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| Date:                                                                                                       | 12/01/90 | <b>HILLSBOROUGH COUNTY SHERIFF'S OFFICE</b> | Number: <b>GEN 122.02</b> |
| Revision:                                                                                                   | 09/04/26 | <b>CHAD CHRONISTER, SHERIFF</b>             |                           |
| Reviewed:                                                                                                   | 09/04/26 | <b>STANDARD OPERATING PROCEDURE</b>         | Page: 1 of 21             |
| <b>SUBJECT: SWORN EMPLOYEE MISCONDUCT; COMPLAINT INVESTIGATION; SUSPENSION; AND DISCIPLINARY PROCEDURES</b> |          |                                             |                           |

- I. **PURPOSE:** The purpose of this standard operating procedure is to define uniform guidelines for the receipt, investigation, and disposition of complaints of misconduct against sworn law enforcement and detention deputies.
- II. **SCOPE:** This procedure shall apply only to sworn law enforcement and detention deputies. Non-sworn and classified personnel are subject only to the uniform guidelines set forth in GEN SOP 122.04.
- III. **DISCUSSION:** Discipline is a state of training and mental attitude which fosters compliance with policies, regulations, and standards of proper conduct. Proper discipline stimulates harmony and efficiency, facilitates coordination of effort, promotes high morale, and encourages public acceptance and support. Effective law enforcement requires fair, consistent, and progressive disciplinary action when a deputy's conduct and job performance are inconsistent with Sheriff's Office goals or contrary to rules, regulations, or procedures.
- IV. **DEFINITIONS:**
  - A. **Citizen Complaint Report** - A computerized report, entered via BlueTeam and maintained within the IAPro database, containing information and disposition regarding a citizen complaint.
  - B. **Complaint of Official Misconduct** - An accusation or charge accusing a deputy of violating a policy, procedure, rule, or regulation. This does not include a complainant's misunderstanding or disagreement with the application of law or Sheriff's Office policies or procedures.
  - C. **Employee Performance Management System (EPMS)** - A system of evaluating employee performance through observation and documentation. The system also serves to enhance performance through feedback, coaching, and goal setting. Formal reviews are completed in the Workday Performance module.
  - D. **Exonerated** - A finding or conclusion that the incident occurred, but the deputy's actions were lawful and proper.
  - E. **Exonerated Due to Policy Failure** - A finding or conclusion that a present policy, procedure, rule, or regulation covering the situation was non-existent or inadequate. In all cases involving a finding of Exonerated Due to Policy Failure, the person making the finding shall initiate a review of the policy in question and draft a recommendation to resolve the failure.
  - F. **Initial Probation** - A period of 12 months of probationary employment in a job classification upon hire or re-hire to the Sheriff's Office. If a full 12 months is not completed in the initial job classification, a new period of initial probation begins in the new job classification. During the initial probation period, the Sheriff's Office retains the right to dismiss an employee without the right to appeal.

- G. Non-Punitive Action** - Action intended to modify or improve behavior and elicit compliance with established policies and procedures (e.g., Letter of Counseling and Letter of Reprimand).
  - H. Non-Tenured Personnel** - Classified personnel who have not completed their initial probationary period.
  - I. Punitive Disciplinary Action** - Disciplinary action resulting in the loss of pay or benefits (e.g., suspension, demotion, and dismissal).
  - J. Sanctions** - Non-punitive action or mandated training intended to modify or improve behavior and elicit compliance with established policies and procedures. Sanctions can be imposed at the discretion of a District/Division Commander. Sanctions include, but are not limited to, such actions as: loss of "take-home car" privileges, loss of "off-duty work" privileges, loss of "trainer" or "instructor" status, loss of "master" designation, loss of assignment to "specialty duties," transfers, anger management training, driver improvement school, etc.
  - K. Sustained** - A finding or conclusion that an allegation is supported by a preponderance of evidence.
  - L. Tenured Personnel** - Classified personnel who have completed their initial probationary period and who subsequently have no break in service.
  - M. Tolling of an Investigation** - The running of the limitations period of a disciplinary investigation may be tolled (suspended) due to any of the following:
    - 1. An express written waiver of the limitation period by the law enforcement or detention deputy.
    - 2. A pending criminal investigation involving the same subject matter or other allegation of misconduct.
    - 3. A pending prosecution involving misconduct of the deputy.
    - 4. The incapacitation or unavailability of the respondent.
    - 5. A multi-jurisdictional administrative investigation into the same subject matter, for so long as it is reasonably necessary to facilitate coordination among the investigating entities.
    - 6. Certain emergencies and natural disasters where the Governor has declared a state of emergency affecting Hillsborough County.
    - 7. During the time frame a compliance review panel has been requested until the issues under review have been resolved; see Florida Statute 112.532 (6)(a)(6).
  - N. Unfounded** - A finding or conclusion that an allegation is demonstrably false.
  - O. Unsubstantiated** - A finding or conclusion that sufficient credible evidence was lacking to prove or disprove the allegation.
- V. PROCEDURE:**
- A. Complaint Receipt and Documentation**
    - 1. It is the policy of the Sheriff's Office to take receipt of, document, inquire or investigate, and resolve all concerns and complaints of deputy conduct received from any person, including anyone wishing to remain anonymous.

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  - 2. All employees of the Sheriff's Office are responsible for receiving and forwarding citizen concerns and complaints of misconduct to the accused deputy's supervisor for inquiry and/or investigation.
  - 3. Concerns and complaints of a deputy's conduct may also be initiated by a deputy's supervisor or other Sheriff's Office personnel. Complaints initiated by other Sheriff's Office personnel shall be forwarded to the accused deputy's supervisor.
  - 4. Not all concerns of deputy conduct require a formalized investigation. Some concerns can be addressed informally by the affected deputy's supervisor. However, all concerns and complaints of deputy conduct, as well as commendations and other positive communication from citizens, shall be documented by entering the information into the respective computer program (BlueTeam or EPMS), regardless of the disposition.
    - a. A Citizen Complaint Report shall be documented via the BlueTeam program.
    - b. A deputy's immediate supervisor or manager shall enter the citizen's name, address and phone number(s), the affected deputy's name, employee ID, a brief synopsis of the complaint, all actions taken, and a resolution and/or disposition of the complaint.
    - c. The Citizen Complaint Report shall be forwarded to the next level supervisor with attached comments and/or instructions for approval.
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  - 5. Informal Inquiries:
    - a. Supervisors, who receive complaints of alleged deputy misconduct, may initially conduct an informal inquiry, but with caution. An informal inquiry is not intended to be a formal misconduct investigation. Sheriff's Office personnel may be contacted at any time by a supervisor and asked to relay basic facts and circumstances pertaining to their job-related actions, duties, and functions. Supervisors may speak to the deputy about the complaint and give the deputy the complainant's name and basis for complaint. Supervisors shall not interview the accused in any great detail during an inquiry.
    - b. If, based on the informal inquiry, a supervisor determines that a formal misconduct investigation is warranted, the supervisor shall proceed with the complaint investigative steps outlined in section V.C.1 - 27.
    - c. If, based on the informal inquiry, a supervisor determines there is no basis for a formal misconduct investigation, the supervisor shall proceed with the complaint procedures outlined in section V.A.4.
  - 6. Complaints or circumstances in which training or sanctions may be used in lieu of discipline are:
    - a. Driving/vehicle crashes.
    - b. Firearms proficiency.
    - c. Physical fitness.
    - d. CPR/First aid.
    - e. Any other deficiencies noted by district/division supervisors, training staff, staff inspections, or the Professional Standards Bureau.

