

Kern County Sheriff's Office

Internal Affairs Unit

2025 Annual Report

Complaint Statistics



# Introduction

The Kern County Sheriff's Office expects all its members, both on and off duty, to conduct themselves according to standards set forth in policies and procedures, the law, and the expectations of the Sheriff-Coroner and the people of Kern County.

The Sheriff's Office recognizes that in order to maintain public trust, it must diligently investigate all civilian complaints to establish the facts surrounding the incident. When it is determined that misconduct has occurred, the involved employee(s) must be afforded due process. Doing so ensures accountability through an investigative and disciplinary process that is fair and consistently applied. It is equally important to enhance public trust by conducting prompt, thorough, and impartial investigations. The complaint process allows for an objective assessment of how the Kern County Sheriff's Office employees are performing or being perceived by members of the community. Conversely, it also serves to enhance the trust of employees if their actions are determined to be properly aligned with law and policy.

All internal misconduct investigations will follow the Sheriff's Office investigative standards, the Peace Officer Procedural Bill of Rights (Government Code § 3300 et seq.) as applicable, and current statutory and case law. All employees of the Sheriff's Office are afforded their rights per the Peace Officer Procedural Bill of Rights and other applicable laws. Some of these requirements include, but are not limited to, that the investigation must be completed and the employee(s) must be notified of the proposed discipline, by a Letter of Intent or Notice of Adverse Action articulating the discipline, within one year of the discovery of the misconduct by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct. Under case law, the one-year period for an administrative investigation to be concluded starts when a supervisor discovers or is made aware of alleged misconduct. There are, however, several reasons for which the one-year statute of limitation may be tolled, which include but are not limited to the following:

- The act, omission, or other allegations of misconduct is also the subject of a criminal investigation or criminal prosecution; the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year period.
- The employee involved waives the one-year period in writing.
- The investigation is a multijurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.
- The investigation involves more than one employee and requires a reasonable extension.

This also allows for a thorough investigation to be conducted, balancing public trust with the rights of employees. Investigations are conducted impartially while maintaining a high degree of confidentiality to comply with these various laws and policies. The Kern County Sheriff's Office will continue conducting fact-based investigations into employee misconduct. All employees have a right to an appeal or provide a written response to any proposed discipline. The appeal outcome will either uphold or modify the proposed discipline for the employee. At the conclusion of the investigation, the involved employees and any complaining parties or "complainants" will also receive a written notification outlining the disposition of their complaint.

This annual report marks the third year the Sheriff's Office has released comprehensive statistics related to complaints. This report was authored in accordance with Penal Code 832.7(d), which allows dissemination of data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against personnel if that information is in a form that does not identify the individuals involved. For further information about the complaints process, visit Kern County Sheriff's Office Personnel Complaint Form online at <https://www.kernsheriff.org/complaints>.

### **Internal Affairs Unit:**

To ensure that all personnel complaint investigations are thorough, fair, and resolved promptly, the Internal Affairs Unit serves as the central coordinator and quality control hub for all personnel complaint intakes, investigation and review processes, even for those cases not requiring a full administrative investigation.

Personnel assigned to perform an Internal Affairs investigation have full staff authority from the Sheriff-Coroner to order employees to cooperate fully during Internal Affairs investigations and to answer questions if they are the subject of the investigation. All members of the Sheriff's Office who are witnesses in an administrative investigation are obligated to cooperate and answer truthfully and completely all questions asked by the Internal Affairs investigator.

The Internal Affairs Unit consists of one (1) Sheriff's Sergeant, six (6) Senior Deputy Sheriffs, one (1) Administrative Coordinator, and two (2) Sheriff's Support Specialists. This unit is managed by one (1) Sheriff's Lieutenant and one (1) Sheriff's Commander. The Internal Affairs Unit is a part of the Support Services Division, Internal Affairs Section.

### **Definitions:**

**Allegation:** A claim of wrongdoing made against a member of the Sheriff's Office.

**Complaint:** An allegation that the Sheriff's Office or some member thereof (sworn or non-sworn) committed an act or omitted a duty that, if true, would be illegal or a violation of Department policy. Complaints can be made by members of the public or Sheriff's Office personnel.

**Discipline:** The corrective action taken on a sustained complaint, such as termination, demotion, suspension, reduction in salary, documented oral counseling (DOC), verbal counseling, training, written reprimand, or a disciplinary transfer. Some of these are considered punitive, and some are considered non-punitive. However, both forms serve as types of corrective action.

**Disposition:** The status assigned to each allegation within a complaint by the Sheriff, Undersheriff, or Chief Deputy following conclusion of the investigation based on a preponderance of the evidence.

#### **Disposition definitions:**

- **Exonerated:** The allegation occurred; however, the investigation revealed it was justified, lawful, and proper.
- **Not Sustained:** Investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
- **Sustained:** The investigation disclosed sufficient evidence to conclude the allegation occurred.
- **Unfounded:** The investigation conclusively proved that the act, or acts, complained of did not occur. This finding also applies when the individual member(s) named were not involved in the act or acts that may have occurred.
- **Unfounded-Frivolous:** Totally and completely without merit or for the sole purpose of harassment.

**Preponderance:** The weight of the evidence (greater than 50%) supports the disposition for the particular allegation (e.g., sustained, not sustained, exonerated, and unfounded).

If you would like more information, please refer to this report's Frequently Asked Questions (FAQ) section.

