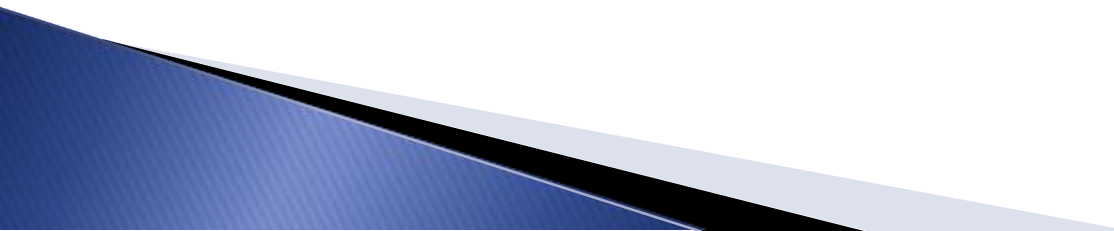




INTERNAL AFFAIRS

RECOMMENDATION AND RATIONALE

IA for Managers

- Understanding the R&R process
 - Preparing for the R&R meeting
 - Conducting the R&R meeting
 - Requesting additional investigation
 - Modification of findings
 - Determining the appropriate discipline
 - Writing the Report
- 

Complaint Procedure

Step 1: complaint received.

- Complaint correspondence.
- Assigned to command.
- Assigned to internal affairs.

Step 2: Investigation conducted (1st level supervisor).

- Obtain all documents.
- Interview all witnesses, involved and accused (representative).
- Accused afforded all Peace Office Bill of Rights (POBR) protections (1976).
- Prepare investigative report.

Complaint Procedure

- Reach a "Finding" = Sustained, Not Sustained, Unfounded, Exonerated, or Resolved.
- For cases = Not Sustained, Unfounded, Exonerated, or Resolved, send to third Level Supervisor for approval.

Step 3: Sustained Investigation = Discipline (Informal, Formal).

- If Internal Affairs Case = Forwarded to Command.
- Second Level Supervisor review and approval.
- Pre-Disciplinary Discussion with employee (representative).
- Notice of Proposed Disciplinary Action (Form IA-2) Served by Second Level Supervisor.
- Approval by Third level supervisor.

Complaint Procedure

Step 4: Notice of Intent [To Discipline].

- Prepared in IA.
- Signed by Command third level supervisor.
- IA serves employee.

Complaint Procedure

Step 5: Skelly Conference (Skelly v. State Personnel Board 1975)

- If requested by employee within 5 working days of service
- Conference held within 10 days unless mutually waived
- Conducted by third level supervisor NOT a party to the discipline.
- Skelly officer meets with employee (representative) = Due Process (Peace Officer Bill of Rights (POBR)), mitigating circumstances, or level of discipline.
- Skelly Officer Report = approve discipline, modify discipline, or return for additional investigation.
- Report approved by fourth level supervisor (Commander)

Complaint Procedure

Step 6: Order of Discipline.

- Signed by Sheriff.
- Served by IA within 30 days.
- Complainant notified of the disposition and its definition.

Step 7: Discipline Imposed.

Complaint Procedure

Step 8: Civil Service Commission.

- Employee has ten calendar days to request hearing.
- Civil Service Commissioner conducts hearing.
- Employee representation.
- Department Attorney.
- Commissioner = uphold, overturn, or modify.

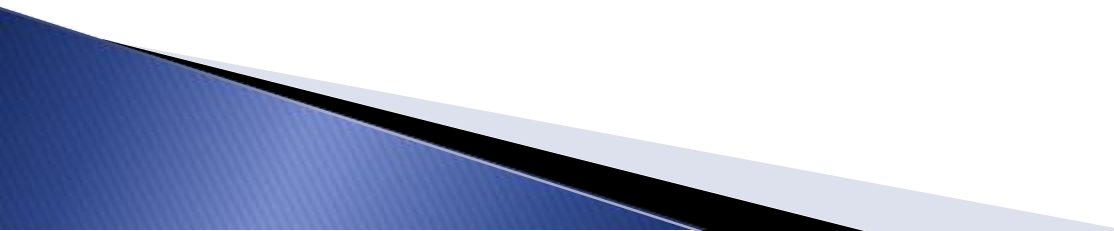
Step 9: Superior Court.

IA Progression

- Allegation/Complaint
 - ▶ Any employee receiving a verbal complaint must decide whether to handle it informally; i.e., verbally, or document the complaint in writing. Employees may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint. If the employee does not believe the complaint has been handled to the complainants' satisfaction, the employee shall notify their immediate supervisor. The supervisor will determine the next course of action.
 - ▶ The person receiving the verbal complaint must not handle informally those complaints of a serious nature and/or those complaints which are not resolved to the complete satisfaction of the complainant. When in doubt, the person receiving the complaint shall invite the complainant to complete a citizen's complaint form and forward the original forthwith to Internal Affairs. For the purposes of this section, minor complaints are generally those which allege discourtesy or improper procedures.