- B.** Administrative Assignment, Administrative Leave with Pay, and Suspension Without Pay
- 1.** Every supervisor has discretion over the work assignment of subordinate personnel during a tour of duty. Accordingly, subordinate personnel may be temporarily relieved of their present duty assignment and reassigned to other duties.
  - 2.** Any sworn employee may be immediately placed on administrative assignment or relieved from duty (Administrative Leave With Pay or Suspension Without Pay) without the benefit of advanced written notice, upon determination by the Sheriff that such suspension/relief from duty is in the best interest of the public and/or the Sheriff's Office. Any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury, may be removed from operational assignments, pending an administrative review. When the deputy is notified by their supervisor, the deputy shall be afforded the opportunity to make a responsive statement.
    - a.** Supervisors shall take possession of badge(s), agency issued firearm(s), credentials (commission cards), agency issued credit cards, uniforms, and Sheriff's Office vehicle(s) from personnel who are placed on administrative assignment, administrative leave with pay, or suspension without pay. Supervisors shall also notify the affected personnel they are prohibited from acting in the capacity of a law enforcement or detention deputy.
    - b.** When a subordinate is relieved from official duties, notification shall be made (via phone if necessary) to the Sheriff through the chain of command as expeditiously as possible.
    - c.** Written notice, by use of the Suspension Memo and Benefits Information Form, shall be provided as soon as possible by the District/Division Commander. Upon written notice, the deputy shall be given the opportunity to respond to the allegations at that time or in the future.
  - 3.** Sheriff's Office personnel may be relieved of official duties and reassigned to an administrative assignment or placed on administrative leave with pay under the following circumstances by an immediate supervisor:
    - a.** Following insubordinate or other conduct which could adversely affect efficient and effective operation of the Sheriff's Office, or which could adversely affect working relationships with other Sheriff's Office personnel, or which reduces the likelihood of satisfactory work performance.
    - b.** When there is apparent impairment of normal faculties due to a medical or psychological disorder, or use or consumption of alcohol or other drugs.
    - c.** When dismissal is being recommended as a result of a deputy's inability to successfully complete probation and it is determined that his/her presence is potentially detrimental to the Sheriff's Office.
    - d.** When a deputy is under formal investigation (criminal and/or administrative) for a violation of which disciplinary action up to and including dismissal is a penalty, the deputy may be placed on administrative leave with pay, not to exceed ten working days. This may be extended for an additional period of time if deemed necessary by the Sheriff, not to exceed 30 calendar days.

4. Sheriff's Office personnel placed on administrative assignment or administrative leave with pay:
  - a. Shall be prohibited from acting in the capacity of a law enforcement or detention deputy.
  - b. Will receive full pay and benefits and not lose any vested rights.
  - c. May be temporarily relieved of present duty assignment and reassigned to other duties or instructed to report via phone or in person to a specific supervisor at a designated time each day to receive that day's assignment.
5. Sheriff's Office personnel may be relieved of official duties and suspended without pay:
  - a. When a deputy is under formal investigation (criminal and/or administrative) for a violation of which disciplinary action up to and including dismissal is a penalty or when deemed necessary by a District/Division Commander, or higher rank.
  - b. If an employee is placed on suspension without pay and wishes to leave Hillsborough County, they must notify their District/Division Commander, or designee, and provide an address and phone number where the employee can be reached.
  - \* c. When placed on suspension without pay, personnel may request to utilize accrued time via an inter-office memorandum through the chain of command to the Sheriff. Use of accrued time will be granted solely at the discretion of the Sheriff. The only leave approved for such use shall be banked compensatory time, holiday time, or vacation time on an hour-for-hour basis. Personnel will not receive full benefits while on suspension without pay.
  - \* d. Personnel placed on suspension without pay who wish to engage in secondary employment must submit a request through Workday to their Department Commander.
6. When a deputy is arrested for or charged with a felony or misdemeanor crime, supervisory personnel shall refer to GEN SOP 122.06, entitled "Arrest of Sheriff's Office Employee," for information and direction.

**C. Investigation Phase**

- \* 1. Formal investigations of employee misconduct require investigation by the Professional Standards Bureau. These investigations may include the following:
  - a. Complaints alleging corruption, perjury, violation of civil rights, sexual harassment, harassment, and incidents of excessive use of force.
  - \* b. Complaints alleging criminal misconduct.
  - \* c. Violations of Sheriff's Office Rules and Regulations.
- \* 2. Only personnel with the equivalent rank of major or above, with the exception of the Professional Standards Bureau Sergeant, Lieutenant, or Captain, shall have authority to initiate a formal misconduct investigation. The date of this authorization will serve as the starting date of the 180-day investigation period as provided by Florida Statute 112.532 (6) (a).