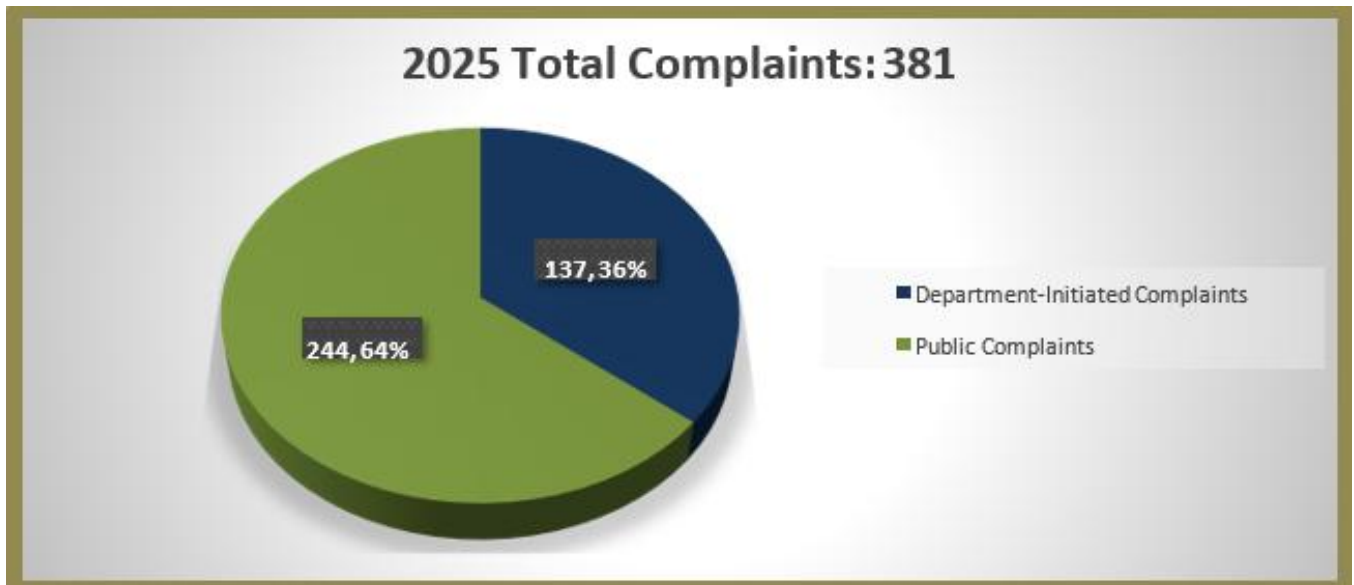
### Reporting Requirements and Categorization of Complaints:

Every year, the Sheriff's Office dutifully submits its complaint statistics to the California Department of Justice (PC 13020/13012/13010). These reports are due in January of the following year; for example, the 2025 report was due in January 2026. To view those statistics, please visit <http://openjustice.ca.gov/> and refer to the section titled "Civilians' Complaints Against Peace Officers."

It is important to note that the data reported to the California Department of Justice reflects only civilian complaints involving sworn peace officers. These statistics do not include complaints involving other KCSO personnel, nor do they include complaints initiated by the Sheriff's Office when policy violations are identified through various oversight processes. As a result, the statistics submitted to the Department of Justice differ from KCSO's total complaint data for 2025, which are presented below. Due to these differences, this report will utilize all available statistics to provide a more accurate assessment for the Kern County Sheriff's Office.

## Annual Statistics for Kern County Sheriff's Office

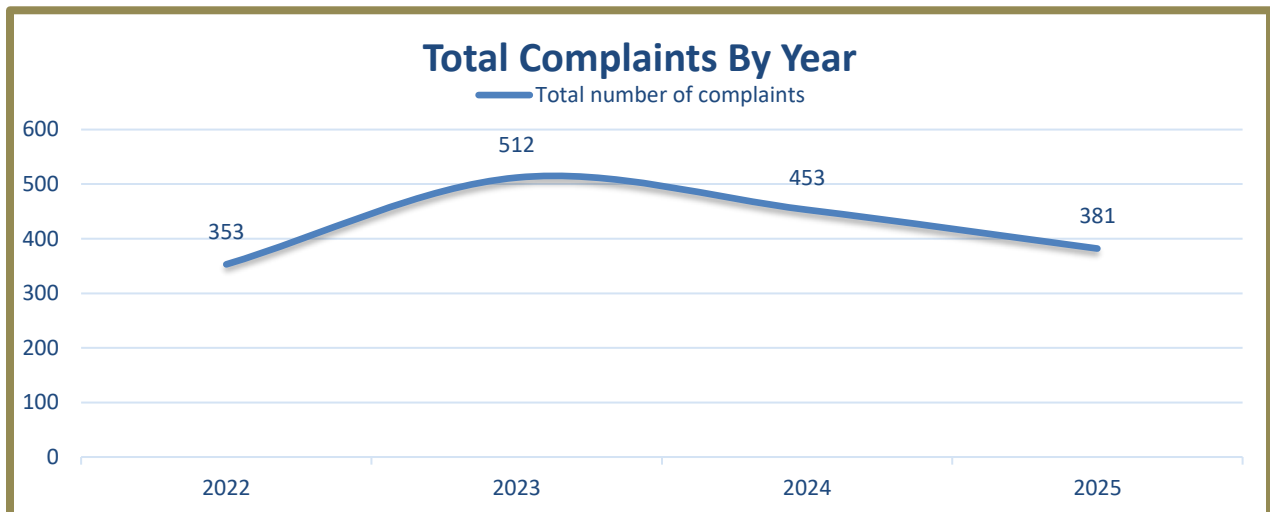
The Internal Affairs Unit accepts and investigates complaints made against *all employees* of the Sheriff's Office, not just those who are sworn law enforcement officers. For 2025, the Kern County Sheriff's Office (KCSO) received a total of **381** complaints. In comparison, in 2024, KCSO received a total of **453** complaints.<sup>1</sup> Many of these complaints, **244** (64%), came from members of the public.<sup>2</sup> Meanwhile, the remaining **137** (36%) complaints were department-initiated from within the Sheriff's Office.



