



## **COMPLAINT PROCESS**

### **1.1 AUTHORITY**

Pursuant to Section 832.5 of the Penal Code, the Probation Department, as an agency employing peace officers, establishes the following procedure to investigate complaints by citizens and to maintain a record of such complaints and findings.

### **1.2 DEFINITION OF A COMPLAINT**

A complaint is an allegation of a specific act or omission by an employee in violation of law, regulation, or policy or procedure of the Department or County.

### **1.3 POLICY STATEMENT**

The Santa Clara County Probation Department will receive, document, and investigate as required, all allegations of misconduct or neglect of duty involving its personnel brought by members of the public. The investigation of complaints will include those which are anonymous or are brought through a representative of the complainant. However, if an anonymous complaint cannot be verified by other evidence, or the representative refuses to identify the complainant, the complaint will not result in a sustained finding **unless there is independent evidence to support such a finding.**

### **1.4 PROCEDURE**

1.4.1 Complaints by members of the public involving Santa Clara County Probation Department personnel may be made:

1. In person, by mail, or by phone to the Internal Affairs Unit.
2. In person or by phone to the Adult Division.
3. In person or by phone to the Juvenile Division.
4. In person or by phone to any staffed Adult or Juvenile facility, such as the South County Office.

5. In person to any on-duty supervisor.
  6. By mail to any Probation Department facility.
  7. By Department Inmate Request Form, Juvenile Hall or Juvenile Ranch Facility Grievance form.
  8. Members of public agencies, special commissions or advisory boards will be directed to forward any complaints they receive to the Internal Affairs Unit.
- 1.4.2 Forms for members of the public to make written complaints involving personnel of the Santa Clara County Probation Department will be available during business hours in the Internal Affairs Unit and at all Probation offices and facilities. The complainant notice and advisory, which informs the complainant of the consequences of filing a false complaint against a peace officer, must be provided in the appropriate language. Copies of the notice and advisory form, in a variety of languages, are available through the Internal Affairs Office and are available on the Department website in English, Spanish and Vietnamese. To access the Probation Department website, go to [www.sccgov.org](http://www.sccgov.org) and click on the "Agencies and Department" link. Enter the Probation Department in the search field and our Probation Department website will appear and then click on the Probation Department Internal Affairs Unit link.
- 1.4.3 During normal business hours, all complaints by members of the public alleging misconduct on the part of Santa Clara County Probation Department personnel shall be referred directly to the Internal Affairs Unit.
- 1.4.4 During other than normal business hours, all complaints by members of the public shall be referred to the highest-ranking supervisor on duty in the involved section.
- (a) If the complaint does not require immediate action, the supervisor will complete an Internal Affairs Unit Complaint Form, obtaining the significant details from the complainant. The supervisor will advise the complainant that he/she will be contacted by the Internal Affairs Unit on the next business day.
  - (b) If the complaint is of such a serious nature that immediate action is required, the supervisor will contact his/her manager, via the chain of command. The manager will notify the Internal Affairs Unit to initiate an investigation into the allegation.
- 1.4.5 The Internal Affairs Unit will document, and will assign a tracking number, to all complaints by members of the public except where:
1. The complaint does not involve an employee of the Santa Clara County Probation Department;
  2. The complaint is frivolous on its face or appears to be the product of mental disease or disorder and no additional action is justified; or
  3. The complaint does not on its face allege misconduct or neglect of duty which violates law, policy or procedure.

- 1.4.6 The Internal Affairs Unit shall investigate allegations of misconduct or neglect of duty from members of the public as set forth in these procedures.
- 1.4.7 In all cases when a complaint by a member of the public is received, the complainant shall be notified by mail by the Internal Affairs Unit of the final disposition of the complaint, unless the complainant did not provide a mailing address. If the complainant cannot be notified by mail and the complainant provided a phone number, the Internal Affairs Unit will attempt to notify the complainant by phone of the final disposition of the complaint.
- 1.4.8 The complaint, including only the disposition and response letter, shall be placed by the Internal Affairs Manager in the designated confidential complaint file maintained by the Internal Affairs Unit for a period no longer than five years from date of receipt.

Materials from complaints retained in files shall meet the requirements of the Public Safety Officers Procedural Bill of Rights Act (California Government Code Section 3300 et seq).

Records maintained pursuant to Section 832.5 of the Penal Code or information obtained from these records are confidential and shall be kept secure at all times with access only by designated personnel. These records shall not be disclosed in any criminal or civil proceeding except pursuant to Section 832.7(a) of the Penal Code. However, pursuant to Section 832.7(b) of the Penal Code, the complainant is entitled to a copy of his or her own statement at the time the complaint is filed.