



Pueblo County Sheriff's Office General Order Policies and Procedures Manual Pueblo County Sheriff's Office Section 7	
Part 4	Subject: Complaint Handling/Investigations and Discipline Guidelines
Related CALEA Standards: 26.1.4, 26.1.5, 26.1.6, 26.1.7, 26.1.8, 26.2.1, 26.2.2, 26.2.4, 26.2.5, 26.3.1, 26.3.2, 26.3.4, 26.3.5 Related CALEA COMM Standards: 1.4.1, 1.4.3, 1.4.5, 1.4.6, 1.4.10, 1.4.11, 1.4.12, 3.6.5, 3.6.6, 3.6.7, 3.6.8, 3.6.9, 6.7.5	Related ACA Standards: 5-ALDF-7E-04

Authority

This policy is issued pursuant to Sheriff David J. Lucero's directive in which authority to manage and direct all activities connected with complaints, internal investigations, decision making for handling of discipline within the organization are delegated to the undersheriff.

Purpose

To provide guidelines and clear objectives for discipline in the organization. To make followers of all Sheriff's Office members, to include sworn members, communications officers and all civilian staff of the principles of sound behavior and leadership in the community we serve.

To prepare members for their service over their own ideals and behaviors in favor of service to the community. To hold accountable all who work in the organization, to certain rules, regulations, systems and personal character that are expected and to prescribe remedy with informal and formal information, education, discipline and punishment for those who miss the mark of acceptable behavior or appear as though they may in the future without intervention.

Policy

A member's conduct is a major factor affecting the health and growth of the Pueblo County Sheriff's Office. It is also an important aspect of the department's image within the community. It is the policy of the sheriff's office to conduct fair and impartial investigations of any complaints or suspected policy and suspected violations of law.

This office is committed to clearing employees who are falsely accused and correcting those who violate policy and procedure. The disciplinary action includes:

- a. procedures and criteria for using training as a function of discipline. <COMM 3.6.5 a, 26.1.4 a>
- b. procedures and criteria for using counseling as a function of discipline and <COMM 3.6.5 b, 26.1.4 b>
- c. procedures and criteria for taking punitive actions in the interest of discipline <COMM 3.6.5 c, 26.1.4 c>

The process may range from informal discussion or counseling with the member to immediate discharge, depending on the seriousness of the situation. Any action taken in an individual case should not be assumed to establish a precedent in other circumstances or situations.

Colorado law provides that personnel have no vested or contractual right to their jobs with the Pueblo County Sheriff's Office. Therefore, the sheriff has the absolute right to discharge a member at his or her will. Before terminating any member, the sheriff or his designee shall notify the member of the reason for the proposed separation and shall give the member an opportunity to be heard by the sheriff.

No statements made in this policy are intended to limit that right, and members should not rely upon any assertions made verbally or in writing to the contrary. <http://www.lexisnexis.com/hottopics/colorado/> C.R.S. 30-10-506.

In addition, this policy does not create an expressed or implied contract of employment. The sheriff may change portions of this policy at his discretion.

Definitions

Garrity Advisement. Garrity v. New Jersey)

Protection of the employee under the 14th Amendment against coerced statements prohibits use in subsequent criminal proceedings of statements obtained under threat of termination.

Loudermill. (Cleveland Board of Ed. v. Loudermill)

The Loudermill decision affords due process to any member whose pay, benefits, reputation or future employability may be affected by the imposition of a disciplinary action.

Miranda Advisement (Miranda v. Arizona)

Affords a criminal suspect in a custodial setting the right to legal counsel and precludes law enforcement from any further interrogation once the right to counsel is invoked.

First Line Supervisor: Direct supervision of the subject of the complaint.

Division Captain: The captain in charge of the division where the subject works.

Division of Professional Standards (DPS): A division in the organization consisting of the sheriff, undersheriff, inspector and executive assistant to the sheriff otherwise known as administration, the inspector has authority specific to administrative investigations and inspections over all personnel except the sheriff.

DILOP Form: Discipline involving loss of pay form. [#395 DILOP-Discipline Involving Loss of Pay](#) (click on link) to access DILOP form.