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3. Upon initiation of a formal misconduct investigation, the Professional Standards Bureau will assign an investigation case number. The investigator shall complete the Notification of Investigation section of the Complaint Investigation Notification and Status Form, obtain the District/Division Commander's signature, and provide a copy of the notification form to the accused deputy.
4. While conducting a formal misconduct investigation, all procedures and provisions of applicable Sheriff's Office directives and the Police Officers' Bill of Rights (as outlined in Chapter 1 of the Sheriff's Office Rules and Regulations Manual) shall be followed. Care should be exercised by supervisors or Professional Standards Bureau detectives to avoid investigative actions or interrogations which might jeopardize a subsequent criminal investigation.
5. When possible, supervisors or Professional Standards Bureau detectives conducting an investigation shall meet with the complainant and obtain a sworn audio recorded interview or a written and signed statement on a Statement of Complaint Form documenting the main issues of the complaint.
6. The Perjury and Oath Acknowledgement Form shall be utilized for all complainants, witnesses, and accused deputies who shall be placed under oath prior to their interviews. The Confidentiality Notice Form shall only be used when obtaining statements from Sheriff's Office personnel who are complainants, witnesses, or accused personnel.
7. All investigative interviews, if any are conducted, shall be audio recorded. With the audio recorder activated, the investigating supervisor/detective shall begin the interview with an introductory statement which shall include the date, time, location, persons present, investigator, nature of the investigation, and a declaration that the interview is being audio recorded, with subsequent acknowledgment by all present. There shall be no unrecorded questions or statements during the interview.
8. All identifiable witnesses shall be interviewed, whenever possible, prior to the beginning of the investigative interview, if one is conducted, of the accused deputy.
9. Accused personnel shall be questioned at a Sheriff's Office facility during regular duty hours, unless the seriousness of the allegation is of such degree that immediate action is required.
10. Accused law enforcement and detention deputies have a right to representation during the interview, if one is conducted.
  - a. Accused personnel may bring only one representative of their choice to the interview.
  - b. The deputy's right to representation is not an invitation to the representative to actively participate in the questioning process. On the contrary, a limited number of short recesses may be requested during the interrogation so that the representative may provide advice and counsel to the deputy outside the presence of the investigator.
  - c. The representative may not make objections, legal or factual arguments, cross-examine the investigator, or otherwise act to interfere or take control of the interview.
11. Written notification of the nature of the complaint and identity of all complainants shall be made to the accused deputy prior to their interview, if one is conducted. This written notification is accomplished by utilizing the Complaint Investigation Notification and Status Form. In cases where advanced notification would jeopardize the investigation, the written notification may be given immediately prior to the interview.

12. Immediately prior to an investigative interview, if one is conducted, the accused deputy shall be allowed to review the complaint and all statements, including all other existing officer statements and all evidence including, but not limited to, GPS locator information, incident reports, audio recordings, and video recordings relating to the incident under investigation.
13. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of or have contact with the person(s) under investigation, only the names and written statements of the complainant and non-incarcerated witnesses may be reviewed by the accused prior to the beginning of an investigative interview.
14. Notwithstanding any other provisions of this policy, the Sheriff has the discretion to pursue the administrative investigation without conducting a personal interview of the accused deputy. On those occasions where the Sheriff's Office investigators choose not to interview an accused deputy, the report of investigation will reflect that the Sheriff, or designee, made the election. If the Sheriff waives the right to interview an accused, the accused deputy or his/her representative may voluntarily submit a written statement before the investigation is concluded; and the written statement will be provided to the Sheriff, along with the report of investigation. Nonetheless, in an administrative investigation, the Sheriff always has the right to compel an accused deputy to submit to a personal interview, which will be conducted in accordance with the provisions in Florida Statutes 112.532, 112.533, and 112.534.
15. The accused deputy, if interviewed, shall read and sign the Administrative Proceedings Employee Rights Form. If the Professional Standards Bureau investigator or investigating supervisor elects to conduct an actual interview of the accused deputy, the accused deputy must be placed under oath and must answer questions specifically and narrowly related to the performance of their duties. Other than the narrow exceptions described in Florida Statute 112.534, if a deputy refuses to answer questions related to their official duties in an administrative investigation, the privilege against self-incrimination shall be no barrier against disciplinary action, up to and including dismissal.
16. Personnel under investigation shall not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action.
17. Sheriff's Office personnel may be required to submit to lineups, photographs, blood tests, urine tests, breath tests, voice prints (other than deception tests), handwriting exemplars, financial disclosures, and other tests or examinations when there is reasonable suspicion to believe that the results of the test(s) will disclose an administrative violation. Voluntary polygraph examinations may be used as an investigative tool. Personnel may request, through their chain of command or the Professional Standards Bureau, that such tests or examinations, to include voluntary polygraphs, be administered in order to unfound allegations of wrongdoing.
18. Sheriff's Office or county owned property assigned to or used exclusively by an individual shall be subject to search at any time. Personally owned property located or stored in any Sheriff's Office facility or vehicle may be the object of search/seizure subject to the constraints of the Fourth Amendment, U.S. Constitution.
19. Sheriff's Office communications facilities may be monitored at any time under conditions permitted by law. Other communication or conversation may also be monitored under conditions permitted by law.
20. Supervisors may contact the Professional Standards Bureau for investigative advice and techniques, in addition to applicable rules and regulations.

21. Supervisors are encouraged to seek advice from the Sheriff's Legal Counsel for legal sufficiency and defense, in addition to the applicability of rules, regulations, policies, procedures, and laws as to the facts.
22. Misconduct investigations shall be completed within 45 days, unless exigent or extenuating circumstances exist. If the investigation is not completed within 45 days, the investigator shall complete the Extension of Investigation section of the Complaint Investigation Notification and Status Form, obtain the District/Division Commander's signature, and provide a copy of the updated Notification Form to the accused deputy. The 45-day rule is an internal administrative mandate designed to enhance the efficiency of the investigative phase. It is not part of the statutory 180-day rule, and the investigator's failure to meet the terms of the 45-day rule does not provide an accused deputy with any procedural or substantive remedy whatsoever.
23. All misconduct investigations must be completed within 180 days, unless specifically tolled or extended in accordance to Florida Statute 112.532 (6)(a) (1 - 6). The investigator shall complete the Tolling of Investigation section of the Complaint Investigation Notification and Status Form, obtain the District/Division Commander's signature, and provide a copy of the updated Notification Form to the accused deputy.
24. Upon completion of the investigation phase, the investigator shall notify the accused in writing by utilizing the Completion of Investigation section of the Complaint Investigation Notification and Status Form. The original form shall then be included with the investigation report packet.
25. The investigator shall also complete a Complaint Investigation Report Form to be included with the investigation report packet.
26. At the time the investigative report and summary is completed, the investigator preparing the report shall:
  - a. Verify, pursuant to Florida Statute 92.525, that the contents of the report are true and accurate based upon the investigator's personal knowledge, information, and belief; and include the following statement, sworn and subscribed to, pursuant to Florida Statute 92.525.
  - b. "I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my knowledge, information, and belief, I have not knowingly or willingly deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in Florida Statutes 112.532 and 112.533."
  - c. The requirements of (a) and (b) shall be completed prior to the determination as to whether to proceed with the disciplinary action or to file disciplinary charges.
27. All district/division level investigation reports shall be secured in either a green in color single-pocket expanding folder, or a black in color single-pocket expanding folder designated with a green in color label prior to being forwarded through the chain of command. The name of the district/division shall be printed on the outside of the folder.

