

# Pre-Disciplinary Process and *Skelly* Conferences

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# Origin of *Skelly* Conferences





Who was John Skelly?



# Actual charges against Skelly



# The Lawsuit





# Permanent employee status



# 14<sup>th</sup> Amendment

...nor shall any state deprive any person of life, liberty, or property, without due process of law...



# What process is due?

- Notice of the proposed action.
- The reasons for the proposed action.
- A copy of the charges and materials upon which the action is based.
- The right to respond, either orally or in writing, to the authority initially imposing discipline.







What process is not due?



Why due process?



When is a *Skelly* conference provided?





Who is the *Skelly* officer?



Can an employee have a representative?



# Role of the *Skelly* Officer

- Review the entire investigation, supporting materials and the R&R report
- Set a date and time for the *Skelly* conference
- Record the *Skelly* conference
- Listen to the presentation made by the employee and the employee's representative





# Role of the *Skelly* Officer

- Be open minded – conduct an objective review of the investigation and the arguments presented
- As part of your review, determine:
  - Is the investigation factually correct?
  - Is the recommended discipline within the bounds of reason?

# Role of the *Skelly* Officer

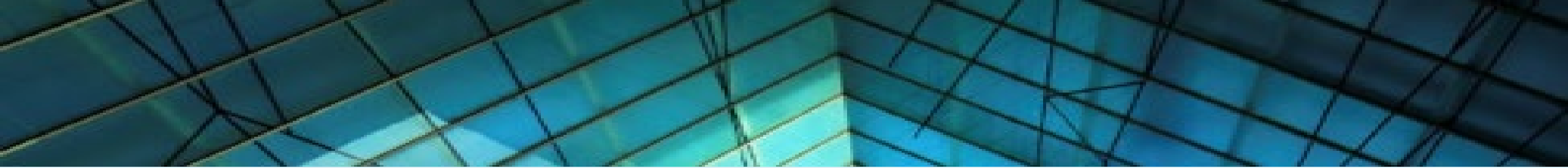
- Do not conduct a detailed or independent investigation
- Avoid adding new charges during the *Skelly* process





# The *Skelly* Conference





What happens after the *Skelly* conference?





## San Diego County SHERIFF'S DEPARTMENT

### SKELLY CONFERENCE FORM

Employee:

Internal Affairs Case Number:

Skelly Officer:

Date of Conference:

Attorney/Representative:

Command Recommendation:

1. Did employee receive/review the written charges?  
 Yes     No If No, explain:
2. Did employee receive/review the supporting documents?  
 Yes     No If No, explain:
3. Was any mitigating information brought out at this Skelly Conference?  
 Yes     No If Yes, explain:
4. Did employee have opportunity to provide mitigating information prior to Skelly at the Command Level?  
 Yes     No If No, explain:
5. Do the investigative documents and facts support the charges?  
 Yes     No If No, explain:
6. Is the recommended discipline within a reasonable range considering the charges?  
 Yes     No If No, explain:
7. Is the investigation being returned to Internal Affairs for clarification?  
 Yes     No If Yes, explain:

Comments:





What happens if we don't  
provide a *Skelly* conference?



# Questions?

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