



**Date: September 9, 2021**

**To: All Sheriff's Personnel**

**From: Sheriff Adan Mendoza**

**Re: SFSO Standard Operating Procedures/Retaliatory Conduct**

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**I. PURPOSE**

It is the purpose of this policy to complement office integrity and avoid hostile treatment of fellow employees by requiring the mandatory reporting of infractions of office policy, procedure, or rules and by prohibiting retaliatory conduct or action against employees who make such reports.

**II. POLICY**

This office prohibits retaliatory conduct against or interference with an employee who reports, assists, or seeks to report breaches of office policy, procedures, or rules or engages in activities protected by whistleblower statutes.

**III. DEFINITIONS**

**Affirmative Duty:** The personal responsibility and obligation of an employee to report wrongdoing— rather than to provide such information only when requested.

**False Report:** A report that is not made in good faith and is based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or is made with the purpose of harassing or wrongly incriminating another employee.

**Good Faith Report:** A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a violation of office policy, procedures, rules, or laws.

**Public Disclosures:** Statements made to the media or information entered in any forum that is available to the public—such as social media websites—that provide information that is critical of this office, its personnel, or both.

**Retaliatory Conduct:** Conduct or action designed to serve as retribution against an employee who, in good faith, has reported or otherwise provided information regarding misconduct against



another employee. In the context of this policy, retaliatory conduct includes any deliberate, purposeful actions or failures to act directed against employees that cause or that could reasonably be expected to cause physical harm, property damage, significant emotional stress, or other serious negative effect on another employee; designed to ridicule or embarrass; or could seriously impair the efficiency, safety, or effectiveness of that employee, this office, or both. Such conduct may take many forms, including but not limited to bullying; persistent offensive comments, threats, or intimidation; false accusations; isolation; ostracism; posting of secure or personal information on the Internet; or acts that malign or disparage an individual's reputation.

**Serious Acts of Misconduct:** A deliberate act or failure to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action includes suspension, demotion, reassignment, or termination.

#### IV. PROCEDURES

##### A. Duty to Report Misconduct

1. All employees of this office have an affirmative duty to report all acts of misconduct. Failure to report shall result in disciplinary action to include suspension, demotion, reassignment or termination.
2. Acts of misconduct should be reported in writing to the complaining employee's immediate supervisor. If the supervisor is suspected of involvement in the misconduct, the report should be made to the next higher-ranking employee in the chain of command.
3. In situations involving highly egregious offenses or illegality that may have serious or broader implications, a written complaint may be made directly to the Sheriff or Undersheriff. Examples include, but are not limited to, broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.
4. All employees have an affirmative duty to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this office or another authorized authority. Reporting acts of misconduct will be in the form of a memorandum by the employees to an immediate supervisor upon learning of the misconduct.

##### B. Retaliatory Conduct

1. Retaliatory actions against employees who make good faith complaints or disclosures of misconduct against another employee are forbidden. Such acts will



form the basis for charges of misconduct, resulting in serious disciplinary action. Any complaint of retaliatory conduct shall be submitted to the complaining employee's supervisor. If the supervisor is the subject of, or is involved in the complaint, an employee shall submit the complaint in memorandum form to the next higher-ranking employee in the chain of command.

2. Employees who have been subjected to retaliatory conduct by fellow employees are encouraged to seek assistance through personal counseling or other services, as available from the county's human resources department.

**C. Public Disclosures and Legal Remedies**

1. This policy does not limit an employee's right to make public disclosures that are deemed to be of public concern and are thus protected by the First Amendment. Protection of speech regarding employment has certain limitations, so employees are encouraged to consult with this office's policy on work-related speech and dissemination of information prior to making such public disclosures.
2. This policy in no way limits the right of employees to file complaints or grievances with outside governmental authorities or to initiate appropriate legal action. Individuals taking such actions are afforded the same protections against retaliatory conduct as other employees.

**D. Prevention of Misconduct**

1. Prevention of employee misconduct and promotion of a principled and effective work environment requires that all employees abide by this policy.
2. First-line supervisors bear a responsibility to ensure that all employees under their supervision fully understand the importance of adherence to departmental policies, procedures, and rules and that they also understand the office's commitment to ensuring employee compliance. First-line supervisors shall also monitor their staff and provide support to those who are directly affected by retaliatory conduct. Supervisors have a duty and responsibility to investigate allegations of misconduct.
3. The office's training authority shall ensure that employees fully understand this policy.