**D. Failure to Complete Initial Probation**

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1. Should it become evident that a classified sworn employee cannot successfully complete the initial probationary period, the manager shall initiate the dismissal in Workday by searching and selecting the Terminate Employee task, selecting Failure to Complete Initial Probation, and providing relevant documentation to support the recommendation of dismissal.

- \* 2. The employee shall be placed in a no-pay status or on administrative leave with pay while the Failure to Complete Initial Probation recommendation and supporting documentation are submitted through the employee's management chain.
- \* 3. See GEN SOP 122.09, Failure to Complete Initial Probation, for additional information.

**E. Disciplinary Phase**

1. Upon receipt of the completed investigation report packet, the District/Division Commander shall be required to review the investigation. Cases investigated by the Professional Standards Bureau will be routed directly to the District/Division Commander for disciplinary action. These case files may also be reviewed by the affected employee's chain of command; however, the disciplinary recommendation will remain the responsibility of the District/Division Commander or equivalent authority. Upon conclusion of such review, the District/Division Commander shall submit a disciplinary recommendation for any sustained allegations using the following criteria:
  - a. Overall seriousness of the infraction, prescribed penalty guidelines, the end results of the act itself, and/or the impact of the act on other personnel and the agency.
  - b. Disciplinary history of the accused.
  - c. Disciplinary history of other similar incidents.
2. When disciplinary measures are contemplated, supervisors should contact the Professional Standards Bureau for:
  - a. Disciplinary history of the accused.
  - b. Disciplinary histories, for all sustained rule violations.
  - c. Past disciplinary parameters for similar incidents.
3. The following disciplinary actions may be recommended:
  - a. Letter of Counseling - A documented discussion between a supervisor and subordinate in which the subordinate's improper behavior and necessary improvements are brought to his/her attention. Letters of Counseling are generally used after informal supervisor/subordinate communications (i.e., coaching) have failed to produce the desired results. Counseling sessions shall be held on a positive note and be corrective and advisory in nature. Sanctions may also be imposed in association with a Letter of Counseling.
  - b. Letter of Reprimand - An official censure of unacceptable acts or behavior which is administered in a positive manner. It shall be made clear to the deputy that the behavior for which the reprimand was given shall not be tolerated and stronger disciplinary action(s) shall be taken if the behavior occurs again. Sanctions may also be imposed in association with a Letter of Reprimand.
  - c. Suspension.
  - d. Demotion.
  - e. Dismissal.

4. If the recommended discipline is a Letter of Counseling, the completed and signed Letter of Counseling shall be forwarded, along with the investigation packet, through the chain of command to the Sheriff. Following review by the Sheriff, all documentation shall be forwarded to the Professional Standards Bureau. A copy of the Letter of Counseling signed by the Sheriff shall be forwarded to the affected deputy and the Human Resources Division by the Professional Standards Bureau. The original shall be maintained by the Professional Standards Bureau with the investigative report. The Professional Standards Bureau shall contact the deputy's District/Division Commander to make them aware the completed and signed Letter of Counseling was received.
5. If the recommended discipline is a Letter of Reprimand, the completed and signed Letter of Reprimand shall be forwarded, along with the investigation packet, through the chain of command to the Sheriff. Following review by the Sheriff, all documentation shall be forwarded to the Professional Standards Bureau. The Professional Standards Bureau shall forward a copy of the Letter of Reprimand to the Human Resources Division and file the original Letter of Reprimand with the investigative report. A copy of the Letter of Reprimand signed by the Sheriff shall be forwarded to the affected deputy by the Professional Standards Bureau. The Professional Standards Bureau shall contact the deputy's District/Division Commander to make them aware the completed and signed Letter of Reprimand was received.
6. If the recommended discipline is suspension, demotion, or dismissal, the deputy's District/Division Commander shall complete a Notice of Pre-Disciplinary Hearing Form documenting the Sheriff's Office rule violation(s) and provide the deputy a copy of the notice. The deputy shall be provided with a complete copy of the investigative report including all applicable documentation and acknowledge receipt by signing the appropriate section of the Notice of Pre-Disciplinary Hearing Form. If the deputy elects for a pre-disciplinary hearing, procedures outlined in section VI. A. shall be followed.

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- a. Should the District/Division Commander (or equivalent authority) determine an alternate finding is more appropriate upon reviewing the case, he/she shall cross through the finding of the rule violation on the Complaint Investigation Report Form and notate the new finding along with their initials and employee ID within the right margin.
    - (1) Disposing of all charges shall require the recommending authority to author a memorandum justifying the cause of such action.
    - (2) If the initial charges were punitive and the disciplinary recommendation was downgraded to a non-punitive action, then the case file shall still be forwarded to the Disciplinary Review Board for review.
  - b. Only "sustained" rule violations will be listed thereafter on the Notice of Pre-Disciplinary Hearing Form.
7. Disciplinary recommendations which could result in a suspension of 30 days or more, demotion, or dismissal must be submitted to the Sheriff's Legal Counsel for review prior to scheduling a pre-disciplinary hearing.
  8. Sworn personnel must retire under honorary circumstances in order to be eligible for a green category separation and retirement credentials. Any sworn personnel, who retire during an active disciplinary investigation, will not be eligible to receive a green category separation until such time as the allegation(s) have been unfounded or unsubstantiated.

**VI. APPEALS PROCEDURE:****A. Pre-Disciplinary Hearing**

1. The purpose of a pre-disciplinary hearing is to provide an avenue of response for the accused in which defenses and justifications can be asserted prior to the possible imposition of punitive discipline. All personnel (tenured and non-tenured) shall be afforded the opportunity to appear in person at a pre-disciplinary hearing to respond orally or in writing to the allegations made against them.
2. The pre-disciplinary hearing shall be moderated by the District/Division Commander of the accused. In every instance, the hearing officer shall be of a rank higher than the accused.
3. A deputy shall be afforded a minimum five-calendar day preparation period prior to the scheduled pre-disciplinary hearing. If the deputy requests the investigative file, the hearing officer will provide the final investigative report and all evidence and witness statements before the hearing, no later than the day that the pre-disciplinary hearing is conducted.
  - a. If possible, the pre-disciplinary hearing shall be scheduled during the normal tour of duty of the accused, avoiding scheduled days off.
  - b. Should the pre-disciplinary hearing extend beyond the normal tour of duty of the accused, overtime shall be granted to the accused, all witnesses, and other hearing personnel in accordance with existing policy.
  - c. Pre-disciplinary hearings shall be scheduled and held without delay. Hearings will not be delayed, postponed, continued, or otherwise rescheduled for the convenience of other persons or representatives unless the Sheriff, or designee, has determined there is a strong and compelling need beyond that of personal convenience. If a strong and compelling need exists, a maximum five-calendar day extension may be granted. Deputies may forfeit pay for extensions granted beyond five calendar days, if they are assigned to administrative duty as a result of the pending disciplinary action.
4. A deputy may, in lieu of a personal appearance at a pre-disciplinary hearing, choose to submit a written statement. The written statement shall be included in the disciplinary file by the hearing officer.
5. Deputies, who indicate their choice for a formal pre-disciplinary hearing and at the time and date for the hearing do not appear, do not give notice or cause, and do not send a representative, shall not be penalized. In this instance, the hearing officer shall review all documentation provided and complete a summary memorandum making a disciplinary recommendation consistent with the documentation. The summary memorandum shall note the absence of the accused or representative.
6. A deputy may accept the disciplinary action recommended by the District/Division Commander and waive their right to a pre-disciplinary hearing. The deputy's intent to waive their right to a pre-disciplinary hearing shall be documented on the Notice of Pre-Disciplinary Hearing Form.
  - a. The deputy's waiver of the pre-disciplinary hearing also waives their right to a Complaint Review Board, their right to appeal to the Disciplinary Review Board or the Sheriff, and their basis for an appeal through the Hillsborough County Employee Discipline Appeal Process.

