

## Complaints Against Staff

### 324.1 PURPOSE AND SCOPE

To establish a complaint procedure that is available to the public, addresses citizen concerns and protects the rights of Probation Department employees. This policy applies to all employees.

#### 324.1.1 DEFINITION

**Informal Complaint** - Complaint not made in writing.

**Formal Complaint** - In writing and signed by complainant.

### 324.2 AUTHORITY AND REFERENCES

- Executive Committee;
- 832.5 PC;
- 832.7 PC;
- 148.6 PC;
- Riverside County Ordinance 440.

### 324.3 POLICY

Every citizen has the right to file a complaint against employees of the Probation Department. All complaints shall be investigated in compliance with the Peace Officer Bill of Rights, all relevant legal codes and case law pertaining to employees' rights, County Ordinance and departmental policies and procedures.

### 324.4 PROCEDURE

- (a) Any Probation Department employee receiving a citizen's complaint shall, as soon as possible, notify their immediate supervisor of the circumstances of the complaint.
- (b) All information pertaining to citizen complaints is confidential.
- (c) Attachment "A" may be utilized to obtain initial informal complaint information. If the informal complaint information is determined to be unfounded, said information shall not be retained.
- (d) Citizens wishing to file a written complaint will be advised to do so using Attachment "B". Forms will be available at each office/institution. Attachment "B" includes a cover letter, complaint form and false complaint advisory.
- (e) The supervisor initially informed of the complaint shall initiate a preliminary investigation and inform the Division Director or designee of the complaint.
- (f) The Director or designee shall review all the information obtained as a result of the citizen's complaint investigation.
- (g) The Division Director or designee shall notify the Chief, or Chief Deputy Probation Officer of the complaint as deemed appropriate.

# Riverside County Probation Department

## Policy Manual

### *Complaints Against Staff*

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- (h) The Division Director or designee shall refer the matter to Probation Administration to determine the need for further investigation. The Chief Probation Officer or designee shall assign the Administrative Services Unit or designated staff to complete the investigation.
- (i) Informal complaints may not require written documentation unless deemed necessary by the investigating supervisor or if so directed by the Division Director.
- (j) Formal complaints shall require a written investigative report.
- (k) After determination by the Division Director and/or Administration as to the disposition of a citizen's complaint, the employee shall be notified. (Attachment "C")
- (l) The Citizen's Complaint Disposition Report (Attachment "C") shall indicate the disposition of the complaint. This form shall be forwarded to the appropriate Division Director or designee. The employee, employee's supervisor and the Division Director shall sign the disposition form and return it to the Director of Administrative Services.
- (m) Following the completion of an investigation into a citizen's formal complaint, and a determination of the disposition, the entire record shall be forwarded to the Director of Administrative Services. The Director of Administrative Services or designee shall inform the citizen in writing that the complaint was investigated and the disposition. No information regarding details of the investigation or disciplinary action, if any, shall be disclosed. (Attachment "D").
- (n) Formal complaints and any reports or findings relating thereto shall be numbered and retained on file by the Director of Administrative Services for a period of at least five (5) years and then destroyed.
- (o) All citizen complaints of misconduct which are sustained shall be maintained in the employee's personnel file.

Date last reviewed: 10/30/2019

Revised: 10/30/2019

05/22/2009

04/29/1997

Created: 07/01/1986

Attachments:

- [1.Citizens Informal Complaint](#)
- [2.Citizens Complaint Form](#)
- [3.Citizens Complaint Disposition Report](#)
- [4. Complaint Disposition Letters](#)

**RIVERSIDE COUNTY PROBATION DEPARTMENT  
CITIZEN'S INFORMAL COMPLAINT**

COMPLAINT RECEIVED BY: \_\_\_\_\_ DATE & TIME: \_\_\_\_\_

TITLE/DIVISION: \_\_\_\_\_

NAME OF EMPLOYEE: \_\_\_\_\_

NAME OF COMPLAINANT: \_\_\_\_\_

TELEPHONE NO./ADDRESS: \_\_\_\_\_

DATE OF OCCURRENCE: \_\_\_\_\_

CIRCUMSTANCES OF COMPLAINT: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REFERRED TO: \_\_\_\_\_  
NAME

ON: \_\_\_\_\_  
DATE

REFERRED TO: \_\_\_\_\_  
NAME

ON: \_\_\_\_\_  
DATE

RESOLVED BY: \_\_\_\_\_  
NAME

ON: \_\_\_\_\_  
DATE

# RIVERSIDE COUNTY PROBATION DEPARTMENT

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Attachment "B"  
Ref.# \_\_\_\_\_

Date

Name  
Address  
City, CA zip

Dear Mr./Ms. \_\_\_\_\_:

This letter is in response to our phone conversation on (date)\_\_\_\_\_. Attached you will find a copy of the Probation Department's Citizen Complaint Form. Please fill this report out and return it to me as soon as possible.

