



MIKE HAMASAKI  
*Chief Probation Officer*

**STANISLAUS COUNTY PROBATION DEPARTMENT**  
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## **CITIZEN COMPLAINT PROCEDURES**

The Stanislaus County Probation Department is committed to being responsive to public concerns about the conduct of our employees and understands the importance of maintaining the public trust. Almost all interactions with Probation Department staff are of a favorable nature and very few contacts would cause a complaint to be made. However, we encourage members of the community to report what they believe to be any act of misconduct by Probation Department staff. It is the policy of the Stanislaus County Probation Department that all complaints or allegations of misconduct on the part of any department employee shall be investigated promptly. We believe in the right of all persons to report potential misconduct by Department members without fear of retaliation. Retaliation will not be tolerated in any form.

We are an organization committed to enhancing public safety through effective supervision, rehabilitation, and successful reintegration of our clients back into the community. The Probation Department always strives to deliver the best quality of services and we sincerely appreciate your input and comments.

In Your Service,

Mike Hamasaki  
Stanislaus County Chief Probation Officer

## **CITIZEN COMPLAINT DECLARATION**

A law enforcement agency accepting allegations of misconduct that employs peace officers (including Probation and Probation Correctional Officers) shall require the complaining party to read and sign the following information advisory.

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A LAW ENFORCEMENT OFFICER FOR ANY IMPROPER LAW ENFORCEMENT CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CIVILIANS' 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. CIVILIAN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

I have read and understand the above statement:

\_\_\_\_\_  
Signature of Complaining Party

\_\_\_\_\_  
Date

## **CITIZEN COMPLAINT PROCEDURES**

Section 832.5 of the California Penal Code requires: Each department or agency in this state which employs peace officers shall establish a procedure to investigate citizen's complaints against personnel of such departments or agencies, and shall make a written description of the procedure available to the public.

Probation Officers and Probation Correctional Officers are peace officers as defined in California Penal Code section 830.5.

### **Complaint Process Information**

#### ***Who can make a complaint?***

Any person may file a complaint. If the complainant is under the age of 18, we request s/he be accompanied by a parent or guardian. All complaints will receive immediate attention. Complaints may be made to any supervisor or manager of the Department. Complaints may be received:

- (1) In person,
- (2) by telephone; or
- (3) in writing.

#### ***When can a complaint be made?***

A complaint may be made during normal business hours, Monday through Friday, between 9 am and 4 pm in person, by telephone, or by mail. All complaints sent via U.S. mail should be sent to:

Stanislaus County Probation Department  
Attention: Administration Office  
2215 Blue Gum Avenue  
Modesto, California 95358-1052  
Ph: (209) 525-5400

\*You may retrieve a copy of our complaint form and instructions at our office or online at: <http://www.stancounty.com/probation/>

#### ***What happens after a complaint is filed?***

An investigator will be assigned by the Chief Probation Officer or his/her designee to interview the complainant and witnesses, collect evidence, and gather any other materials pertaining to the complaint. All statements will be recorded and incorporated into the investigation. Once the investigation is complete, it will be reviewed by executive staff members to determine findings

and make recommendations concerning each allegation to the Chief Probation Officer. The Chief Probation Officer will provide a disposition and take appropriate disciplinary action if warranted. *You will be notified of the findings by U.S. mail only as prescribed by law.*

***Will I have to testify if I make a complaint?***

If an allegation is sustained and discipline is imposed, the Probation Department employee may contest the findings and/or the proposed discipline in accordance with statutory due process procedures. If the accused employee requests an evidentiary hearing you may be asked to testify before the Stanislaus County Employee Disciplinary Proceedings Hearing Board, an independent Arbitrator, or in extremely rare cases the California Superior Court. You may also be asked to testify in Superior Court should it be discovered the allegations against the employee involve criminal conduct and the District Attorney's Office decides to file formal criminal charges. However, in the large majority of cases testimony is limited to the investigation.

***How much time does it take to complete an investigation?***

According to the Peace Officer Bill of Rights Government Code Section 3304, investigations into alleged peace officer misconduct must be completed within one year of the received date; however, there are specific exceptions that can extend that period. Generally, the Department endeavors to complete investigations within 120 days dependent upon the complexity and scope of the allegations, availability of witnesses, and other factors such as the workload of the assigned investigator(s).

***How is an allegation proven?***

An allegation is proven or *sustained* when the evidence indicates that it is more likely than not that a violation of policy, procedure, and/or law occurred; this standard of evidence is known as "preponderance."

***What are the possible findings in the investigation?***

The available findings to an allegation include:

**Unfounded:** The investigation conclusively proved that the act or acts complained of did not occur, or the member named in the allegation was not involved in the act or acts, which may have occurred.

**Exonerated:** The act or acts, which provided the basis for the allegation or complaint occurred, however, the investigation revealed they were justified, lawful, and proper.

**Not Sustained:** The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation made in the complaint or the complainant failed to disclose promised information needed to further the investigation and/or the complainant affirmatively indicates the desire to withdraw his/her complaint.

**Sustained:** The investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint.

***If an allegation is sustained will discipline information be provided to me?***

No, state law prohibits the release of this information. California Penal Code section 832.7 requires: "peace officer personnel records...or information obtained from these records" are confidential. In addition, the Stanislaus County Probation Department policy IV-10 prohibits the release of personnel information to comply with state law. Consequently, the Department cannot release disciplinary information.

***What happens if a complaint is found not to contain a violation of Department or County policy, procedure, rules, regulations, or the law?***

Allegations that do not amount to violations of policy, procedure, rules, regulations, or law will not trigger a formal investigation. However, the Chief Probation Officer or his/her designee will examine the content of the complaint and decide whether it warrants some action not covered by policy, procedure, rules, regulations, or the law.

***What if I have a disability and need an accommodation to file a complaint?***

The Stanislaus County Probation Department (SCPD) believes in providing equal access to all members of the public. If you are a person with a disability who needs an accommodation in order to communicate your complaint, we will make every reasonable effort to accommodate your needs. SCPD has also adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call our Department.

***What if English is not my primary language?***

If you are not proficient speaking, reading, or writing in the English language, the SCPD will make every reasonable effort to provide assistance with translating information to and from your preferred language so that your complaint can be properly filed and communicated.