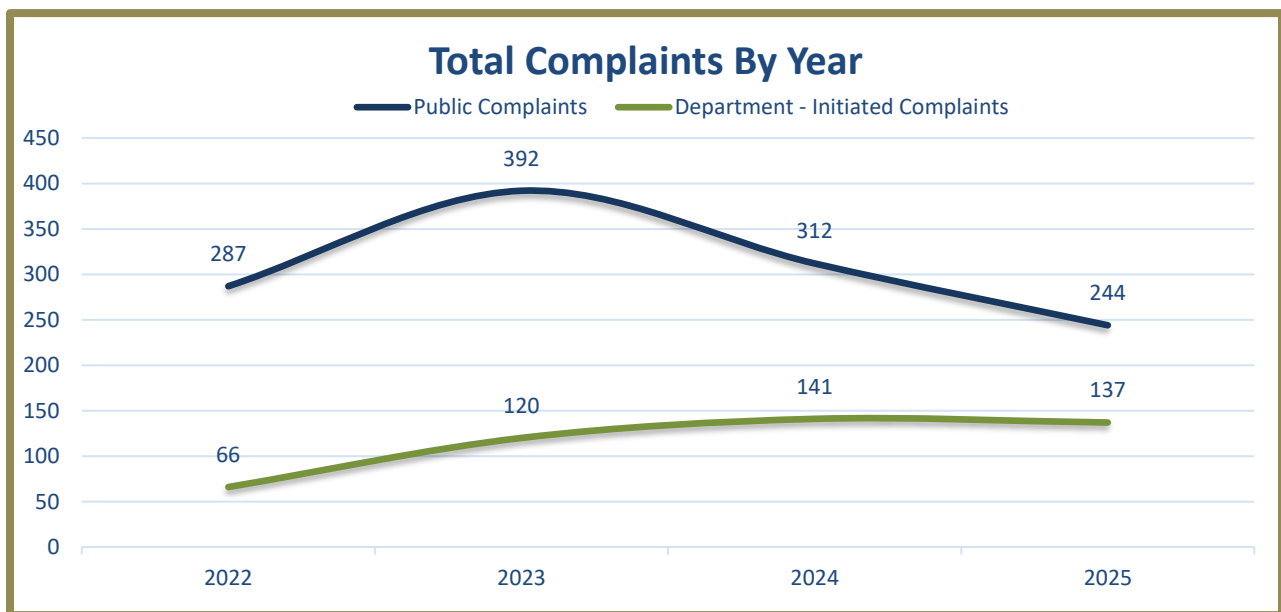
<sup>1</sup> For further information regarding 2024 complaint statistics, refer to the 2024 IA Annual Report.

<sup>2</sup> The Sheriff's Office accepts complaints against sworn (peace officers) and non-sworn (civilian) employees.

The following table reflects the total number of complaints per year from 2022 through 2025:



The following table reflects the total number, broken down between public complaints and department-initiated complaints:



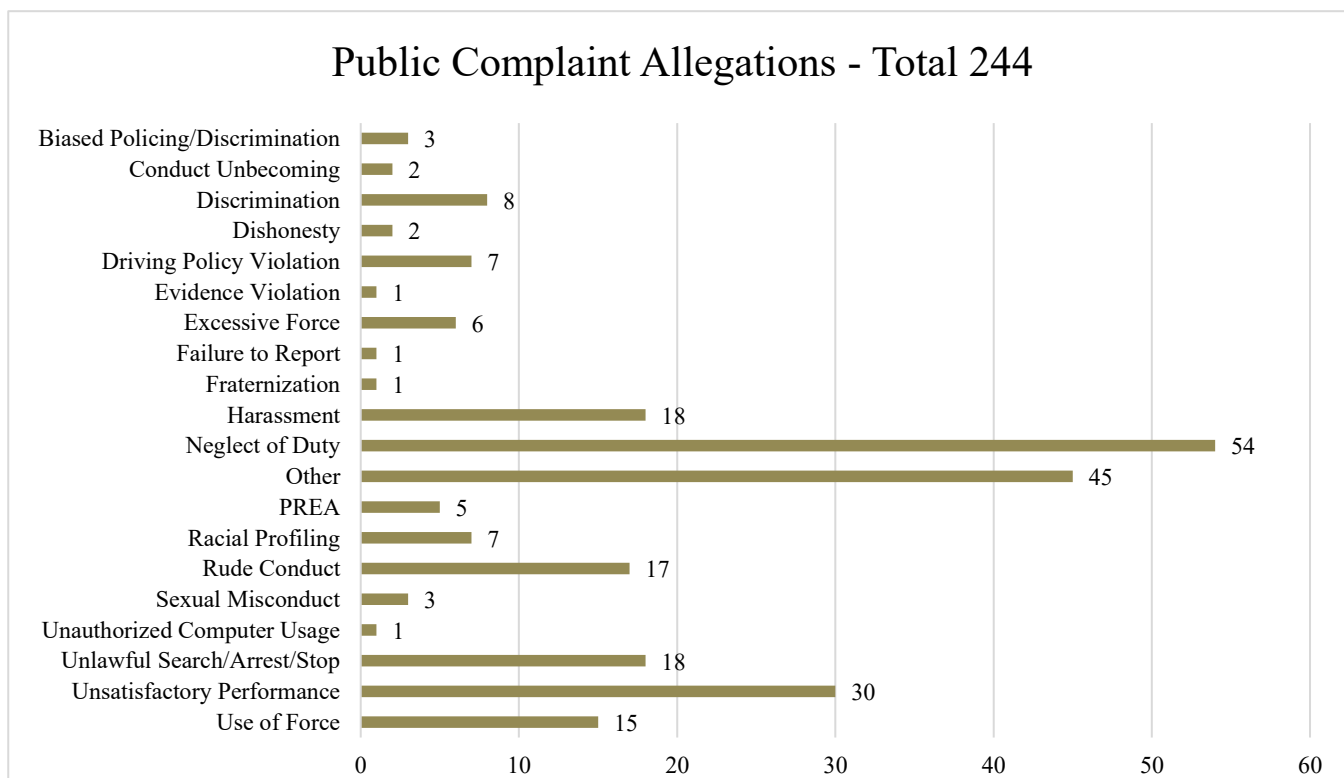
KCSO understands the importance of promptly and appropriately addressing all complaints, which is crucial in maintaining trust and safety within our community. Whether the complaint is initiated by a member of the public or KCSO personnel, KCSO categorizes the complaint based on the overall issue or problem being reported. However, it's important to note that a single complaint may contain several different allegations or concerns stemming from the original issue. Therefore, it's crucial for the complaint to be thoroughly reviewed and investigated to ensure that all relevant details and potential violations are addressed. The charts below show each complaint categorized by primary allegation.

### Public Complaints:

Any public member can file a complaint on a Sheriff's Office employee. Complaints can also be made anonymously. Complainants may not always be directly involved, but may be third-party (e.g., a witness or bringing forward a complaint on another's behalf). Complaints can be made by someone not directly involved in the interaction with the Sheriff's Office employee (e.g., a member of the public watching a video that may contain possible misconduct). When a complaint is brought to the attention of the Sheriff's Office, it is categorized based on the overall issue or problem being reported.

