

Anti-Retaliation

805.1 PURPOSE AND SCOPE

- (a) This policy prohibits retaliation against employees of the San Diego Probation Department who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may threaten the health, safety, or well-being of employees.
- (b) This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.
- (c) These guidelines should supplement and not limit employees' access to other applicable remedies. Nothing in this policy diminishes the rights or remedies of an employee under any federal, state, or local law or regulation collective bargaining agreement or memorandum of understanding.

805.2 DEFINITIONS

Retaliation - *As against employees*, means demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an employee to properly perform their duties, or intimidation, harassment, or the threat of injury while on duty or off duty ([Government Code § 7286\(a\)\(6\)](#)) ([15 CCR 1340](#)) (COSD Nondiscrimination/Anti-Harassment Policy and Complaint Procedure 0010-11).

Retaliation - *As against youths*, means (a) any disciplinary or punitive action taken by staff members or officers in response to youth's reporting inappropriate behavior or excessive use of force and not otherwise justified by conduct other than such reporting; and (b) conduct by other youth against a reporting youth in response to a reporting of inappropriate or excessive use of force, including but not limited to physical assault or battery, physical or verbal intimidation.

805.3 POLICY

The San Diego County Probation Department has zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation against employees who, in good faith, engage in permitted behavior or who report or participate in reporting or investigating workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

805.4 RETALIATION PROHIBITED

- (a) No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.
- (b) No one may retaliate against an officer for reporting, or because the retaliating party believes the officer intends to report, a suspected violation of a law or regulation of

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another officer to a supervisor or other person in the Department who has the authority to investigate the violation ([Government Code § 7286\(b\)\(4\)](#)).

- (c) Retaliation includes any adverse action or conduct, including but not limited to:
 - 1. Refusing to hire, termination, demotion, denying a promotion, or pay reduction
 - 2. Extending the probationary period.
 - 3. Unjustified reassignment of duties, location, or change of work schedule.
 - 4. Real or implied threats or other forms of intimidation.
 - 5. Taking unwarranted disciplinary action.
 - 6. Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
 - 7. Increased scrutiny or documentation of minor incidents that previously were unreported.
 - 8. Negative performance reviews after previously consistent positive reviews.

805.5 COMPLAINTS OF RETALIATION

- (a) Any employee who believes they have been retaliated against in violation of this policy should promptly report the matter to any supervisor, any command member, the Chief Probation Officer or the County Department of Human Resources.
- (b) Employees must act in good faith, make reasonable efforts to verify facts before making any complaint to avoid baseless allegations, and report only warranted and/or material deviations or transgressions. Employees will not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.
- (c) Investigations are generally more effective when the identity of the reporting employee is known, allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts must be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the reporting employee are included in the investigative process.

805.6 SUPERVISOR RESPONSIBILITIES

- (a) Supervisors are expected to remain familiar with this policy and ensure employees under their command are aware of its provisions.
- (b) The responsibilities of supervisors include, but are not limited, to:
 - 1. Receiving all complaints in a fair and impartial manner.

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2. Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
3. Acknowledging receipt of all complaints, notifying the Deputy Chief of Professional Standards (sworn) or Chief of Administrative Services (nonsworn) via the chain of command, and explaining to the employee who filed the complaint the process for handling.
4. Documenting all complaints and any steps taken to resolve the problem.
5. Taking appropriate and reasonable steps to mitigate any further violations of this policy.
6. Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
7. Periodic follow-up with the complainant to ensure that retaliation is not continuing.
8. Not interfering with or denying the right of an employee to make any complaint.
9. Taking under consideration, reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further allegations of violations of this policy.

805.7 WHISTLEBLOWING

- (a) California law ([Labor Code § 1102.5](#); [Government Code § 53296 et seq.](#)) protects employees who:
 1. Report a violation or noncompliance of a federal, state or local statute or regulation to a government or law enforcement agency, including the employee's supervisor or any other employee with the authority to investigate the reported violation.
 2. Provide information or testify before a public body if the employee has reasonable cause to believe a violation of law has occurred.
 3. Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
 4. File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Employees must exhaust all available administrative remedies before filing a formal complaint.
 5. Are family members of a person who has engaged in any protected acts described above.
- (b) Employees are encouraged to report any believed violations or noncompliance of a federal, state, or local statute or regulation through the chain of command ([Labor Code § 1102.5](#)).

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- (c) Employees who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs & Backgrounds Unit for investigation pursuant to the Personnel Complaints Policy.

805.7.1 DISPLAY OF WHISTLEBLOWER LAWS

The San Diego County Probation Department must display a notice listing employees' rights and responsibilities under the whistleblower laws ([Labor Code § 1102.8](#)). The notice must contain lettering larger than size 14-point font and include the phone number of the whistleblower hotline maintained by the Office of the Attorney General.

805.8 REFERENCES

Date Last Reviewed	09/02/2026
Date Last Revised	03/20/2015, 07/11/2011, 04/11/2011, 01/03/2011, 09/13/2010, 03/15/2010, 10/19/2009, 07/20/2009
Policies/Procedures	Personnel Complaints Policy
Attachments/Links	N/A