- b. Deputies who do not attend the pre-disciplinary hearing, but respond in writing to the allegations made against them, shall not be permitted to have a Complaint Review Board, appeal to the Disciplinary Review Board, or appeal to the Sheriff.
  - c. If the accused deputy decides to waive their right to a pre-disciplinary hearing, the hearing officer shall complete the block titled, "Recommendation of Pre-Disciplinary Hearing/Name Clearing Hearing Officer" on the Disciplinary Hearing Report with the appropriate finding and notate the rule violation(s). The hearing officer shall forward the file through the chain of command with the appropriate documentation.
7. Deputies' rights during pre-disciplinary hearings.
  - a. Accused deputies may request other Sheriff's Office personnel to respond to the hearing on their behalf as witnesses. If the requested personnel choose to respond to the hearing, they may be asked to provide clarifying information regarding their knowledge of the evidence pertaining to the allegations against the accused.
  - b. Deputies may bring and introduce such evidence deemed pertinent by the hearing officer as relevant to a proper defense/response to the allegations.
  - c. Deputies may bring or send any other person as an advocate to assist or speak on their behalf.
  - d. The representative is permitted to advise and counsel the accused.
  - e. The representative is also afforded the same opportunity to respond to allegations orally and/or in writing.
  - f. The accused and the representative may not cross-examine witnesses and may not otherwise act to interfere or take control of the hearing.
8. The pre-disciplinary hearing shall be audio recorded. With the audio recorder activated, the hearing officer shall begin the pre-disciplinary hearing with an introductory statement which shall include:
  - a. Date, time, location, persons present, a declaration that the pre-disciplinary hearing is being audio recorded with a subsequent acknowledgment by all present. Objections will be noted.
  - b. Purpose for the pre-disciplinary hearing and a reading of the allegation(s).
  - c. Verification that the accused has been provided a complete copy of the disciplinary file by comparing their copy with the original in the possession of the hearing officer.
9. The hearing officer shall allow the accused to make a statement orally or in writing, ask questions, call witnesses, and introduce evidence in defense of the allegations against the accused.
10. The audio recording shall be transcribed and made part of the disciplinary file.
11. Written statements introduced by the accused or their representative shall be made part of the disciplinary file.
12. The hearing officer may immediately announce the decision(s) reached or defer an announcement if warranted by the facts and circumstances.
13. Should the accused wish to include a written statement in the disciplinary file, the statement must be turned in within three working days after the hearing to the hearing officer. The hearing officer shall include the statement as part of the disciplinary file. Notification of the intent to submit a written statement must be

made to the hearing officer by the accused on the day of the pre-disciplinary hearing.

14. Accused deputies must notify their District/Division Commander of their intent to have a Complaint Review Board and their intention to appeal to the Disciplinary Review Board at the conclusion of the pre-disciplinary hearing.
15. The hearing officer shall conclude the pre-disciplinary hearing with the final disposition and disciplinary recommendation of all the charges, if they do not choose to defer their announcement, and a statement of the time and date.
16. If the pre-disciplinary hearing results in a different finding than initially recommended, the hearing officer shall include the reasons for the revised finding in a summary memorandum and attach the memorandum to the disciplinary file.
17. If the deputy elects not to have a Complaint Review Board, the hearing officer will document the waiver of the Complaint Review Board on the Notice of Pre-Disciplinary Hearing Form. The hearing officer shall complete the block titled, "Recommendation of Pre-Disciplinary Hearing/Name Clearing Hearing Officer" on the Disciplinary Hearing Report Form with the appropriate finding and notate the rule violation(s).
18. The audio recording of the pre-disciplinary hearing shall be made part of the disciplinary file. The hearing officer shall forward the file through the chain of command with the appropriate documentation.
19. If the deputy elects to have a Complaint Review Board, follow the procedures outlined in section VI. B. 1 - 27.

**B. Complaint Review Board**

1. The Complaint Review Board is a process provided for deputies following the completion of any formalized investigation of alleged misconduct where there is a recommended finding of "Sustained" with a recommendation of punitive disciplinary action regarding any alleged violation of official directives. Formalized investigations involving non-punitive disciplinary actions shall not be eligible for the Complaint Review Board process. The Complaint Review Board shall be pursuant to the Pre-Disciplinary Hearing and prior to the Disciplinary Review Board.
2. At the conclusion of a Pre-Disciplinary Hearing with a punitive disciplinary recommendation, the affected District/Division Commander shall determine if the named deputy elects to have a Complaint Review Board. The deputy's intent to waive or request a Complaint Review Board shall be documented within the Notice of Pre-Disciplinary Hearing Form.
3. If the deputy elects not to have a Complaint Review Board, the signed Notice of Pre-Disciplinary Hearing Form is attached in the disciplinary packet and forwarded to the Disciplinary Review Board in accordance with existing procedures.
4. If the deputy elects to have a Complaint Review Board, the affected District/Division Commander shall provide the deputy with a Complaint Review Board Hearing Form. The deputy must submit the completed form with their nominated representatives to the affected District/Division Commander within three business days of the conclusion of the Pre-Disciplinary Hearing. The deputy may complete the form at the time of receipt, or he/she may have up to three business days, excluding weekends or holidays, to return his/her copy of the form directly to the affected District/Division Commander indicating a request to proceed with the Complaint Review Board process or the waiving of such eligibility. If the form is not received by the affected District/Division Commander,

or designee, by the end of the third business day, the deputy shall not be eligible for a Complaint Review Board.