Procedure

The procedures to register complaints and or compliments against or the agency its employees are made available to the public via the Pueblo County Sheriff's Office website. The policy and procedure to register complaints for all employees is made available to staff via the policy management system: PowerDMS.

<COMM 1.4.12> <26.2.4>

Complaint Form

[#085 - Complaint Form-Citizens](#) (click on link) Form used to document the complaint received from a citizen.

When citizens request to file a complaint or compliment in person the office member will utilize form: [#085 - Complaint Form-Citizens](#).

Complaint Form Internal

[#431 PCSO Internal Administrative Complaint Form](#) (click on link)

Form used to document a policy violation found by a supervisor. This is not the same as a behavioral grievance but can be a part of an overall investigative effort of the office if necessary.

All complaints will be investigated by the receiving person and or a supervisor to include anonymous complaints. <COMM 1.4.1> <26.2.1>

Complaints received will be categorized as:

- a. the type of complaints to be investigated by supervisors; and <COMM 1.4.1 a> <26.3.1 a>
- b. the type of complaints that require investigation by the internal investigation function. <COMM 1.4.1 b> <26.3.1 b>

Calls to the communications center are documented and action taken by the communications center for the following.

- a. calls for service with the agency's scope of responsibility. <COMM 6.7.5 a>
- b. citizens' complaints regarding the service of the communication agency or public safety agencies it services and <COMM 6.7.5 b>
- c. Criminal and non-criminal cases initiated by public safety employees. <COMM 6.7.5 c>

Example: a person(s) wants to complain but does not want to sign a document, the receiving member will document the conversation; failure to do so may result in discipline.

All complaints will be accepted whether in person, by third party, over the telephone, mailed or phoned in anonymously, or through the media.

The supervisor receiving the complaint will photocopy, e-mail or otherwise provide the completed complaint receipt form (e-mail, note, and memorandum) and give a copy to the complainant when practical.

If the complaint against the agency or its employees is received by mail or telephone, or electronic conveyance (e-mail, text, etc.) the receiving supervisor will ensure a copy of the complaint is sent to the Sheriff.

Citizens' complaints initiated on the Sheriff's website are directed/mapped to send an automatic e-mail notification of the complaint to the Sheriff. <COMM 1.4.3>, <26.3.2>

Senate Bill 20-217 Reference: Section 2 (a)

"For all incidents in which there is a complaint of peace officer misconduct by another peace officer, a civilian, or nonprofit organization, through notice to the law enforcement agency involved in the alleged misconduct, the local Law Enforcement agency shall release all unedited video and audio recordings of the incident, including those from body-worn cameras, dash cameras, or otherwise collected through investigation, to the public within twenty-one days after the local law enforcement agency receive the complaint or misconduct".

Upon receipt, the inspector of the Division of Professional Standards will notify the complainant as soon as is practical by telephone or electronic conveyance as to the receipt of the complaint and it is being processed, reviewed or investigated. COMM 1.4.5 a> <26.3.4 a>

A copy of the original complaint receipt form will also be enclosed in this mailing where possible. The Pueblo County Detention Center will establish policies to obtain complaints from those confined in a fair and objective manner; this process will be explained in any "Inmate Handbook" or inmate educational electronic device.

The receiving supervisor will then conduct a preliminary investigation ensuring that all available information is provided as to the complainant such as in addresses, contact phone numbers or e-mail addresses. The supervisor or the Office of Professional Standards Inspector will forward the complaint and any information gathered to the accused member's division captain via the chain of command.

The accused member will be given a written notification of the complaint by the Office of Professional Standards or a member of their direct chain of command and the employees' rights and responsibilities relative to the investigation. <COM 1.4.6> <26.3.5>

The division captain (in consultation with the Bureau Chief) will review the information and determine if further investigation is necessary and may, assign it to a lower-level supervisor for investigation and or follow-up.

If no further investigation is necessary, the division captain shall forward all information to the Division for review and filing. Review of the complaint will be noted by the Bureau Chief and Undersheriff before filing. No discipline or notations of a negative manner will be accepted into a member's discipline file without signature of the person or a notation of refusal to sign, unless to do so would affect negatively a specific organizational process as documented by the undersheriff or sheriff.