Should you have any questions, feel free to contact me.

Sincerely,

\_\_\_\_\_

(       )

Attachment

**RIVERSIDE COUNTY PROBATION DEPARTMENT  
CITIZEN'S COMPLAINT FORM**

NAME \_\_\_\_\_ RES./BUS. PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

LOCATION OF INCIDENT  
\_\_\_\_\_

DATE OF INCIDENT \_\_\_\_\_ TIME OF INCIDENT \_\_\_\_\_

NAME(S) OF PERSON(S) INVOLVED (IF KNOWN)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DETAILS OF INCIDENT (PLEASE STATE YOUR COMPLAINT AS DETAILED AS POSSIBLE.  
ATTACH ADDITIONAL SHEETS IF NECESSARY.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<u>WITNESS NAME</u>	<u>RESIDENCE ADDRESS</u>	<u>RES./BUS. PHONE</u>
_____	_____	_____

I SWEAR (AFFIRM) THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

DATED: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

DATED: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

(CIVIL CODE SECTION 47.5: A PEACE OFFICER MAY BRING AN ACTION FOR DEFAMATION AGAINST AN INDIVIDUAL WHO HAS FILED A COMPLAINT WITH THAT OFFICER'S EMPLOYING AGENCY ALLEGING MISCONDUCT, CRIMINAL CONDUCT, OR INCOMPETENCE, IF THAT COMPLAINT IS FALSE AND THE COMPLAINT WAS MADE WITH KNOWLEDGE THAT IT WAS FALSE.)

Per Section 148.6 of the Penal Code:

- (1) Every person who files any allegation of misconduct against any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, knowing the *allegation* to be false, is guilty of a misdemeanor.
- (2) Any law enforcement agency accepting an allegation of misconduct against a peace officer shall require the complainant to read and sign the following advisory, all in boldface type;

**YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A PEACE OFFICER FOR ANY IMPROPER OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' 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. CITIZEN 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.**

I have read and understood the above statement.

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date

**RIVERSIDE COUNTY PROBATION DEPARTMENT  
CITIZEN'S COMPLAINT DISPOSITION REPORT**

NAME OF EMPLOYEE: \_\_\_\_\_ EMPLOYEE NO.: \_\_\_\_\_

COMPLAINT RECEIVED BY: \_\_\_\_\_ DATE & TIME: \_\_\_\_\_

NAME OF COMPLAINANT: \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

DATE OF OCCURRENCE: \_\_\_\_\_

TYPE OF COMPLAINT: (Check Appropriate Box)

POLICY     PROGRAM     PERSONNEL     VEHICULAR     OTHER

SUMMARY OF COMPLAINT: \_\_\_\_\_

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SUMMARY OF FINDINGS: \_\_\_\_\_

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COMPLAINT DISPOSITION:

- Unfounded - Act did not occur or was misconstrued.
- Exonerated - Act did occur, but was justified, lawful and proper.
- Not Sustained - No clear evidence of proof.
- Sustained - Clear evidence of proof.
- No Findings - Complaint withdrawn, information not provided to further investigation, complaint not available or complaint referred to another agency.

Following a determination of the disposition of the complaint, the citizen complainant(s) shall be advised that the matter has been investigated.

Citizen Advised \_\_\_\_\_  
(Date and Time)

Advised By \_\_\_\_\_

If not, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have been informed of the nature of the complaint, the summary of findings and disposition.

\_\_\_\_\_  
SIGNATURE OF EMPLOYEE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF SUPERVISOR

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF DIVISION DIRECTOR/ADMINISTRATOR

\_\_\_\_\_  
DATE



# RIVERSIDE COUNTY PROBATION DEPARTMENT

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Attachment "D"

Ref. # \_\_\_\_\_

Date

Name

Address

City, CA zip

Dear Mr./Ms.:

This is in response to your complaint of (date)\_\_\_\_\_. The matter has been fully investigated and the issue has been addressed.

Thank you very much for bringing this matter to our attention.

Sincerely,

Ronald L. Miller II  
Acting Chief Probation Officer

# RIVERSIDE COUNTY PROBATION DEPARTMENT

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Attachment "D"

Date

Name

Add

City, CA zip

Dear Mr./Mrs.:

This letter is to advise you that the Riverside County Probation Department Administrative Office has reviewed your complaint dated \_\_\_\_\_, (year), alleged against a member of this department. We appreciate your bringing the matter to our attention, but, after your complaint was thoroughly investigated, we determined it was unfounded.

Sections 8352.5, 832.7 and 832.8 (e) and (f) of the California Penal Code and 1043 and 1046 of the California Evidence Code preclude me from discussing any details of this investigation.

Sincerely,

Ronald L. Miller II  
Acting Chief Probation Officer