



Michelle LaJoye-Young
SHERIFF

Bryan Muir
UNDERSHERIFF

Kent County Sheriff's Office Policy and Procedure

Subject: Professional Standards	General Order: 1 . 3 . 1
Effective Date: 02/06/2023	Distribution:
Revision Date: 04/21/2025	All Personnel

I. **PURPOSE**

This general order establishes guidelines for internal reviews and the reporting, investigation, and disposition of complaints regarding the conduct of members of the Kent County Sheriff's Office.

II. **POLICY**

The Kent County Sheriff's Office (KCSO) policy is to accept and address all misconduct complaints in accordance with this policy and applicable federal and state laws, along with the requirements of any collective bargaining agreements. No one shall be discouraged from filing a complaint with the KCSO.

III. **DEFINITIONS**

- A. **Axon Standards:** Axon Standards is a software program that enables department personnel to enter and manage several types of complaints, including those alleging employee misconduct.
- B. **Complaint Intake Form:** A report generated in Axon Standards that summarizes the allegations that have been received, as well as the personnel, complainant, and witnesses involved.
- C. **Internal Complaint:** Complaints in which the department initiates its own investigation based on known circumstances within the agency or information reported to a member of this department.
- D. **Finding(s):** The disposition of an investigation, types of findings include:
 - 1. **Sustained:** Sufficient evidence exists to clearly prove the allegations.

2. **Not Sustained:** The investigation failed to prove or disprove misconduct or improper job performance.
 3. **Unfounded:** The investigation indicates that the act or allegations did not occur or failed to involve a department employee.
 4. **Exonerated:** The acts or allegations did occur but were justified and proper.
 5. **Exceptionally Cleared:** The complainant failed to cooperate with the investigation or did not provide information that would sustain an investigation.
 6. **Misconduct Not Based on the Original Complaint (MNBOC):** The investigation revealed sustained acts or misconduct that were not alleged or necessarily related /to the original complaint.
 7. **Within Policy:** The investigation indicates that the actions taken by the employee did not violate KCSO policy or procedure.
- E. **Shift Level Complaint:** Complaints involving allegations that, if sustained, would likely result in non-disciplinary corrective action, such as verbal coaching, counseling memorandums, or supplemental training (excluding progressive discipline).
- F. **Professional Standards Complaint:** Complaints involving criminal law violations, civil rights violations, or policy violations. These complaints, if sustained, may include discipline up to and including termination.

IV. PROCEDURES

A. Assignment to the Professional Standards Division

Any Sergeant or above can be assigned as the Professional Standards Investigator. This assignment shall be made by a Chief Deputy, or their representative, of the KCSO.

Any investigator assigned to the Professional Standards Division shall have direct access to the Office of the Sheriff.

B. Cooperation with Internal Investigations

When directed, employees shall answer or render material and relevant statements to the designated Departmental authority. Employees shall answer

all questions honestly, completely, and to the best of their ability. Any intentional dishonesty may result in discipline up to and including termination. No employee shall, in any manner, interfere with an internal investigation. Except as authorized or required, an employee shall not contact persons involved in an internal investigation. The purpose of the interview is to solicit responses that will assist in determining whether disciplinary action is warranted. The answers furnished may be used in disciplinary proceedings that could result in administrative actions against the employee, including dismissal.

C. Sources of Complaints

1. Individuals from the public may make complaints in any form, in writing, by email, online form, in person, or by phone.
2. Any department member aware of alleged misconduct shall immediately notify a supervisor.
3. Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct.
4. Anonymous and third-party complaints shall be accepted and investigated to the extent that sufficient information is provided.
5. Allegations of criminal activity or police misconduct received from another law enforcement agency.
6. Outside agency investigations, tort claims, lawsuits, and other similar processes may generate a personnel complaint.

D. Complaint Forms

The Kent County Sheriff's Office shall make the appropriate complaint form and educational brochure available to the public as established by the Department. When possible, the brochure should be provided to all complainants at the time they file a complaint in person.

E. Intake of Complaints

Any member of the KCSO shall courteously accept any complaint and promptly turn it over to the appropriate supervisor. Complaints may be filed by KCSO personnel, oneself (complainant), another party (third party or witness), or a representative of the complainant. The preferred method of receiving a complaint is in written form. However, complaints may also be filed orally, either in person or via phone. Oral complaints will be directed to a supervisor. If a supervisor is not immediately available, the receiving member shall obtain

pertinent contact information to allow a supervisor to contact the complainant.

If a complaint is received through dispatch, an on-duty supervisor shall be given the complainant's contact information to begin the intake process formally.

F. Documentation of Complaint

1. At the direction of the Shift Commander, the supervisor will review and save all related police reports and digital evidence. Upon completion of the initial investigation, the supervisor will complete the Axon Standards COMPLAINT INTAKE FORM and attach any video or external documents to this report.