The Bureau Chief, Undersheriff or Sheriff may at any time send the complaint back to the captain for further follow-up. Any discipline involving loss of pay must be reviewed by the sheriff utilizing a Discipline Involving Loss of Pay (DILOP) Form before discipline is carried out.

In all complaints handled by the Division of Professional Standards resolution results of the complaint are mailed and or sent via electronic conveyance to the complainants. For cases handled administratively, the division captain or their designee shall complete a resolution letter to be mailed or sent via electronic conveyance to the complainant.

If further investigation is necessary, the division captain will forward the information to the accused employee's immediate supervisor, lieutenant or the bureau chief, depending on the level, (Level I, Level II or Level III) of the allegations or any direction by the sheriff, undersheriff or bureau chief.

Assuming that the complaint does not involve criminal activity, the member will be informed of the charges and nature of the complaint 24 hours before being interviewed by DPS (some circumstances will not allow for advanced notice) and permitted to provide an explanation of, or comment on, the allegations.

Where criminal activity is allegedly involved, members will be afforded every right due any other person (Miranda Advisement) in the context of a criminal investigation.

Complaints against members that allege criminal violations will be grounds for criminal charges if the allegations are sustained. This action will not prevent the internal disciplinary process from addressing the same matter. Written complaints against members will be investigated or reviewed by either a supervisor, Division of Professional Standards, a command-level member, special investigator or any other person designated by the sheriff.

Members will answer fully all questions that the assigned investigator may ask regarding the performances of official duties, complaint allegations or any other information pertinent to the investigation. All members will cooperate with the internal affairs process. Failure to fully cooperate with the internal affairs process is grounds for immediate separation from employment as a recommendation to the sheriff.

Members have an obligation to answer internal investigation questions under penalty of discharge without the presence of their attorney, as long as the members are assured (Garrity Warning) that their answers cannot be used against them in a criminal proceeding and that they may be discharged for failure to cooperate (Garrity Advisement).

Telephoned | Computer | In-Person | Mailed | Complaint Handling Assignment (SCOPE)

Often complaints that are informal are handled at the lowest level of supervision including senior members assigned, yet all complaints through multiple avenues are registered with the office. The sheriff or undersheriff may be alerted by whatever conveyance including phone call and define the scope of any investigation into employee conduct without seeing firsthand the codified version of the complaint. The inspector shall make sure all applied documentation is for all official or known complaints received by the office.

The sheriff or undersheriff has discretion and authority with regards to addressing the impression of any level of any alleged misconduct and assignment of the investigation of same within the office.

The decision making regarding the extent of investigative effort and the bifurcation of any investigation between the internal and criminal is at the direction of the sheriff or undersheriff which is documented even if by verbal order the delegation of authority takes place to a bureau administrator or other member such as an inspector. A simple use of after "verbal consultation with the sheriff or the undersheriff" in their absence notation is acceptable.

Policy Violation Levels of Seriousness

Any sustained policy violation or violation of law will fall into the following levels:

Level I

Serious policy violations, including but not limited to: Criminal matters, complaints of harassment, sexual harassment or any other complaint that has potential serious consequences for any member of the Pueblo County sheriff's Office. Notification to the Office of Professional Standards must be made formally and in writing, outlining the allegations and potential consequences if known.

INVESTIGATION AUTHORITY: Internal Affairs/Office of Professional Standards, Command Level Member.

Level II

Policy violations such as disobedience to orders, performance of duty, use of force, or willful misconduct and repeated Level III complaints.

INVESTIGATION AUTHORITY: Accused employee's immediate supervisor, Internal Affairs/Office of Professional Standards, Command Level Member. The investigation will be formatted as the same as an Internal Affairs investigation.

Level III

Courtesy complaints of rudeness, disrespect, impartiality, procedural complaints of procedures specifically related to the member's duty assignment, handcuffing, traffic stops, supervisory issues such as tardiness, minor procedural errors, traffic accidents, failure to show up for court, minor sick time abuse.

Investigation Authority

Accused employee's supervisor may investigate complaints. If an employee has three (3) or more Level III complaints with the same type of circumstance within any one (1) year period, the complaint(s) should be investigated as a Level I or II complaint.