Regardless of the source, a complaint may allege misconduct by multiple Sheriff's Office employees and contain multiple allegations with different dispositions. These complaints may be filed against both law enforcement personnel and civilian employees of the Kern County Sheriff's Office.

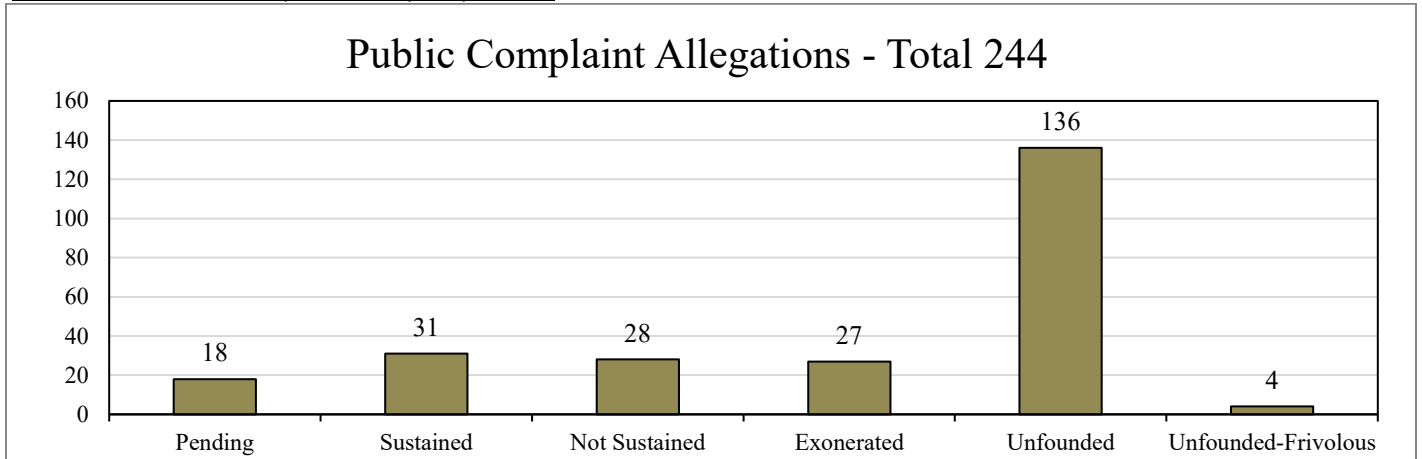
### 2025-Total Public Complaints- By Allegation<sup>3</sup>



In comparing the types of primary allegation in 2025 to those in 2024, they followed a similar distribution pattern. In an effort to better categorize the types of general complaints that fall into "Other", KCSO added several new categories for 2025. KCSO found "Discrimination" Complaints fell by about 68% percent this year, marking a significant reduction from 25 to 8. Part of this decline can be attributed to the creation of a "Bias/Discrimination" category to help distinguish between Bias-based policing complaints versus other discrimination complaints. Additionally, KCSO switched reporting software, so categories may have changed slightly from 2024 to 2025 during the software transition.

<sup>3</sup> In the first chart "Other" is used when the allegation is too broad or general in scope or when no specific, predefined categories fully capture the issue, and more clarity is needed before a particular label can be applied. "PREA" is an abbreviation for a Prison Rape Elimination Act allegation.

2025 - Total Public Complaints – By Disposition



2025 – Total Public Complaints – By Allegation & Disposition

Public Complaint- Allegation/Disposition							
Allegation	Pending <sup>5</sup>	Sustained	Not Sustained	Exonerated	Unfounded	Unfounded-Frivolous	Grand Total
Biased Policing/Discrimination	1	-	-	1	1	-	3
Conduct Unbecoming	-	-	-	-	2	-	2
Discrimination	-	-	1	-	7	-	8
Dishonesty	1	-	-	1	-	-	2
Driving Policy Violation	1	-	2	1	3	-	7
Evidence Violation	-	-	-	-	1	-	1
Excessive Force	-	-	-	2	4	-	6
Failure to Report	-	1	-	-	-	-	1
Fraternization	-	-	-	-	1	-	1
Harassment	1	2	3	1	11	-	18
Neglect of Duty	1	11	6	6	29	-	54
Other <sup>6</sup>	-	8	8	7	22	-	45
PREA <sup>7</sup>	1	-	-	-	3	1	5
Racial Profiling	-	-	1	1	5	-	7
Rude Conduct	2	4	4	1	6	-	17
Sexual Misconduct	-	-	-	-	3	-	3
Unauthorized Computer Usage	-	-	-	-	1	-	1
Unlawful Search/Arrest/Stop	-	1	1	2	13	1	18
Unsatisfactory Performance	7	3	2	2	16	-	30
Use of Force	3	1	-	2	8	1	15
<b>Grand Total</b>	<b>18</b>	<b>31</b>	<b>28</b>	<b>27</b>	<b>136</b>	<b>4</b>	<b>244</b>

<sup>5</sup> Pending means the case is still open and has not yet reached a conclusion or final decision.