5. The Complaint Review Board shall consist of five members. The affected deputy will select two members; the Sheriff, or designee, shall select two additional members; and these four members will then choose a fifth member based on mutual agreement. In the event mutual agreement on the fifth member cannot be reached, the deputy's selected members and the Sheriff's selected members shall each submit the name of a fifth member, and the decision shall be determined by lottery between the two names.
6. Only sworn Sheriff's Office personnel may be nominated as a Complaint Review Board member. Nominated personnel must be actively serving in their sworn capacity, in good standing, and with no sustained disciplinary actions within one year prior their nomination. The affected deputy and the Sheriff, or designee, shall ensure the nominated members are willing to participate in the Complaint Review Board process prior to nomination as such participation is not mandatory.
7. In order to maintain impartiality and selection of unbiased personnel for the Complaint Review Board, a deputy who is a witness, or who is otherwise involved in the respective investigation, or any supervisor or subordinate in the affected deputy's chain of command shall not be nominated or selected as a member of the Complaint Review Board.
8. Participation as a Complaint Review Board member shall be considered as time worked and the affected supervisors will ensure the work schedules and/or assignments of selected members are adjusted to accommodate their participation on the board.
9. After receiving the written request from the affected deputy for a Complaint Review Board, via the Complaint Review Board Hearing Form, the District/Division Commander will notify all four members of their accepted nomination as a Complaint Review Board member and arrange for selection and/or nomination(s) of the fifth member.
10. The time period for selection of the fifth member shall not exceed two business days after the District/Division Commander's notification to the initial four members. Upon selection of the fifth member, the District/Division Commander shall coordinate a meeting of the Complaint Review Board members to review the case(s) as a group.
11. The District/Division Commander shall also notify the affected deputy of the names of the final Complaint Review Board members selected to review his/her case(s). Deputies named in the respective case(s) under review shall not contact the Complaint Review Board members unless requested by the Complaint Review Board members during the review process.
12. During the initial meeting of the Complaint Review Board, the affected District/Division Commander shall distribute copies of the entire investigative case file and all respective attachments to the Complaint Review Board members for their review session(s).
13. The affected District/Division Commander shall provide the Complaint Review Board members with a summary of their role and responsibilities by distributing a copy of the Sheriff's Office Complaint Review Board Role and Responsibilities Form.
14. The District/Division Commander, or designee, shall then provide the Complaint Review Board members an overview of the basis for his/her recommended findings and recommended discipline. The overview may be presented verbally. No persons, other than the Complaint Review Board members, shall be present for the initial review and discussion of the case(s).

15. Complaint Review Board proceedings shall not be audio or video recorded. All questions and requests from the Complaint Review Board members shall be coordinated through the affected District/Division Commander, or designee, who shall make reasonable attempts to provide the requested information in a timely manner by direct response or referral to an appropriate authority.
16. A separate Complaint Review Board shall be chosen for each punitive disciplinary action case. In the event a deputy has multiple but separate punitive disciplinary action cases being processed at the same time through the same District/Division Commander, the selected Complaint Review Board members will address all of the applicable cases. The Complaint Review Board will also review any accompanying charges in a punitive disciplinary action case regardless of the recommended findings or recommended discipline for the other allegations.
17. The business of the Complaint Review Board shall not exceed three business days, excluding weekends and holidays, unless unusual circumstances exist, in which case, a written request from the Complaint Review Board for up to a two-day extension may be approved at the Sheriff's discretion.
18. The role and function of the Complaint Review Board is not to re-investigate the respective case(s). The Complaint Review Board has the responsibility of conducting a comprehensive review of all facts, testimonies, circumstances, evidence, applicable official directives, and/or laws as they pertain to the recommended finding(s) and recommended discipline respective to the allegation(s).
19. After the initial review process, the Complaint Review Board may request to speak with the affected deputy in a panel forum where all five members of the Complaint Review Board are present. The deputy may be accompanied to any such meeting with his/her designated representative or legal counsel.
20. If the deputy is not scheduled to appear before the Complaint Review Board, he/she may request to meet with the Complaint Review Board after their initial review process to relay any substantive matters he/she feels may be important to the Complaint Review Board's proceedings.
21. Such requests by a deputy shall be made by use of the Complaint Review Board Hearing Form provided to the deputy at the Pre-Disciplinary Hearing.
22. Upon the completion of their entire review process, the Complaint Review Board shall author one typewritten memorandum addressed to the Sheriff summarizing their assessment of the respective case(s). The Board's summary may include, but is not limited to:
  - a. An agreement or disagreement with the recommended finding(s) based on applicable guidelines.
  - b. An agreement or disagreement with the recommended discipline based on applicable guidelines.
  - c. An agreement or disagreement with official directives used and/or applied by the investigator and/or the respective District/Division Commander.
  - d. Conflicts in the documented evidence and/or testimonies or the absence thereof.
  - e. Recommendations for interviews of additional witnesses or the re-interview of existing witnesses on specific substantive issues. The Complaint Review Board will only make such a recommendation when there is a reasonable and good faith expectation that such testimony will have an anticipated change of the recommended findings and/or discipline.
  - f. Recommendations for changes, modifications, additions, or deletions to any of the aforementioned summary item topics.

- g.** Each member of the Complaint Review Board will sign the memorandum indicating they agree or disagree with the overall content of the collective summary. Members of the Complaint Review Board should make a good faith effort to achieve consensus regarding the issues noted in their summation.
  - h.** The summary memorandum from the Complaint Review Board will be permanently placed on the left side of the investigative file that will become part of the public record with the remainder of the file upon final disposition.
  - i.** The Sheriff's Office Disciplinary Review Board and the Sheriff, or designee, will review the summary memorandum from the Complaint Review Board prior to any official dispositions of the respective case(s).
  - j.** The recommendations, determinations, and/or summation of the Complaint Review Board shall not be used and/or included in any official proceedings subsequent to the final disposition determined by the Sheriff.
  - k.** The recommendations of the Complaint Review Board are advisory in nature and not binding upon any of the involved parties.
- 23.** The contents of case files involving formal allegations of misconduct by deputies are confidential in nature until the Sheriff reaches a final disposition as described by Florida Statute.
- 24.** Any party to such an investigation or its proceedings who willfully discloses information pursuant to the Sheriff's Office's investigation including, but not limited to, the identity of the deputy under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of the Sheriff's Office, before such a complaint, document, action, or proceeding becomes a public record shall be subject to violation of Sheriff's Office Rule 3.4.05, "Failure to Follow SOP, Directive, or Sheriff's Order."
- 25.** Therefore, members of the Complaint Review Board shall each sign a standardized Sheriff's Office Confidentiality Affidavit Form at the inception of the review process that shall become a permanent part of the case file(s).
- 26.** All materials pertaining to the respective case(s) shall be returned to the affected District/Division Commander upon completion of the Complaint Review Board process.

