



SUBJECT: Investigation of Employee Misconduct	POLICY NO: 202.1-202.5
DISTRIBUTION: Patrol, Detention and Administration	NO. PAGES: 4
EFFECTIVE DATE: March 3, 2021 REVISION DATE: March 3, 2022	
SPECIAL INSTRUCTIONS:	

202.1 PURPOSE

The purpose of this Policy is to define and describe the procedures for reporting, investigating and adjudicating allegations of employee misconduct.

202.2 POLICY

Employees shall report to their supervisors, all conduct by fellow employees which violates Yuma County Sheriff's Office ("Office") policy and conduct that may constitute criminal behavior. Employees will cooperate fully and truthfully with all investigations conducted as a result of allegations and reports of misconduct and/or criminal behavior by employees. Complaints from the public will also be processed pursuant to this Policy.

202.3 DEFINITIONS

Administrative Investigation ("A.I."): Investigations of reported and alleged misconduct by employees are administrative, non-criminal investigations. If a complaint involves a serious breach of policy or professional conduct, the supervisor, in consultation with his/her Lieutenant, Office Manager or Senior Manager, will request an internal Office investigation known as an "A.I."

Employees/Office Personnel: All employees of the Yuma County Sheriff's Office, including civilians and commissioned officers who work either full-time or part-time, including volunteers, whether or not the person is compensated, are considered "employees" and "office personnel". The terms "employee" and "office personnel" may be used interchangeably.

Notice of Deficiency: Any complaint handled as a formal written reprimand against an employee, which involves a minor infraction and does not require an Administrative Investigation and does not result in loss of rank or benefits is referred to as a Notice of Deficiency.

Misconduct: Any action by an employee that departs from Office policy, procedure, rules, regulations, specific or general orders, or other valid orders or instructions, or law, may be considered misconduct by that employee and is subject to investigation and discipline.

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Supervisor: Employees who have direct supervision of any employee, whether permanent or temporary, are “supervisors”. Supervisors include, but are not limited to sergeants and office managers. Under certain circumstances, field training officers, senior officers, and instructors may be considered “Acting Supervisors”.

202.4 **PROCEDURE**

- A. Generally:** Office supervisors help ensure that employees perform their duties and that exceptions to acceptable performance are recorded and reported through the chain-of-command for appropriate action. Supervisors are responsible for initially investigating citizen complaints and/or allegations of employee misconduct and/or employee criminal conduct that is reported to the Office.
- B. Processing Complaints:** Complaints, whether initiated by citizens or employees, are referred to supervisors for action. The immediate supervisor of an employee against whom a complaint is made shall prepare an initial report. If that particular supervisor is unavailable, any Office supervisor may take a complaint and prepare the initial report.
- C. Minor Infractions – Notice of Deficiency:** Supervisors will discuss employee misconduct with chain of command to determine which rule or policy was violated, the severity of the violation and the potential discipline. If the employee misconduct involves a minor infraction of rules, policy, etc., supervisors may impose discipline, as appropriate, however such discipline may not involve punitive action. Supervisors will also make appropriate entries in the employee’s Personal Performance Record (“PPR”).
- D. Serious Misconduct – Administrative Investigation (A.I.):**
- 1. Identifying the Offense and Issuing an “A.I.” Number.** If the employee misconduct is egregious, the supervisor will consult with the employee’s chain of command and determine if the complaint should be issued an A.I. number. The employee’s Lieutenant, office manager or senior manager will confer with the Office of Professional Responsibility (“OPR”) to determine the misconduct, determine the severity of the violation(s), and assign an A.I. number and an A.I. investigator. The employee’s Lieutenant, office manager or senior manager will become the liaison with OPR during the A.I. investigation and will maintain the forms, forwarding them to the appropriate parties at the appropriate time.
 - 2. Employee Notification.** Lieutenants, office managers or senior managers will meet with the employee to discuss charges (complaints) against the employee. At that time, the employee will be given written notice of the complaint and will further be advised of his/her right to a hearing if the potential discipline may involve the loss of rank or benefits, e.g., suspension without pay or demotion.
 - 3. Administrative Investigation.** Administrative Investigations will be requested by Lieutenants, office managers or senior managers and approved by Bureau Commanders. If, at any time during the investigation, it is determined that the misconduct may result in criminal charges, a criminal investigation may be initiated and, unless directed otherwise by the Bureau Commander, the A.I. is

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suspended pending results of the criminal investigation.

The employee may be suspended during an A.I. investigation in the best interests of the Office.

4. **Review of Investigation by Lieutenant, Office Manager or Senior Manager. Results of the A.I.** will be presented to the employee's Lieutenant, office manager or senior manager for review and recommendations regarding findings.
5. **Meet and Confer with Employee-Recommended Findings.** After the employee's Lieutenant, office manager or senior manager has reviewed the case and recommended findings, they will meet and confer with employees about the results of the A.I. investigation ("Summary of Investigation") and the recommended findings. The Lieutenant, office manager or senior manager will also advise employees that they will be meeting with the Bureau Commander to further discuss any findings and/or disciplinary action.
6. **Meet and Confer with Employee – Findings and Discipline.** The employee will meet with the Bureau Commander or senior manager to discuss findings and receive notice of any disciplinary action.
7. **Employee Concur with Summary of Investigation ("Findings") Imposition of Discipline.** If an employee concurs with the Summary of Investigation, the Bureau Commander or senior manager will impose discipline.
8. **Employee Does Not Concur with Summary of Investigation ("Findings") - Review Hearing.** If an employee does not concur with the Summary of Investigation or imposed discipline, he/she will indicate that non-concurrence on the A.I. form. If the employee wants to submit a written rebuttal or request a hearing, it must be submitted no later than five (5) working days from the date of the non-concurrence.
9. **Personal Performance Record ("PPR") Entry.** A summary of the investigation and disciplinary action will be generated by OPR and entered into the employee's PPR by their supervisor.
10. **Separate Administrative Investigation (A.I.) and Criminal Investigations.** Administrative Investigations will be segregated from any criminal investigation regarding the same allegations and conduct. Information from the A.I. Investigation will not be disclosed to or shared with the criminal investigation except pursuant to subpoena.
11. **Miranda Warnings.** If, at any point during an investigation involving alleged employee misconduct, the employee becomes the focus of a criminal Investigation, the employee must be given his/her Miranda warning prior to interrogation.
12. **Garrity Warning.** In an administrative proceeding, if an employee refuses to answer questions and such refusal may result in termination of employment, the employee must be advised. The employee must also be advised that any statements made can be used, to a limited extent, in any subsequent criminal proceedings.

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E. Sheriff's Review

The Sheriff or the Sheriff's designee will review the file, consisting of the original complaint and A.I. results, if any, to ensure that the employee was afforded due process. Should the employee not concur, the Sheriff or the Sheriff's designee will meet and confer with the employee to confirm the procedure met the due process requirements.

F. Use of Polygraph and Other Examinations:

Polygraph examinations, medical examinations, alcohol and drug screening tests, psychological examinations, photographs and line-ups may be required by the Sheriff.

202.5 AMENDMENT:

This policy is subject to amendment, revision, or rescission, as required.

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