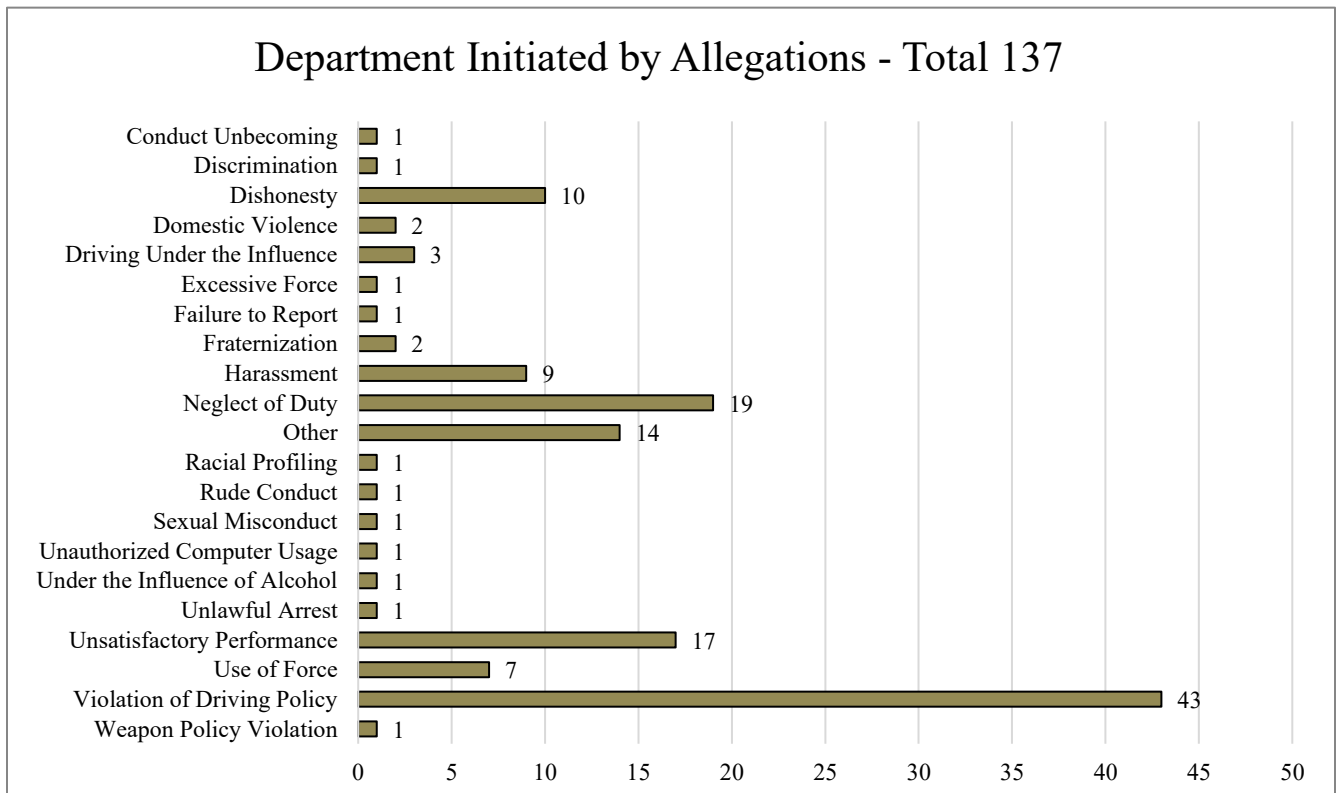
<sup>6</sup> Other is used when the allegation is too broad or general in scope or when no specific, predefined categories fully capture the issue, and more clarity is needed before a particular label can be applied.

<sup>7</sup> PREA is an abbreviation for a Prison Rape Elimination Act allegation.

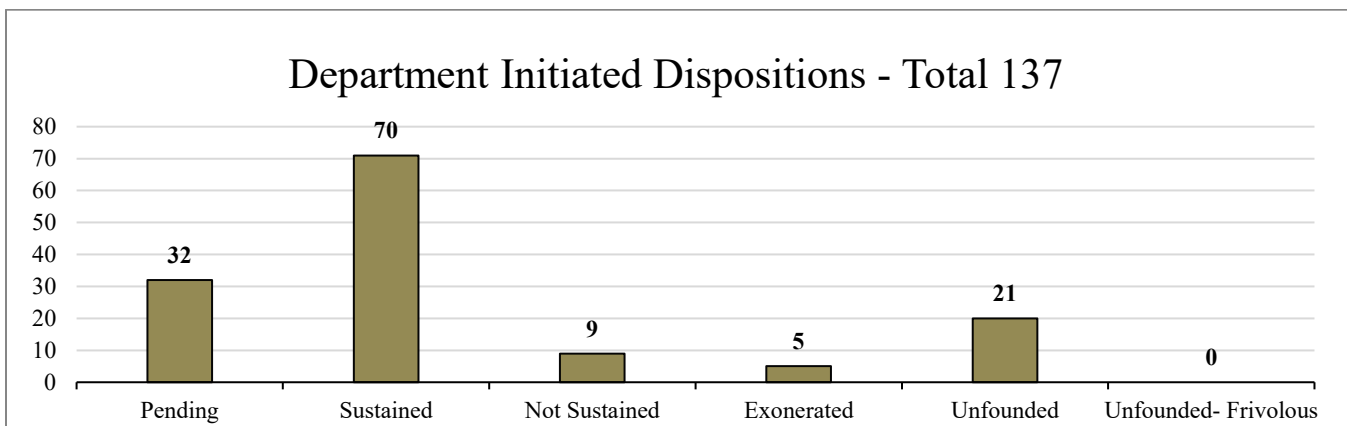
**Department-Initiated Complaints:**

Department-initiated complaints are those initiated by any member of the Sheriff’s Office. This can occur when an employee believes a policy and/or criminal violation has occurred and reports the allegation to other department members. This can also happen when the Sheriff’s Office becomes aware of potential misconduct through other means (e.g., an employee’s arrest). These are often internal, accountability-driven complaints in which no external public member initiated the complaint. These complaints may be filed against both law enforcement personnel and civilian employees of the Kern County Sheriff’s Office.

*2025 -Total Department-Initiated Complaints – By Allegation*



*2025 -Total Department-Initiated Complaints – Disposition*



<sup>8</sup> Other is used when the allegation is too broad or general in scope or when no specific, predefined categories fully capture the issue, and more clarity is needed before a particular label can be applied. Pending means the case is still open and has not yet reached a conclusion or final decision.

2025 -Total Department-Initiated Complaints – By Allegation & Disposition

Department Complaint- Allegation/Disposition							
Allegation	Pending <sup>9</sup>	Sustained	Not Sustained	Exonerated	Unfounded	Unfounded-Frivolous	Grand Total
Conduct Unbecoming	-	1	-	-	-	-	1
Discrimination	-	1	-	-	-	-	1
Dishonesty	6	2	2	-	-	-	10
Domestic Violence	1	1	-	-	-	-	2
Driving Under the Influence	1	2	-	-	-	-	3
Excessive Force	1	-	-	-	-	-	1
Failure to Report	1	-	-	-	-	-	1
Fraternization	1	1	-	-	-	-	2
Harassment	4	2	2	-	1	-	9
Neglect of Duty	5	13	-	-	1	-	19
Other <sup>10</sup>	4	2	5	1	2	-	14
Racial Profiling	1	-	-	-	-	-	1
Rude Conduct	-	1	-	-	-	-	1
Sexual Misconduct	-	1	-	-	-	-	1
Unauthorized Computer Usage	-	1	-	-	-	-	1
Under the Influence of Alcohol	1	-	-	-	-	-	1
Unlawful Arrest	-	-	-	-	1	-	1
Unsatisfactory Performance	-	4	-	-	13	-	17
Use of Force	3	2	-	-	2	-	7
Violation of Driving Policy	3	36	-	4	-	-	43
Weapon Policy Violation	-	-	-	-	1	-	1
<b>Grand Total</b>	<b>32</b>	<b>70</b>	<b>9</b>	<b>5</b>	<b>21</b>	<b>0</b>	<b>137</b>

<sup>9</sup> Pending means the case is still open and has not yet reached a conclusion or final decision.