**C. Disciplinary Review Board**

- 1.** Disciplinary matters involving punitive disciplinary measures shall be reviewed by the Disciplinary Review Board.
- 2.** The investigative report, pre-disciplinary hearing report, along with all applicable documents and audio/video recordings, shall be forwarded to the affected Department Colonel. Within five working days, the Department Colonel shall schedule the discipline for review by the Disciplinary Review Board.
- 3.** The Disciplinary Review Board shall consist of:
  - a.** A Department Commander, who shall serve as Board Chairperson.
  - b.** The remaining Department Commanders.
  - c.** Chief Legal Counsel, or their representative.
  - d.** The District/Division Commander of the person who is subject to the review (not a voting member).
  - e.** A representative from the Professional Standards Bureau shall be present to serve in an advisory capacity (not a voting member).

f. The Board Chairperson may call the complaint investigator or other persons who may present pertinent testimony to the matter under review.

4. The affected deputy has the opportunity to appear before the Disciplinary Review Board, unless the employee elected not to appear or responded in writing to the allegations made against them in lieu of appearing at the Pre-Disciplinary Hearing.
5. If an employee appears before the Disciplinary Review Board, the session shall be audio recorded. The employee may address the Board or have a representative present to speak on their behalf.
6. At the conclusion of the presentation, the Board will convene to review the facts of the case and discuss whether any modifications should be made to the original recommendations made at the district/division level. This discussion shall not be audio recorded.
- \* 7. If there is a variance from the recommendations of the hearing officer during the review process, the Board Chairperson shall check the appropriate block on the Disciplinary Hearing Report and list any modification(s) to the previous recommendation.
- \* 8. The deputy will be notified of the Board's recommendation as soon as practical by the deputy's District/Division Commander. The investigative reports, disciplinary recommendation, and Disciplinary Hearing Report findings shall be forwarded to the Chief Deputy of Support Operations and the Sheriff for final disposition.

#### D. Appeal to the Sheriff

1. A request to appeal to the Sheriff must be made within two days to the Sheriff's Executive Assistant after the Disciplinary Review Board's decision has been rendered. A deputy appealing the decision shall issue an inter-office memorandum to the Sheriff, via the Disciplinary Review Board Chairperson, stating the specific issues to be addressed. The memorandum must be received by the Chairperson within five days of the Disciplinary Review Board's decision (Saturdays, Sundays, and holidays excluded).
2. In the Sheriff's absence, or at the Sheriff's discretion, the appeal may be heard by the Undersheriff. The Sheriff reserves the right to deny any further request for an appeal.
3. The Sheriff maintains the authority to take whatever disciplinary action is deemed appropriate under given circumstances.

#### E. Hillsborough County Employee Disciplinary Appeal Process

1. Effective October 1, 2019, the Hillsborough County Employee Discipline Appeal Process is the uniform system for the administration of employee discipline appeals of suspension, demotion, or dismissal. A deputy who wishes to utilize the Hillsborough County Employee Discipline Appeal Process must first participate in the Sheriff's Office appeal process to include the Pre-Disciplinary Hearing and the Disciplinary Review Board.
2. Appeals to the Hillsborough County Appeal Intake Office are open to tenured deputies (deputies who have satisfactorily completed the initial probationary period).
3. A hearing is requested by making a written or electronic request to the Hillsborough County Appeal Intake Office within ten calendar days from the official date of receipt of the Notice of Discipline Form. The notice of appeal must

be received by the Hillsborough County Appeal Intake Office within the ten-day period.

4. The request for an appeal hearing must be submitted to the Hillsborough County Appeal Intake Office using the Employee Discipline Appeal Request Form, which can be found on the Appeal Intake Office's website at ([www.hillsboroughcounty.org](http://www.hillsboroughcounty.org)). The request must state clearly and simply the reason(s) that said disciplinary action was not justified.
5. An appeal hearing will be scheduled within 60 calendar days after the Appeal Intake Office receives a request for appeal, unless a motion to dismiss or motion for summary judgment has been filed or by mutual consent of the parties.
6. All hearings will comply with Florida's Public Business "Sunshine" Law (Chapter 286, Florida Statute).
7. Failure to comply with the foregoing, or failure to exercise the right of appeal at the latest date established for the hearing, or any failure to show good and compelling cause why such hearing should be continued shall constitute an abandonment of any further right to appeal the matter at hand.
8. The hearing, which is open to the public, shall provide the appellant an opportunity to be heard by introducing relevant testimony and evidence.
9. Any applicant or other personnel who has reason to believe that he/she has been unjustly discriminated against because of religious or political affiliations, race, color, national origin, citizenship status, sex, age, marital status, or handicap in any personnel action may appeal to the Hillsborough County Appeal Intake Office in the same manner as other employee appeals. The appellant and the person responsible for the alleged discriminatory action shall have the right to be heard and to present evidence.
10. Deputies without tenure shall have no right to an appeal hearing before the Hillsborough County Appeal Intake Office.
11. For further details concerning the Hillsborough County Employee Discipline Appeal Process, consult the Hillsborough County Appeal Intake Office website address given in #4 above.

**F. Name Clearing Hearings**

1. In administrative proceedings, the courts have mandated the right of an accused person to supply relevant written information to rebut or clarify information which is placed into public record by an employer. This right exists for all personnel. Generally, this is satisfied by the pre-disciplinary hearing process for individuals who are still employed by the Sheriff's Office at the time of the disciplinary process.
2. In cases in which the accused separates or is separated from the Sheriff's Office prior to the conclusion of the investigation, disciplinary process, or final disposition, the accused shall be granted the opportunity for a name clearing hearing with the affected District/Division Commander.
  - a. The accused shall be notified via the Name Clearing Hearing Form sent certified, return receipt-requested mail. Included shall be a complete copy of the investigation, a finding of disposition, if one was rendered, and an explanation that this information shall be placed into public record.
  - b. The Name Clearing Hearing Form shall also provide information pertaining to the opportunity to have any written statement or other documents to be included in the file.
  - c. The return receipt shall be made a part of the investigative file along with any and all written responses from the accused.