At the discretion of the sheriff, undersheriff, bureau chief or their designee, members may be relieved from active-duty status and placed on administrative leave pending the outcome of an internal or administrative investigation. This suspension generally will be with pay but in circumstances determined by the sheriff or undersheriff to be in the best interests of the organization and the public, the sheriff may choose to place a member on administrative leave without pay.

The action of being placed on administrative leave without pay is not the final disciplinary action and the decision to impose discipline shall not be rendered until the investigation has been completed. A DILOP Form is required upon this recommendation unless the sheriff has ordered the action. The administrative captain will be notified in writing as to date and time of occurrence.

Complaint Conclusion

Complaints will be processed, and the investigation completed in 60 working days. <COMM 1.4.5 b>, <26.3.4 b>

If circumstances arise that the complaint cannot be completed in 60 working days a memo will be sent to the affected bureau chief requesting an extension, as well as a letter to the complainant explaining the status of the investigation.

In cases where the internal processes have been determined but criminal matters have not, it is acceptable to carry out partial discipline pending final resolve. Notification will be given to the member that possible further discipline is pending.

The complaint will be classified as one of the following:

Unfounded

The allegation is false and not factual. Misconduct did not occur. There are disinterested witnesses or other facts that prove that misconduct did not occur.

Not Sustained

Evidence is insufficient to clearly prove or disprove the allegation. There are no disinterested witnesses, and the allegation cannot be proved or disproved.

Exonerated

Investigation disclosed that the act complained of did occur, but that it was justified, legal and proper. There is no dispute over the fact that the act did occur, or there is sufficient evidence to prove that the act did occur, and there was no policy violation.

Sustained

Investigation established that misconduct did occur, and the allegation is supported by sufficient evidence. There are disinterested witnesses or other facts proving the allegation(s).

Misconduct not based on complaint

During the review of an investigation, a supervisor discovers a sustained policy violation unrelated to the complainant's original allegation(s).

Closed by Mediation

Investigation in the case was suspended by the bureau chief or the undersheriff, and the underlying issues were resolved in a structured meeting between the involved employee(s) and complainant. Cases that are successfully mediated are closed without one of the above formal classifications being assigned. Closed by Mediation complaints are not placed in a person's discipline file, but will be maintained in separate file, this

encourages employees to close by mediation. In order to close by mediation, the complainant shall be a signatory to the agreement.

Supervisor Reporting Responsibilities

Upon conclusion of an investigation by a member's supervisor, the supervisor will deliver the completed investigation report without delay to their supervisor who will intern continue this process up the chain of command. At any level of supervision, the investigation may be reopened and assigned for further follow-up or investigation. For recommendations involving punitive actions, refer to the Punitive Actions Regarding Discipline section of this policy. All violations including counseling sessions will be forwarded up through the effected member's chain of command to the sheriff, reviewed and initialed by each level of supervision.

Accused members will be notified in writing at the conclusion of the investigation.

The complainant will be notified in writing upon conclusion of the investigation. <COM 1.4.5 c> <26.3.4 c>

When disciplinary action is warranted on all members any or all of the following actions may be deemed appropriate:

Training <COM 3.6.5 a>, 26.1.4 a >

Counseling <COM 3.6.5 b> 26.1.4 b>

Corrective action plan

Verbal reprimand

Written reprimand

Suspension

Demotion and/or termination.

Training as a Function of Discipline

Whenever, based on sound evidence or circumstances (i.e., recommendations from training personnel, supervisors, or review of performance evaluations), there is reason to believe that a member has demonstrated a deficiency in the basic ability to perform assigned tasks, and there is reason to believe that such deficiency may be corrected by appropriate training, a supervisor may direct that member, in writing, to attend specific instruction designed to address the particular deficiency.

The supervisor may arrange in writing for remedial training through the training section. A recommendation for remedial training may also come as the result of intervention from the Personnel Early Intervention System or within the PTO program of the affected bureau. If the supervisor is considering training as a function of discipline:

- Supervisor should have completed a detailed investigative report into the allegation
- The report should include the findings and recommendation for training
- The supervisor should detail the specific training required and the penalty if the training is not complete
- The report is forwarded through the chain of command as with any form of discipline
- The division captain will coordinate with the training section the training needed.