<sup>10</sup> Other is used when the allegation is too broad or general in scope or when no specific, predefined categories fully capture the issue, and more clarity is needed before a particular label can be applied.

## **Discipline:**

The term “discipline” refers to the corrective action taken on a “Sustained” allegation, which can include, but is not limited to, termination, demotion, suspension, reduction in salary, documented oral counseling (DOC), training, verbal counseling, written reprimand, or a disciplinary transfer. When any finding of misconduct requires the imposition of discipline, such discipline is taken in an informed, reasonable, timely, fair, and uniform fashion.

Discipline serves three (3) significant purposes:

- 1) It corrects the employee’s behavior.
- 2) It lets other employees know the behavior is unacceptable and will not be tolerated.
- 3) It keeps the faith and restores trust with the public.

Several factors are weighed when imposing discipline:

- 1) Seriousness of the offense.
- 2) Impact or potential impact on the Sheriff’s Office and its members.
- 3) Employee’s work history and acceptance of responsibility.
- 4) Employee’s prior disciplinary history.
- 5) Impact on public trust.

The discipline does not have to be punitive to the subject employee but should aim to address and correct the performance and/or misconduct. The Public Safety Officer Procedural Bill of Rights (POBRA), Government Code 3303, defines punitive action as “any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.” Discipline is imposed only on sustained allegations. Some non-punitive options to correct performance can include but are not limited to documented oral counseling (DOC), performance improvement plan (PIP), verbal admonishment, adverse performance rating (EPR<sup>11</sup>-Needs Improvement), and additional or remedial training. A DOC is essentially a verbal admonishment that is memorialized in writing. Any non-punitive corrective action is not considered discipline within the meaning of POBRA but is included here because they are appropriate for correcting behavior. Multiple discipline variations can be imposed on an employee for the same investigation/allegations, as seen in the tables below.

It is important to note that the categories presented here represent the overall complaint category but may include other allegations. For instance, for an allegation of excessive force, the investigation may reveal that the use of force was justified but may find other procedural policy violations (such as failing to document the use of force properly). Another example is a complaint against a Sheriff’s Office employee for rude or discourteous conduct during a traffic stop. After investigating, it may be discovered that the allegation was unfounded; however, it may have been revealed that the employee was speeding just before conducting a traffic stop. The raw data of the statistics would show a sustained finding (for speeding) during the overall investigation into discrimination. However, a “sustained” finding and type of discipline does not necessarily mean it was related to the basis of the overall initial complaint.

When reviewing the statistics showing discipline in aggregate format, it is not always possible to tell the whole story using raw numbers. Due to confidentiality laws, providing more details regarding these incidents is not always possible. Regardless a thorough investigation is completed, and corrective action is taken, when appropriate, to ensure employees are performing at the highest standard of conduct possible. This report is intended to shed light on these efforts to the extent allowed by law.

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<sup>11</sup> The employee performance report (EPR) is provided to employees at least once a year. Probationary employees or those promoted will receive EPRs multiple times within 12 months. This report covers several areas of performance related to the employee’s work assignment.

For 2025, there were a total of **244** public complaints made against KCSO employees. **195** (79.9%) of these complaints were considered not sustained, unfounded, unfounded-frivolous, or exonerated. There were **18** (7.4%) complaints still pending at the end of 2025, and **31** (12.7%) complaints contained at least one allegation that was sustained. Again, the categories presented here represent the overall category or primary allegation of the original complaint. This discipline represented may not be for the underlying primary allegation that served as the basis for the complaint. The below charts depict the resolution of all complaints categorized by primary allegation in 2025.

Public Complaints- Allegations/Discipline <sup>12</sup>									
Allegation	Pending	Documented Oral Counseling	Documented Oral Counseling Comprehensive Remedial Training	Documented Oral Counseling Written Reprimand	No Discipline Taken	Pay Reduction	Verbal Counseling	Written Reprimand	Grand Total
Biased Policing/Discrimination	3	-	-	-	-	-	-	-	3
Conduct Unbecoming	-	-	-	-	2	-	-	-	2
Discrimination	-	-	-	-	8	-	-	-	8
Dishonesty	1	-	-	-	1	-	-	-	4
Driving Policy Violation	2	-	-	-	5	-	-	-	7
Evidence Violation	1	-	-	-	-	-	-	-	1
Excessive Force	-	-	-	-	6	-	-	-	6
Failure to Report	1	-	-	-	-	-	-	-	1
Fraternization	-	-	-	-	1	-	-	-	1
Harassment	1	2	-	-	15	-	-	-	18
Neglect of Duty	4	5	-	-	37	-	3	-	49
Other	1	5	-	-	36	-	3	-	45
PREA	1	-	-	-	4	-	-	-	5
Racial Profiling	-	-	-	-	7	-	-	-	7
Rude Conduct	3	1	-	-	11	1	-	1	16
Sexual Misconduct	-	-	-	-	3	-	-	-	3
Threats	-	-	-	1	5	-	-	-	6
Unauthorized Computer Usage	-	-	-	-	1	-	-	-	1
Unlawful Search/Arrest/Stop	3	1	-	-	13	-	-	-	17
Unsatisfactory Performance	28	-	1	-	1	-	-	-	29
Use of Force	5	-	1	-	8	-	-	1	15
<b>Grand Total</b>	<b>54</b>	<b>14</b>	<b>2</b>	<b>1</b>	<b>164</b>	<b>1</b>	<b>6</b>	<b>2</b>	<b>244</b>

<sup>12</sup> Note: The list of outcomes included here only show the respective outcomes for the specific cases in 2025. This table does not account for all possible types of disciplinary outcomes, as listing them would not be feasible and would populate this table with numerous blank fields. As seen on the next table, there exist many different combinations of discipline that can be imposed.

