



## **General Order 52.3 - Professional Standards Unit (PSU)**

**PURPOSE:** Define line supervision investigation review; describe relieving an employee from duty; define polygraph guidelines; describe evidence used in Professional Standards Unit investigations; define time limits for investigation.

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ISSUED BY: Sheriff Jeffrey T. Easter

REVIEWED BY: Standard Review Committee

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### **52.3.1 OPEN**

### **52.3.2 LINE SUPERVISION INVESTIGATION REVIEW**

- A. When directed by the sheriff, the Professional Standards Unit shall review complaints handled by line supervisors when a suspension from duty is contemplated as a disciplinary measure.

- B. The Professional Standards Unit shall also review any other complaint handled by line supervision when directed to by the sheriff.

### **52.3.3 RELIEVING AN EMPLOYEE FROM DUTY**

- A. Personnel may be relieved temporarily from duty by any supervisor, pending notification of staff.
- B. The sheriff or designee thereof shall be notified immediately of the incident through the chain of command.
- C. The employee relieved from duty and the supervisor taking the action shall make themselves available to the sheriff or designee thereof at a time and place specified.
- D. Employees may be directed to surrender sheriff office property (firearms, badge, etc.), at the time of being relieved from duty, pending review by the sheriff.

### **52.3.4 POLYGRAPH GUIDELINES**

- A. An employee who is the subject of or witness to a Professional Standards Unit investigation or administrative investigation may be required to submit to a polygraph examination. Questions asked during the polygraph examination must be narrow and specific in scope, pertaining only to the situation being investigated.
- B. Should an employee be required to submit to a polygraph examination, the information developed from the polygraph examination may only be used for administrative purposes and may not be used in any possible subsequent criminal proceedings. The refusal on the part of an employee to submit to a polygraph examination may be cause for disciplinary action.
- C. Use of a polygraph may only be authorized by the sheriff.

### **52.3.5 EVIDENCE USED IN PROFESSIONAL STANDARDS UNIT INVESTIGATIONS**

- A. Employees may be required to submit to a medical or laboratory examination, at the expense of the department, when the examination is specifically directed and narrowly related to a particular Professional Standards Unit investigation being conducted. An example would be in determining drug use by employee(s).
  - 1. An employee may also be required to be photographed or to participate in a line-up when the actions are material to a particular Professional Standards Unit investigation being conducted.
- B. The collection of evidence in reference to a Professional Standards Unit investigation shall be conducted in accordance with the following guidelines:
  - 1. Blood, breath, or urine tests are mandatory for any employee who is accused or suspected of being under the influence of alcohol while on duty or while performing a law enforcement function while off duty.
  - 2. Blood, urine, or other specimen tests may be ordered when reasonable cause exists to believe that an employee may be using any drug or controlled substance whose possession is considered illegal, whether the use of same is on or off duty.

3. Collection of blood, urine, or other specimen will be obtained in a manner consistent with Sedgwick County guidelines for drug testing of employees.
4. Employees shall be required to submit to any other type of medical or laboratory examination pursuant to the same rules of procedure required in any criminal case.
5. Employees shall be required to submit to photographs for photographic line-up or to participate in a standard law enforcement line-up if reasonable suspicion exists to believe the employee is involved in a criminal offense and the evidence is material to a particular offense or investigation. The photographs and line-up will be conducted in the same manner as any other criminal procedure.
6. Employees may be required to submit financial disclosure statements as part of a Professional Standards Unit investigation.
7. When the search of an employee's home, auto or other premises is necessary, the employee shall be given the opportunity to sign the waiver-to-search form. If the employee refuses to sign the waiver, the search aspect of the investigation will be in accordance with the Kansas Criminal Code and the Kansas Code of Criminal Procedure.
8. Member(s) of the employee's immediate family are not required to give a statement to any Professional Standards Unit investigator.

#### **52.3.6 TIME LIMITS FOR INVESTIGATION**

- A. Absent extenuating circumstances, all Professional Standards Unit investigations shall be completed within ninety (90) days.
- B. The sheriff shall be updated as to the status of the investigation by the Professional Standards Unit.

#### **52.3.7 BRADY/GIGLIO NOTIFICATION AND DISCLOSURE**

- A. [Brady v. Maryland \(1963\)](#) requires that prosecutors disclose to the defense, evidence favorable to a defendant that is either exculpatory or impeaching and is material to guilt or punishment. [Giglio v. U.S. \(1972\)](#) requires the prosecution to turn over or disclose any evidence to a defendant that tends to impeach the character or testimony of the government's witness in a criminal trial. These court cases extend to employees of the Sedgwick County Sheriff's Office who may be required to testify in criminal proceedings as part of their duties.
- B. The Professional Standards Unit will notify the District Attorney's Office of any employee who has:
  1. A sustained finding of misconduct related to truthfulness.
  2. A finding of misconduct related to racial bias.
  3. Any criminal conviction(s) involving acts of dishonesty.

- C. The Sheriff has the obligation to disclose any potential Brady/Giglio violation to prosecutors at the time of discovery.
- D. Additionally, a prosecutor may inquire if any employee of the Sedgwick County Sheriff's Office has a present allegation of misconduct under investigation.
- E. The Sheriff or designee will disclose the Professional Standards Unit analysis section of the internal investigation to the effected prosecuting attorney's offices for review and final Brady/Giglio determination.
- F. The Sheriff or designee will notify the employee by letter of the potential Brady/Giglio violation, the intent to disclose to prosecutors and the analysis section of the internal investigation.