

DISPOSITION

Any complaint can be made anonymously, without giving your name; however, you cannot be informed as to the result of your complaint if you choose to remain anonymous. If you make your identity known, you will be advised of the disposition of each complaint.

After a thorough investigation, your complaint will be classified with one of the following dispositions:

- (1) **Unfounded:** *The allegation has no basis of fact or has been disproved through the investigation.*
- (2) **Not Sustained:** *The allegation can neither be proved nor disproved and no further action is to be considered.*
- (3) **Sustained Justified:** *The alleged act or failure to act is found to be true; however, such act or failure to act is permitted, or at least not prohibited, by this Department or was appropriate under the circumstances in this case.*
- (4) **Sustained:** *When the investigation discloses that the act reported did occur and constituted misconduct or improper job performance.*

California Civil Code Section 47.5

DEFAMATION ACTION BY PEACE OFFICER

Notwithstanding Section 47, 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, the complaint was made with knowledge that it was false and that it was made with spite, hatred or ill will.** Knowledge that the complaint was false may be proved by showing that the complainant had no reasonable grounds to believe the statement was true and that the complainant exhibited a reckless disregard for ascertaining the truth.

California Penal Code Section 148.6(a)(1)

CITIZEN COMPLAINTS

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.

CITIZEN COMPLAINT PROCEDURE



Alameda County **Probation Department**

David Muhammad
Chief Probation Officer

Alameda County Probation Department

THE IMPORTANCE OF YOUR COMPLAINT

The complaint process is designed to deal with each case factually and fairly. Citizens who file complaints are treated respectfully and the accusations against employees are taken seriously. All complaints are investigated thoroughly and all findings are based upon the impartial evidence gained during the investigation.

If it is determined that a complainant has knowingly made a false accusation against an employee, the employee has the right to pursue civil litigation against their accuser.

For more information regarding the Alameda County Probation Department's citizen complaint process, or to ask about the status of your complaint, please call the Alameda County Probation Department, Internal Affairs Office at (510) 268-7070. You may also write to us.

PROCEDURE

The Alameda County Probation Department welcomes valid complaints about its service or personnel. Your constructive comments provide an open channel of communication between the Probation Department and the community, which enables us to maintain the highest possible standards. They also provide a basis for a thorough and impartial investigative procedure to protect employees who perform their duties properly.

If your complaint involves a Probation Peace Officer or department employee, you'll be asked his/her name, badge number, and car number as appropriate. If you do not have this information, just explain what occurred giving the date, time, and location of the incident.

There are three ways you can submit a complaint to the Probation Department:

- **Make your complaint in person at any Probation Department location within the county.**
- **Telephone the Internal Affairs Office at (510) 667-3121.**
- **Mail a letter describing your complaint to the following address:**

***Alameda County Probation Department
Internal Affairs Office
2300 Fairmont Drive, Las Vistas I
San Leandro, CA 94578***

THE INVESTIGATION

Once a complaint is received, it will be screened by the accepting supervisor for accuracy and content. The supervisor may interview you at that time, or schedule another time so a complete report of the incident can be made.

During the interview, the following things may be required of you:

- You may be recorded or videotaped.
- You will be asked for names of witnesses and other employees that may know facts about your complaint.
- Photographs may be taken of any injuries you think are related to your complaint.

Sometimes during the initial interview, the supervisor may be able to explain the employee's actions to your satisfaction. However, if this does not occur, the complaint will then be given a case number and assigned to an investigator for a detailed follow-up.