For 2025, there were a total of **137** department-initiated complaints made against KCSO employees. **34** (24.8%) of these complaints were dispositions other than sustained. There were **32** (23.4%) complaints still pending at the end of 2025, and **71** (51.8%) complaints contained at least one allegation that was sustained. Again, the categories here represent the overall category or primary allegation. Discipline may not represent the primary allegation that served as the basis for the complaint.

Department Complaints - Allegations/Discipline																													
Allegations	Pending	Continued Employment Agreement	Demotion	Prohibition From Promotion Remedial Training	Documented Oral Counseling	Documented Oral Counseling Comprehensive Remedial Training	Documented Oral Counseling Remedial Training	Failed Probation	No discipline taken	Oral Admonishment	Pay Reduction	Pay Reduction	Disciplinary Transfer	Removed from availability pay	Suspension from PPV program	Pay Reduction Remedial Training	Resignation Prior to Disposition of IA	Retired Prior to Disposition of IA	Termination	Verbal Counseling	Verbal Counseling Documented Oral Counseling	Written Reprimand	Written Reprimand Comprehensive Remedial Training	Written Reprimand Documented Oral Counseling	Removed from DTO program	Removed from ISAT	Written Reprimand Remedial Training	Grand Total	
Conduct Unbecoming	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Discrimination	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Dishonesty	7	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	10
Domestic Violence	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2
Driving Under the Influence	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	3
Excessive Force	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Failure to Report	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Fraternalization	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	2
Harassment	7	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	9
Neglect of Duty	6	-	1	9	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-	-	19
Other	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	2	-	-	-	-	-	-	14
Racial Profiling	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Rude Conduct	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Sexual Misconduct	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Unauthorized Computer Usage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Under the Influence of Alcohol	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Unlawful Arrest	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Unsatisfactory Performance	17	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17
Use of Force	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	7
Violation of Driving Policy	7	-	-	15	1	3	-	1	2	1	-	1	2	-	-	-	-	-	-	-	-	7	1	-	-	-	2	43	
Weapon Policy Violation	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
<b>Grand Total</b>	<b>71</b>	<b>1</b>	<b>1</b>	<b>26</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>137</b>			

<sup>13</sup> “No discipline taken” is due to the allegations being not sustained, unfounded, exonerated or unfounded-frivolous. “Pending” means the case is still open and has not yet reached a conclusion or final decision. “Other” is used when the allegation is too broad or general in scope or when no specific, predefined categories fully capture the issue, and more clarity is needed before a particular label can be applied.

## **Frequently Asked Questions (FAQ):**

### **How to file a personnel complaint?**

Complaints can be filed in person at Sheriff's Office Headquarters (1350 Norris Road, Bakersfield, CA 93308), the Internal Affairs Unit Office (34970 McMurtrey Avenue, Second Floor, Bakersfield, CA 93308), or by visiting any of the Sheriff's Office substations or select county facilities. Complaints can also be submitted by turning in a Kern County Sheriff's Office Personnel Complaint Form online at <https://www.kernsheriff.org/complaints>, over the phone, by mail, by electronic mail, or by fax. A complainant can email their complaint to [internalaffairs@kernsheriff.org](mailto:internalaffairs@kernsheriff.org) or fax it to (661) 391-7637. They can also call the Sheriff's Office Internal Affairs Unit at (661) 392-6791 or contact our non-emergency number at (661) 861-3110 and request to speak to the Watch Lieutenant/Commander. Anyone can submit a complaint, even anonymously.

### **What is a personnel complaint?**

A personnel complaint is an allegation of misconduct by an employee of the Kern County Sheriff's Office, which, if found sustained, could result in disciplinary action against the employee.

### **Who can file a personnel complaint?**

A complaint may be filed by anyone dissatisfied with a Sheriff's Office employee's conduct.

### **What is the investigative process?**

Personnel complaints are taken very seriously. Depending on the allegations, complaints are assigned to Internal Affairs Investigators or supervisory staff within the Sheriff's Office. Regardless, a thorough investigation is completed, which includes collecting evidence, interviewing witnesses, and presenting the investigation to the command staff to determine if any county or agency policies were violated.

### **How long does a personnel complaint investigation take?**

California Government Code 3304(d) dictates that all personnel complaints against peace officers be completed within one year of the complaint unless otherwise extended due to extenuating circumstances.

### **Will I be notified regarding the outcome of my personnel complaint?**

Yes, after all the evidence and interviews are obtained, the investigator files a report, which is reviewed by command staff personnel. The Sheriff's Office administration reviews the completed investigation, and at the conclusion of the review, one of four dispositions will be determined for each allegation of misconduct. The complainant will be notified by letter of the disposition of their complaint. [Penal Code 832.7]

### **Will I be informed of the employees' discipline regarding my complaint?**

California law states that sworn peace officer/civilian personnel records are confidential and can only be divulged through a special court order during criminal or civil proceedings. This means the complainant will be notified of the disposition of the complaint, but by law, the Sheriff's Office cannot divulge any specific information regarding the policy violations, such as disciplinary and administrative actions imposed on employees.

### **What is considered punitive or disciplinary action?**

Discipline can include, but is not limited to, termination, demotion, suspension, reduction in salary, transfer for purposes of punishment, and written reprimand.

### **What is considered non-punitive or non-disciplinary action?**

Some non-punitive options for correcting performance include, but are not limited to, documented oral counseling (DOC), performance improvement plans (PIP), verbal admonishment, adverse performance ratings (EPR-Needs Improvement), and additional or remedial training.