**VII. CASE DISPOSITION PROCEDURES:****A. Routing of Files and Notifications**

- \*
  - 1. Once accepted and signed by the Sheriff, or Undersheriff, or Chief Deputy of Support Operations, the investigative file shall be forwarded to the Professional Standards Bureau for review and filing. The Professional Standards Bureau shall provide notification to the deputy's District/Division Commander of the final disposition.
  - 2. Professional Standards Bureau personnel shall notify the accused in writing of the final disposition of the allegation(s) by utilizing a form letter. A copy of the letter shall be included in the investigative case file.
  - 3. In order to maintain consistency, the Professional Standards Bureau may also notify all complainants of the final disposition of the case, utilizing a form letter upon their request. A copy of the letter, if applicable, shall be included in the investigative case file.

**B. Disciplinary Suspensions**

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  - 1. If the final disciplinary recommendation indicates a modification to non-punitive disciplinary action, the Professional Standards Bureau shall notify the deputy's District/Division Commander. If the final discipline was reduced to a Letter of Reprimand or Letter of Counseling, the District/Division Commander shall follow procedures as outlined in section V. E. 4. or 5.
  - \*
    - 2. If the Sheriff, or Undersheriff, or Chief Deputy of Support Operations concurs with a recommendation of punitive disciplinary action, the Professional Standards Bureau shall complete a Notice of Discipline Form and shall coordinate the effective suspension dates with the appropriate district/division.
    - 3. The Professional Standards Bureau shall ensure the affected deputy signs the original Notice of Discipline Form and provide the deputy a copy of the form for their records.
    - 4. Supervisors shall take possession of badge(s), agency issued firearm(s), credentials (commission cards), agency issued credit cards, and Sheriff's Office vehicle(s) from personnel who receive a 14-day or greater suspension. Supervisors shall also notify the affected personnel they are prohibited from acting in the capacity of a law enforcement or detention deputy.
    - 5. Should the deputy be unavailable to sign the Notice of Discipline Form, the Professional Standards Bureau shall take the following steps:
      - a. If reasonable, an attempt shall be made at personal delivery for signature.
      - b. If not successful, the Notice of Discipline Form shall be sent certified return-receipt requested mail to the last known address of the accused.
      - c. A copy of the signed Notice of Discipline Form and the signed return receipt, or the proof of non-delivery receipt, shall be included in the investigative case file.
    - 6. A copy of the Notice of Discipline Form, the Notice of Pre-Disciplinary Hearing Form, and the Disciplinary Hearing Report Form shall be forwarded to the Human Resources Division for inclusion in the employee's personnel file. The original disciplinary file and all applicable documentation shall be maintained by the Professional Standards Bureau.
    - \*
      - 7. A copy of the investigative report on all sustained violations involving specific moral character offenses as defined by Commission Rule 11B-27.0011 (4) or Florida Statute 943.13 (4) shall be forwarded to the Criminal Justice Standards

and Training Commission (CJSTC) in Tallahassee, Florida. The Commission shall determine, independent of any Sheriff's Office discipline of the accused deputy, what administrative action to take, including suspension or revocation of the deputy's certification.

**8. License or Certification Suspension/Revocation:**

\*

- a.** If a deputy's on or off-duty action(s) result in the suspension or revocation of a license or certification (e.g., driver's license, Police Standards Certification, etc.), which is required for job performance, the deputy shall be subject to termination or placed on leave without pay. With the Sheriff's approval, the deputy has the option of using accrued leave (vacation time, holiday time, or compensatory time) in lieu of leave without pay. Use of accrued sick time is not permitted. After all allowable accrued leave has been exhausted, a request for leave without pay must be submitted for the approval or disapproval of the Sheriff. Disapproval shall result in termination of employment.
- b.** In cases where a deputy's driver's license has been suspended, a business/employment purposes only permit shall not be acceptable for the operation of a Sheriff's Office vehicle.
- c.** Upon suspension of a license or certification, which is required for a deputy's job assignment, the affected deputy's District/Division Commander shall complete a memorandum properly recording the applicable circumstances. If the suspension is the result of a previous disciplinary action, the memorandum shall be directed to the Professional Standards Bureau and shall accompany the disciplinary file. If the circumstances are non-disciplinary in nature, the memorandum shall be placed in the deputy's personnel file.
- d.** Sworn Sheriff's Office personnel who receive a 180-day or less suspension of their State Certification by the CJSTC shall serve their suspension consecutively within 10 days of the Sheriff's Office receiving the final order. This suspension will be served as administrative leave without pay.
- e.** Sworn Sheriff's Office personnel who receive a greater than 180-day suspension of their State Certification by the CJSTC shall be terminated (dismissed).

**C. Disciplinary Suspension Options**

- 1.** Deputies may opt, at the discretion of the Sheriff, to surrender accrued time on an hour-for-hour basis in lieu of a suspension without pay. In the case of a suspension of their State Certification by the CJSTC, deputies may opt, at the discretion of the Sheriff, to author a memorandum requesting to utilize accrued time while on suspension without pay. Only accrued vacation time, compensatory time, and holiday time may be utilized. Use of accrued sick time and/or donated compensatory time is not permitted.
  - a.** Any deputy who wishes to surrender accrued time on an hour-for-hour basis in lieu of a suspension without pay shall complete a No Pay Suspension/Surrender of Accrued Time inter-office memorandum, directed to Payroll, prior to the suspension dates.
  - b.** The respective district/division shall forward a copy of this memorandum to the Professional Standards Bureau.

2. With the execution of this option, the deputy shall not be required to miss any workdays; however, the total number of suspension hours shall be debited from the deputy's appropriate accrued leave bank. Although no workday is actually lost, disciplinary files shall still reflect the suspension dates. Any request to utilize any type of leave (counted as work) during the listed suspension dates shall be granted by a supervisor, only after contacting a Professional Standards Bureau supervisor. Personnel shall refer to GEN SOP 208.00, "Payroll, Time Sheets, and Overtime Compensation." Listed are some examples as to how it works:
- a. Deputy can take leave without pay.
  - b. If the deputy is approved to use accrued time, the deputy must show up to work, and work during the suspension and use accrued time (i.e., a ten-day suspension calculated on an 8.4-hour workday would utilize 84 hours of accrued time).
  - c. If the deputy is approved to utilize accrued time and does not show up to work, the deputy will not only utilize the suspension time, but will utilize additional accrued hours for not coming into work (i.e., if the deputy receives a ten-day suspension on an 8.4-hour workday, the deputy would utilize 168 hours of accrued time).

**Chad Chronister**  
**Sheriff**

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| Amends or Supersedes: SO 9407.03, SO 9407.22, SO 9503.06, SO 9607.37, SO 9610.47, SO 9702.08, SO 9711.52, SO 9711.53, SO 9806.27, SO 9804.34, SO 9909.40, SO 9911.46, SO 0001.02, SO 0005.12, SO 0011.37, SO 0112.52, SO 0305.09, SO 0511.48, SO 0602.06, SO0903.20 |
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