If training is used in place of discipline, it is the responsibility of the person attending the training to provide completion materials to the supervisor and DPS. Failure to complete remedial, training as a function of discipline or deficiency improvement training may result in discipline, or a re-evaluation of the circumstances leading up to the requirement.

The Division of Professional Standards (the inspector) will monitor final resolution to all discipline. The originating division captain or the captain as designated by the originating bureau chief will ensure all discipline recommendations are monitored for progress, compliance and proofs related. If a member fails to comply with recommended discipline, it can be considered for additional discipline.

The inspector will inquire of the captain, the bureau chief and the member as to the progress of any given discipline every quarter or until satisfaction has been observed by the inspector. The inspector shall inform the undersheriff of any non-compliance issues for remedy.

Lieutenants Interactive Forum for Education (LIFE)

This program was originated in the Los Angeles County Sheriff's Department as an alternative to unpaid time off. Los Angeles County has a significantly different number of employees. The Pueblo County Sheriff's Office

uses this program as a possible alternative to unpaid time for discipline. The number of days off remain documented the same, the amount of unpaid time changes depending on severity and upon recommendation as to the possible effectiveness.

This class can also be recommended for those receiving a written reprimand or higher. The Office of Professional Standards makes recommendations based on the number of disciplines organizationally provided. The Bureau Chief has discretion on use and may elect other discipline as necessary or identify other training necessary in addition on an individual basis.

The LIFE Class is an intended final effort to bring members back to work through educational opportunities. It can be used in conjunction with other educational discipline or as a class singularly.

The following topics are some that are covered in a LIFE Class.

F.1. Discipline / Students are in a disciplined environment which is directed by Lieutenants specially trained in this curriculum.

F.2. Nobility of Policing

F.3. Beliefs, Behaviors, Results

F.4. Principles and values

F.5. Principles of Law Enforcement

F.6. Principle Based Decision-Making

F.7. Ethics

F.8. Leadership

F.9. Moral Development

The student upon successful completion and participation is eligible for a reduction in unpaid time off at the discretion of the Bureau Chief / Undersheriff. Classes are subject to the needs of the organization as several lieutenants are used to facilitate the program. Optimally the class is held off-site to remove unnecessary barriers to the learning environment such as knowledge by others as to the student(s) attendance.

Any member who refuses attendance is not only declared ineligible for a reduction of discipline but may be subject to other discipline.

Any member who is documented officially as not actively participating is not eligible for a reduction in discipline and may be subject to other discipline as participation is mandatory.

Counseling as A Function of Discipline

Counseling provides a positive method for seeking change in employee behavior. Counseling may be used by the supervisor to determine the extent of any personal or job problems that might be affecting performance, and to offer assistance and guidance; or to discuss minor and infrequent rule violations, and to discuss the substance and importance of the rules to the member. This process should involve certain procedural steps: <26.1.4 c>

A determination by the supervisor will take place to confirm if the supervisor will provide the extent of counseling required to resolve the employee's problem or if professional counseling is required.

The supervisor will familiarize themselves with the following pertinent facts as they relate to the employee.

1. Work history
2. Prior disciplinary actions and counseling, and
3. Present levels of performance.

The supervisor then may conduct a counseling session, with the primary objective of helping the member improve. The sessions should:

1. be in private, and
2. be of sufficient duration to define the problem and define necessary improvement

The goal of the supervisor is to have the member realize the problem and, on his own initiative, institute corrective action. This action will be codified in the annual performance evaluation of the employee as well as any improvement. [Discipline Matrix](#)

Punitive Actions Regarding Discipline, <COMM 3.6.5 c>, <26.1.4 c>

The supervisor contemplating the use of negative sanctions against a subordinate shall meet with their own supervisor and/or division captain to determine the appropriate range of discipline for a particular type of misconduct.

Supervisors are tasked with recommending and administering the following forms of disciplinary actions.