### **What does it mean when an Internal Affairs investigation has been authorized?**

This indicates that the Sheriff's Office has reviewed the allegations, and they will be formally investigated. Per Kern County Sheriff's Office Policy, only a Chief Deputy or above may authorize an Internal Affairs investigation. However, under case law, the one-year period for an administrative investigation to be concluded starts when a supervisor discovers or is made aware of alleged misconduct. This is an important distinction when determining the one-year statute of limitations for each case. [Jackson v. City of Los Angeles (2003) 111 Cal.App.4th 899]

### **Why does it take so long to investigate my personnel complaint?**

Personnel complaint investigations involve a thorough, in-depth investigation into the allegations to determine if any Kern County Sheriff's Office Policy or County of Kern Policy was violated. These investigations require collecting evidence, conducting interviews, gathering documentation, and authoring reports. Many other variables are also involved, such as the availability of witnesses, complainants, employees, and representatives. In some instances, the case may be tolled for a variety of reasons, which are outlined in POBRA. [Govt. Code 3304(d)]

### **What is the review process and who makes these findings?**

Once the investigation is completed, the report and all evidence and documentation are provided to the involved employee's Commander and Chief Deputy for review to determine any policy violations or disciplinary and administrative actions. If the commanding officers of the employee(s) make any "sustained" findings, they will recommend whether to impose discipline at their level or if there is a need to forward the case to the Disciplinary Review Board for consideration of greater discipline. Five Chief Deputies, or their designee, serve on the Disciplinary Review Board (DRB). The Internal Affairs Unit will present the case to the DRB, who will either uphold, modify, or overturn the findings regarding each allegation. If any allegations are sustained, the DRB will recommend discipline. The Internal Affairs Unit will prepare the notice of discipline and any notification letters to the employee(s)/complainant(s).

### **What does it mean when an employee is placed on administrative leave?**

Administrative leave can come in two forms: disciplinary and non-disciplinary. Disciplinary administrative leave means allegations have been made against an employee, which does not permit the Sheriff's Office to allow the employee to continue working until the investigation is completed. Non-disciplinary administrative leave means an employee is under investigation for an event during their normal course of duty, which requires special attention. It does not indicate that the employee did anything improper but may warrant further review. Examples may include, but are not limited to: Critical Incident Reviews, Medical Restrictions, Fitness for Duty, etc.

### **What is the standard of proof for Internal Affairs investigations?**

The evidence presented in the investigation must be weighed using the preponderance of evidence standard. This means that the weight of the evidence must support, more likely than not, the disposition for the particular allegation, such as sustained, not sustained, exonerated, or unfounded. It's important to note that beyond a reasonable doubt, which is used in criminal law, is a much higher standard of proof than preponderance of evidence.

### **Will an employee continue to be paid while under investigation?**

Yes, employees under investigation are entitled to due process and will usually continue to be paid until the review process has been completed. If discipline is warranted, reduction of pay or suspension are possible disciplinary actions depending upon the circumstances.

### **Who does the Public Safety Officers Procedural Bill of Rights Act (POBRA) apply to?**

For purposes of this chapter, the term public safety officer means all peace officers specified in Sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5 of the Penal Code.

In other words, this applies to all sworn peace officers employed by the Kern County Sheriff's Office except for Deputy Coroners and Reserve Deputy Sheriffs. However, the Kern County Sheriff's Office affords POBRA protections to all employees, including civilian employees.

### **Why are civilian employees granted the same rights?**

Because POBRA is more restrictive, doing so ensures we comply with other mandated rights for unionized employees, commonly referred to as Weingarten Rights. Civilian employees have a right to have a representative of choice present in any administrative interview if there is a reasonable belief by the employee that their responses may result in discipline. There is no duty to inform civilian employees of this right, but it must be allowed if requested. [NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975)]

Government Code 3508.1 affords some of the same rights to civilian "police employees," which includes the 1-year statute of limitations and tolling exceptions, as well as the requirement that the employee must be notified of the discipline to be imposed within 30 days of the decision.

### **What happens if KCSO does not comply with POBRA?**

It is unlawful to deny or refuse any officer the rights and protections guaranteed by this chapter. Any finding of a violation can result in a restraining order or injunction, barring any punitive action being taken against the officer. A public agency or its agents that maliciously violate any provision shall, for every violation, be liable for a civil penalty for up to \$25,000 to be awarded to the officer. In addition, such a violation may result in overturning the discipline, authorizing back pay, and an award of attorney's fees. [Henneberque v. City of Culver City (1985) 172 Cal. App. 3d 837]

### **Does POBRA apply to criminal investigations against peace officers?**

No. An employee under criminal investigation will be investigated in the same manner as a member of the public and retains the same rights. If an employee invokes a right to silence, any order to cooperate will be viewed as a compelled statement, which will turn the criminal investigation into an administrative investigation. No statement made during interrogation by a public safety officer under duress, coercion, or threat of punitive action shall be admissible in any subsequent civil proceeding, except to impeach the testimony of the officer. However, after such an admonishment is made, under the Lybarger Decision, their silence and unwillingness to cooperate can be deemed insubordination in an Administrative Investigation, which can result in administrative discipline. [Govt. Code 3303(f) & Lybarger v. City of LA]

### **Are any statistics on personnel complaints available to the public?**

Yes, this annual report serves to increase transparency and enhance public and employee trust. It may be accessed on the Kern County Sheriff's Office website, on the "Transparency Page" under "Annual Reports." This report will be produced annually in conjunction with our annual data submission to the California Department of Justice (DOJ) per Penal Code 13012. In addition, the Kern County Sheriff's Office reports statistics on Civilians' Complaints Against Peace Officers (CCAPO) to the California DOJ annually.

CA DOJ makes this information available to the public on the Open Justice Portal on the DOJ website.

California Department of Justice – Civilians’ Complaints Against Peace Officers

<https://openjustice.doj.ca.gov/data>

The California Racial & Identity Profiling Act (RIPA) Board produces annual reports related to stop data, which includes recommendations and analyses of complaints from all law enforcement agencies in California, including the Kern County Sheriff’s Office.

California RIPA Board Reports – Complaint Sections:

<https://oag.ca.gov/ab953/board/reports#current>

**Where can I review KCSO Policies and other County Regulations?**

You can view the Kern County Sheriff’s Office Policies on our website, under KCSO Policies.

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

In addition, further guidance surrounding the appeals process may be found in the Kern County Civil Service Rules (CSR). Specifically, CSR 1700 et seq. relates to causes for dismissal, suspension, reduction and appeal procedures. CSR 1800 relates to additional protocols relating to complaints based on workplace discrimination and harassment.

County of Kern Civil Service Rules:

<https://www.kerncounty.com/government/other-agencies/civil-service-commission/civil-service-rules>

**What if there are further questions?**

To ask any questions or to inquire about the status of a complaint, the public can contact the Internal Affairs Unit at (661) 392-6791.