

Procedure for Processing Citizen's Complaints

The Department of Corrections is committed to ensuring all departmental employees are courteous, ethical and professional in carrying out the Department's mission. The Department shall investigate citizen's complaints against employees to preserve the integrity and morale of the Department, foster public trust and confidence, and ensure accountability to the public. The investigations shall be thorough and impartial, with the intent of correcting or disciplining employees who engage in misconduct, identifying inadequate policies and training, and protecting employees who perform their duties properly from unwarranted criticism. The following outlines the process used by the Department for investigating complaints by citizens and departmental employees.

1. Section 3391 (b) of Title 15 of the California Code of Regulations specifies that an allegation by a non-inmate of misconduct by a departmental peace officer is a citizen's complaint pursuant to Penal Code Section 832.5. A citizen's complaint against any departmental employee may be initiated by completing and submitting this form to: (a) Any departmental hiring authority, including warden/administrator of a correctional institution, parole office or other departmental office; (b) any departmental supervisor or manager; or, (c) any Regional Office or Headquarters office of the Department's Office of Internal Affairs. If your complaint is regarding sexual harassment or discrimination based on race, gender, national origin, religion, sexual orientation, or disability, it may be referred to the Department's Equal Employment Opportunity Office for investigation and appropriate disposition.
2. Provide as much detail as possible on this form to ensure a thorough and timely investigation. Attach additional sheets if necessary to describe your complaint. In addition, attach any documentation you believe supports your complaint. The date, time and location of the incident, where the subject employee(s) works, and names, addresses and telephone numbers of other involved parties and witnesses are critical to a thorough investigation of your complaint.
3. Your complaint will be investigated by a departmental hiring authority or the Office of Internal Affairs, depending of the nature and seriousness of the allegation(s).
4. As the complainant, you will be contacted during the investigation regarding the information provided on this form and supporting documents, as well as any other knowledge you may have relative to the allegations(s). You may be interviewed regarding your complaint and, if criminal conduct is alleged, you may also be contacted by other federal, state and/or local law enforcement agencies.
5. The investigator will verify the information you provide by collecting evidence and interviewing witnesses, other involved parties and the subject employee. A final investigative report will be prepared at the conclusion of the investigation and you will be notified of the results of the investigation.
6. The departmental hiring authority will be provided with the investigative report. If any allegations of misconduct are sustained, a determination will be made regarding appropriate corrective and/or disciplinary action against the employee. The Director of Corrections has final authority on disciplinary matters.
7. In some cases, the results of the investigation may warrant changes to a departmental policy/procedure to alleviate any future concerns.
8. If formal adverse action is taken against the employee, the employee has a right to appeal this action to the State Personnel Board. The Board may uphold the Department's action, or overturn the action based on its own independent evaluation of the allegations(s) and findings(s).
9. Complaints and investigative reports will be retained by the Department for a period of five years.
10. It is against the law to make a complaint that you know to be false. If you make a complaint against a departmental peace officer knowing that it is false, you can be prosecuted on a misdemeanor charge in a criminal court.

NOTE: A complaint by an inmate or parolee under the Department's jurisdiction shall be made on the Inmate/Parolee Appeal Form (CDC 602) under the appeal process outlined in the California Code of Regulations, Title 15, Sections 3084 through 3084.7.

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