2. Professional Standards Complaint

The Shift Commander will route the Axon Complaint Intake Form to the Division Captain for review. Upon review, the Division Captain will route the complaint to the Professional Standards Division for Internal Affairs review. If the complaint comes through the Professional Standards Division, the Professional Standards Representative will investigate the complaint. The Professional Standards Division Captain will assign the investigation and notify the investigator of the assignment.

3. Shift Level Complaint

An Inquiry Complaint may be handled on the shift level and may result in dispositions such as additional training, coaching, counseling memorandums, or similar actions. This also requires the completion of the COMPLAINT INTAKE FORM. The shift supervisor will investigate the complaint/incident, attach all applicable evidence, and route their report to the Division Commander for review.

G. Investigation of Complaint

1. All complaints received will be fully and properly investigated. The investigations will be completed within 45 days of receipt of the complaint. Extensions may be granted by the Chief Deputy.
2. Before an interview, the involved employee(s) will be given notice of complaint. If discipline is expected, consistent with language in the involved employees' contract, the involved employee(s) will be given the opportunity to arrange for union representation, at the involved employee(s)'s discretion, prior to the interview.

3. In serious cases or emergency situations, an employee may be immediately relieved from duty pending further investigation. This initial suspension shall be with pay pending consultation with the Office of the Sheriff.
4. The investigator will conduct the investigation in a fact-finding format and present the completed investigation to a Chief Deputy for conclusion and disposition.
 - a. The investigator will schedule a time with the Chief Deputy to discuss the investigation and answer any questions.
 - b. The Chief Deputy will draft a supplement report with a conclusion and disposition along with the applicable policies and procedures.
5. No Professional Standards Investigator will investigate a complaint against an employee of higher rank unless authorized by the Office of the Sheriff.
6. The Professional Standards Investigator shall notify the division commander or the Office of the Sheriff if there is an actual, apparent, or perceived conflict of interest.

H. Disposition of Internal Complaints

1. After completion of a full investigation by the Professional Standards Division, a full report shall be forwarded to the Divisional Commander with recommendations for disposition relevant to the definitions listed in this policy under **III DEFINITIONS, D Finding(s), subsections 1-6**.
2. If the investigation findings are sustained and will result in discipline less than a suspension, the disposition will come from the Division Commander or their designee. If the investigation findings are sustained, and the discipline will result in suspension, loss of benefit time, or termination, the Chief Deputy or designee will contact the involved employee(s) to schedule a predetermination hearing. The Chief Deputy will review the case and speak with the involved employee(s) to ensure the investigation was conducted fairly and to allow the involved employee(s) to offer additional statements.
 - a. The Chief Deputy will then decide the outcome of the investigation. This outcome will be presented in written format to the involved employee(s).

- b. A copy of the complete investigation will be stored and secured in Axon Standards.
 - Only personnel authorized by the Office of the Sheriff shall have access to Professional Standards Division records to protect and maintain the confidentiality of the records.
 - c. The Chief Deputy or their designee will draft and send a letter to the complainant with the final disposition of the investigation. This letter will include the finding but will not include disciplinary action taken.
3. If the investigation is not sustained, a letter shall be drafted and issued to the employee(s) as to the findings of the investigation.

I. Appeal Process

- 1. Non-probationary employees have the right to appeal discipline resulting from the investigation under the grievance process spelled out in respective collective bargaining agreements.
- 2. Complainants may appeal the findings of the Chief Deputy to the Office of the Sheriff.
 - a. The appeal must be filed within 14 days of receiving notification of the Chief Deputy's findings.
 - b. An appeal may be filed in person, in writing, by email, or by fax.
 - c. The Office of the Sheriff shall review the appeal and issue a finding in no more than 30 days from when the appeal is filed.

J. Retention

Retention and filing of Professional Standards Division Files will be kept and maintained in accordance with the established records retention schedule.

K. Annual Analysis

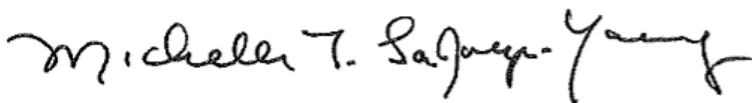
The Divisional Commander of the Professional Standards Division shall complete a written annual analysis of all employee misconduct complaints and dispositions to identify patterns or trends that could be predictive. The analysis should include recommendations for training and equipment needs and/or

policy modifications. The full report shall be forwarded to the Office of the Sheriff for review.

V. CANCELLATIONS

1.3.1 – Professional Standards (02/06/2023)

Authorized by:



Michelle Lajoye-Young
Sheriff

Index as:

Standard 1.3.1

Application: This directive constitutes department policy and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims insofar as the employer's or employee's legal duty as imposed by law.

KENT COUNTY SHERIFF'S OFFICE