a complaint form is filled out, it should be written legibly and the narrative should give as much detail as possible. The person directly involved in the complaint will be required to sign the form. When the complaint form is turned in to the Sheriff's Office, a copy of the complaint form will be made and that copy will be given back to the complainant. (Penal Code 832.7)

It is against the law to make a complaint that you know to be false. If you make a complaint against a law enforcement officer knowing that it is false, you can be prosecuted for a misdemeanor crime. (148.6 California Penal Code)

## **Complaint Process**

When the Sheriff's Office receives a complaint from the public about one of its employees, the complaint is forwarded to the Sheriff's Office Administration. The complaint is reviewed by the Undersheriff. The complaint will then be assigned to an Administrative Investigation Sergeant or an operational supervisor. The assigned investigator will then conduct a thorough administrative investigation.

## **Completion of Investigations**

By law, the Sheriff's Office has one year to complete an investigation into allegations of employee misconduct. The Imperial County Sheriff's Office strives to complete all administrative investigations as soon as possible. Administrative Investigators conduct their investigations with due diligence and make every effort to complete an administrative investigation well within the one-year timeline.

If needed, the assigned investigator will contact the complainant to schedule a formal interview. The investigator will then gather as much pertinent and factual information as possible through procedure and resources such as the Imperial County Sheriff's Office records, interviews of witnesses and the accused employee, and any additional credible sources that are known and available to the investigation. Prior to a final determination of any allegations of misconduct, the investigation is thoroughly reviewed and evaluated by the facts and must be approved by the Undersheriff.

### **Notifying Complainant**

California State law requires written notification of disposition to the complaining party within thirty, (30) days of the final disposition.

California State law as set forth in Penal Code Section 832.7 restricts the extent that additional information may be disclosed concerning public complaints and law enforcement personnel records. The Imperial County Sheriff's Office, for that reason, will only disclose the final disposition of the complaint.

The Imperial County Sheriff's Office maintains the highest expectations of its employees conduct. As such, it is appreciated when the public brings its concerns to the Sheriff's attention. It is sincerely hoped that any contact that the community has with members of the Imperial County Sheriff's Office will always be positive and productive.

Internal investigations and policy review of public complaints is an Imperial County Sheriff's Office administrative remedy. To file a claim for damages or a loss with the County, please contact Imperial County Board of Supervisors/Clerk of the Board, Liabilities/Claims Information at (442) 265-1020.