- a counseling session
- training
- a corrective action plans
- or a documented verbal reprimand. <COMM 3.6.6>, <26.1.5>

Should the investigating supervisor recommend a written reprimand, that supervisor will be responsible for making their recommendation to the division captain. Once approved by the division captain, the division captain may administer the discipline or delegate it to the supervisor to administer. Members who receive this type of action have five working days in which to file a written appeal of the decision with the bureau chief of their respective bureau, who then has five working days to respond to the appeal.

The bureau chief is authorized to modify, alter or eliminate the disciplinary action.

The bureau chief will also receive recommendations from the division captain for suspension, demotion or separation of employment. The bureau chief will then meet with the member and advise them of their recommended discipline. After meeting with the employee, the bureau chief will evaluate the case and make his/her recommendations to the undersheriff. If the recommendation is for suspension, demotion or termination, a meeting will be set with the undersheriff. The undersheriff will decide what the appropriate disciplinary action is and may modify, alter or eliminate the disciplinary action.

In cases where suspensions or demotions are determined, the undersheriff or The Division of Professional Standards Inspector will complete a DILOP form and submit it to the sheriff prior to administering the discipline. Such cases are subject to appeal to the sheriff, who has final authority in all cases of disciplinary action. All appeals to the sheriff must be in writing within five working days after the action has been taken. The sheriff may take up to 10 working days to respond, while reserving the right to take another 10 working days if he feels the circumstances require it. <5-ALDF-7E-04>

Appeals at any level are the responsibility of the member. Appeals received must be acknowledged in writing. Appeals may result in the furtherance of an investigation. The action of appeal leaves open the carrying out of discipline. <COMM 3.6.7>, <26.1.6.>

Discipline may be altered as a result of appeal. Discipline review by appeal may result in **further** punitive actions, **lesser** punitive actions or the **removal** of punitive actions. To file an appeal, the member must:

- Can only appeal a decision of a written reprimand or more severe discipline (verbal reprimand cannot be appealed)
- A written appeal must be submitted in memo form to the respective bureau chief within five working days of the notification of the disciplinary decision. The appeal must state the basis for the appeal and what relief is requested
- The bureau chief has five working days to respond to the appeal or to notify the member in writing that more time is needed
- The member may then appeal this decision to each successive level of command using the same process and time limits

If a member of the organization has not a received a complaint or been the subject of an investigation, there will be no IA or discipline file corresponding to their name. General complaints are not usually cross referenced to the member's name.

A signature or refusal to sign notation will be present on at least one document for every incident placed in any member's file. Unless an active investigation is underway members will be aware of all items placed in any of the files as mentioned in this policy. Failure to have a member acknowledge information contained may result in the removal of the item from the file.

In cases where discipline involves a loss of pay, notification must be made to the sheriff for final

review. A DIOP form or other form of notification is provided to the sheriff who can concur, disagree or change any discipline at any time.

If the undersheriff recommends a separation from the organization of employment after meeting with the member and evaluating the case, the undersheriff will then forward his/her recommendations to the sheriff and will deliver or send a letter to the employee to advise them of the recommendation.

The sheriff makes all decisions regarding the possible separation of an employee and if separation from employment is recommended, a meeting with the sheriff will be scheduled. If the employee fails to attend the meeting with the sheriff, then the recommended disciplinary action will stand, and the employee will be separated from the sheriff's office. The sheriff, having final authority, may modify, alter, eliminate or impose any disciplinary actions.

Emergency Relief from Duty

Any supervisor has the authority to impose emergency relief from duty (with pay) for a member until the next business day, when it appears that such action is in the best interests of the sheriff's office. The supervisor will notify their division captain of this action as soon as practical thereafter. The member relieved from duty will meet with the division captain prior to returning to duty unless the captain is unavailable then the responsibility will be assumed by the bureau chief or the next command member in the chain of command.

Verbal Reprimand

A verbal reprimand should be used in furtherance of processing with training or counseling and shall be documented as a "Verbal Reprimand." A verbal reprimand issued will be noted in the member's disciplinary file. Verbal reprimands will be retained in the member's disciplinary file for one year at which time the member must request it be removed for action to take place through memorandum to the undersheriff. Any member that receives a verbal reprimand or higher may submit a written rebuttal and it will also be retained in the member's disciplinary file.

