

# **KINGS COUNTY SHERIFF'S DEPARTMENT**

## **SYNOPSIS**

In 2008 an arrest was made by a Sheriff's Sergeant and Sheriff's Deputy. This report is not about the arrest itself, but rather about how the reports on the arrest were handled within the Sheriff's Department.

## **WHY THE GRAND JURY INVESTIGATED**

On April 30, 2009, the Kings County Grand Jury received a written complaint from a former Sheriff's Department Sergeant requesting an inquiry into a matter in which he believed was inappropriate conduct on the part of the Sheriff's Department. The complaint alleged Constitutional, Federal, and State law violations, false arrests, and violations of departmental procedures within the Sheriff's Department. There was not sufficient time for the 2008-2009 Grand Jury to investigate, so it was forwarded to the present Grand Jury.

## **AUTHORITY**

California Penal Code Section 925. The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments or functions of the county.

## **METHOD OF INVESTIGATION**

The Grand Jury interviewed the complainant and received sworn testimony from various officials of the Sheriff's Department regarding the Department's method of handling complaints. The Grand Jury also studied the Sheriff's Operation Manual, particularly the section on handling citizen and internal complaints.

## **BACKGROUND AND FACTS**

A former Sergeant with the Sheriff's Department had submitted a report to his supervisor, one of the Assistant Sheriffs. The report was addressed to the Sheriff and outlined suspected misconduct during an arrest on the part of a Sheriff's Department Sergeant and a Sheriff's Deputy. The former employee never received a response from the Sheriff regarding his report, and he had reason to believe the alleged offenses had never been investigated. Because of the severity of the allegations, and after

determining that the incident had not been investigated, the former employee filed a formal written complaint with the Grand Jury requesting that the Grand Jury look into the alleged mishandling of his report originally addressed to the Sheriff. At the time of this report there is only one person who handles internal affairs.

The Citizen Complaint Reception and Investigation Procedure of the Sheriff's manual is quoted as follows:

- “1. It shall be the policy of the Department to accept all complaints of misconduct.
2. A personnel complaint is an allegation of misconduct of an employee of this department, received from any source.
3. Misconduct may be classified as:
  - A. Criminal – any violation of a law that is punishable by imprisonment or a fine.
  - B. Major – any violation of a departmental or a governmental rule or policy that may be punishable by termination, suspension, demotion or written reprimand.
  - C. Minor – any violation of a departmental or a governmental rule or policy that may be punishable by a reprimand, either written or oral.
4. Upon receipt of a complaint from any source, the internal affairs unit will, as soon as practical, inform the Sheriff, Assistant Sheriff and the affected Division Commander/Manager that a complaint has been received and provide them with the details.
5. The Sheriff will review, evaluate, and assign to Internal Affairs for investigation, if such is in order.
6. The internal affairs unit shall conduct thorough and impartial investigations into all complaints which are assigned to it.”.

Testimony from many of those interviewed by the Grand Jury indicated that the Sheriff's Manual was not up to date. One interviewee stated that some of the Sheriff's Department management was unaware of the contents of the manual.

## **FINDINGS AND RECOMMENDATIONS**

The Grand Jury obtained sworn testimony from various Sheriff's Department personnel who would have, or should have, investigated the alleged violation:

**Finding 1** The current Sheriff's Department procedures manual was revised in 2005. One of the Sheriff's Department Supervisors called the new formatting and layout a "hodgepodge." The procedure indicates that all complaints received from "any source" should be reviewed.

**Recommendation 1** Update current Sheriff's Department Procedure 3.3 "Citizen Complaint Reception and Investigation Procedure" dated June 1, 2005. This procedure should reflect how all actual complaints are to be handled.

**Finding 2** It was very clear from the testimony, that the Sheriff's Department management personnel were not familiar with the actual procedure for handling complaints. The Sheriff is the only person who can authorize an internal affairs investigation.

**Recommendation 2** All employees of the Sheriff's Department should receive orientation on the procedure as revised, because there appears to be a lack of understanding of the procedure for handling complaints.

**Finding 3** Sworn testimonies of the Sheriff's Department personnel indicate a thorough investigation of the complaint was never made, nor was a final report ever submitted to the Sheriff, as required. The Sheriff testified that this complaint may have "fallen through the cracks."

**Recommendation 3** Create a written tracking system so all complaints are resolved, and there is not a chance of one "falling through the cracks."

**Finding 4** At the time of the Grand Jury's investigation it was found that the internal affairs division consists of one individual.

**Recommendation 4** The internal affairs division should be expanded to a committee of Sheriff's department supervisory personnel.

## **COMMENTS**

Everyone who testified before the Grand Jury stated that this particular incident should have been investigated. It was not. The Grand Jury hopes the lack of investigation of this incident was just an oversight. For the benefit of all citizens, a complaint system must be effective and work all of the time.

It is highly recommended that next year's Grand Jury review the Sheriff's responses to determine if the findings and suggested recommendations have been implemented.

## **RESPONSE REQUIREMENT**

Penal Code Sections 933 and 933.05 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Superior Court of Kings County by the Kings County Sheriff (60 days from the time of receipt of this report).