IA Progression

- Investigation
 - Sustained findings of misconduct
 - Pre-Disciplinary Hearing (R&R)
 - Notice of Proposed (IA-2)

 - Notice of Intent
 - *Skelly* hearing
 - Order
 - Civil Service Commission
- 

Case Review

- Allegation/Complaint
 - Apparent Policy/Law violations
- Investigation
 - Unbiased, Factual
 - Properly documented (Relevant info)
 - Complete (Interviews, documents, video, etc.)
 - Grammar and spelling

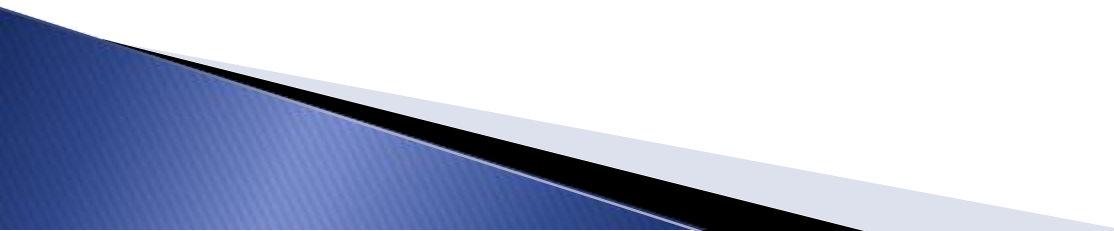
Case Review

- Synopsis Analysis Conclusion and Findings
 - Format
 - Findings supported by the investigation
 - Stacking
 - Preponderance
- Confer with investigator
- Employee
 - Tenure and intent
 - Circumstances surrounding event

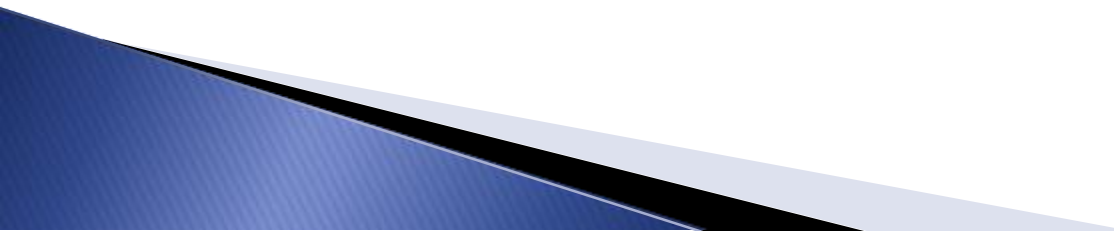
Pre-Disciplinary Hearing

- Time, place and privacy
- Professional
- Preparation
 - Thorough review (Recordings, documents, etc.)

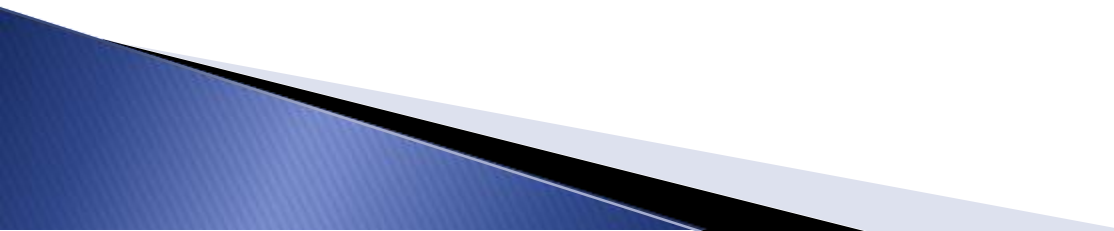
Pre-Disciplinary Hearing

- Employee given the opportunity to review the report in private
 - Recorded
 - Purpose of the hearing (Mitigate potential discipline)
 - Not there to initiate a new investigation
 - Let them talk, clarify when necessary
- 

Pre-Disciplinary Hearing

- Ask for final thoughts/comments
 - Avoid suggesting a recommended discipline to the accused
 - Close the hearing by returning to the script and going off recording
- 

Writing the R&R

- Standard formatting and verbiage is recommended
 - Include your understanding of the allegations, basis for their sustainment and your concurrence or dissent
 - Illustrate the points offered in mitigation and attempt to address each by reference to the investigation
 - Addendum/further investigation
- 

How much Discipline?

- Consider the following factors when recommending discipline.
 - Gravity of the event
 - Prior similar misconduct
 - Patterns of misconduct

How much Discipline

- ▶ Levels of Discipline (P&P 3.3)
 - Counseling
 - Written reprimand
 - Reassignment (as a result of alleged misconduct)
 - Pay–step reduction
 - Suspension
 - Demotion
 - Termination

How much discipline?

- If recommending 15 days or more, Legal **MUST** review prior to issuing the IA-2
- IA-2 / Notice of Proposed
 - Written and above
 - **STOPS THE CLOCK**

The third level reviews the recommendation and sustains or amends

SKELLY HEARING

- ❖ Internal Affairs drafts and issues the Notice of Intent
- ❖ If the disciplinary recommendation or sustained finding is not agreeable to the employee they can appeal and request a *Skelly* Hearing.

Questions?