Letter of Reprimand

A copy of a letter of reprimand will be maintained in the member's disciplinary file indefinitely. Rebuttals are the responsibility of the affected member and will be attached to the case file.

Suspension Without Pay

Only the sheriff or undersheriff can order suspension without pay. All discipline involving a loss of pay is sent to the sheriff for review before the discipline is carried out. When a member is disciplined with suspension without pay, there will be no overtime accrued during the pay period that a member is under suspension. This will pertain to not only any overtime with regards to sheriff's office duties but will also include any extra or contract duty employment with the sheriff's office. A copy of a letter from the sheriff or undersheriff imposing a suspension without pay will be maintained in the member's disciplinary file. (**See DISCIPLINE INVOLVING LOSS OF PAY form attached to this general order**).

Demotion

All discipline involving the loss of pay is sent to the sheriff for review before discipline is carried out. Only the sheriff or undersheriff can order the demotion of a member. A copy of a letter from the sheriff or undersheriff imposing the demotion of a member will be maintained in the member's disciplinary file.

Separation

Only the sheriff may separate an employee of the Sheriff's office from employment. The following circumstances may be considered in determining if an employee should be separated:

Members may appeal termination recommendations (Loudermill) to the sheriff and as such, a meeting will automatically be scheduled with the sheriff. The recommended discipline shall be final if the member waives the meeting with the sheriff after receiving the written report citing the disciplinary action recommended by the undersheriff.

Members may not have their attorney present during the meeting with the sheriff.

Records

All records resulting from complaints against the agency, or its members will be secured in locked file cabinets located in the Office of Professional Standards. <COMM 1.4.10> <26.2.2>

Review of these records can be arranged by the affected member with the undersheriff by written request to the Division of Professional Standards. Scheduling of the record review will be handled by the Executive Administrative Assistant, The Division of Professional Standards and the undersheriff. It is unlikely discipline will be removed except at the level of Verbal Reprimand after one calendar year. Rebuttals are allowed at any time after review of the records, and they will be affixed to the record.

Personnel Files: Contain no discipline, contains achievement, awards, compensation, evaluations and some requests by members located in human resources.

Confidential File: Accessible to human resources and command staff, contains psychological, polygraph and fingerprint information only, it is maintained in a separate locked area in human resources.

Discipline File: Contain complaints, discipline in chronological order for the entire career of a member located in the Division of Professional Standards or archives.

Internal Affairs File (IA): Contains a particular case number which indicates number of investigations to date and year and may also be found in a member's discipline file located same as above.

Temporary Performance File: An optional file (electronic included) maintained by the members direct supervisor for the purposes of documentation in the yearly performance evaluation, it shall be destroyed yearly once memorialized (electronic).

Training File

Contains no discipline information or references to discipline but may contain completion certificates for education prescribed for discipline.

The Office of Professional Standards will be responsible for keeping individual files on all disciplinary actions and sanctions. <COMM 3.6.9>, <26.1.8>

Unfounded complaints will be purged after one year from an employee's record upon request of the affected member. Not-Sustained complaints will be purged after three years with the undersheriff's approval but only at the request of the affected member. All internal affairs investigations will be retained indefinitely. Removal of the file from a member's discipline file does not remove the information from the general complaint file.

If the employee misconduct results in dismissal (separation from employment), the following information will be provided to the employee in written form by human resources: <COMM 3.6.8>, <26.1.7>

- A. A statement citing the reason for the termination: <COMM 3.6.8 a>, <26.1.7 a>
- B. The effective date of the termination <COMM.3.6.8 b >, <26.1.7 b>
- C. A statement of the status of fringe and retirement benefits after termination <COMM 3.6.8 c>, <26.1.7 c >

Supervisors may view a member's file, if the member is under their direct supervision.
The sheriff, undersheriff, inspector, bureau chiefs, and division captains view the files as needed.

STATISTICAL REPORTS

The Office of Professional Standards will compile an annual statistical report based upon records of complaints received. These reports shall be made available to sheriff's office employees as well as the public. <COMM 1.4.11>, <26.2.5>



By Order Of The Sheriff