



SUBJECT: Discipline	POLICY NO: 203.1-203.5
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EFFECTIVE DATE: March 3, 2021 REVISION DATE: March 3, 2022	
SPECIAL INSTRUCTIONS:	

203.1 PURPOSE

The purpose of this policy is to provide guidelines for Yuma County Sheriff's Office ("Office) employees concerning the investigation of employee conduct, due process and disciplinary sanctions. The purpose of this policy is to ensure an employee's right to due process by establishing a clear, consistent method for addressing concerns regarding employee behavior and correcting any employee misconduct.

203.2 POLICY

The Yuma County Sheriff's Office requires all employees to conduct themselves in a mature and responsible manner consistent with the rules prescribed in the General Rules of Conduct, 101.1-101.107, inclusive. The Office will ensure that a non-biased investigation is conducted concerning any violation of the Rules of Conduct. All discipline administered will be done in an attempt to positively modify an employee's behavior. Alleged misconduct while in an off-duty capacity will be handled in the same manner as if the infraction were committed while on duty.

203.3 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."

Administrative Leave: A relief from duty with pay.

Corrective Training: A specific training assignment relating to the performance issue giving rise to the charge(s).

Demotion: A reduction to a position of lower rank and/or pay grade.

Discipline: The method by which a supervisor addresses misconduct or modifies behavior or poor performance in one of the following manners:

- 1. Verbal Reprimand
- 2. Written Reprimand / Notice of Deficiency
- 3. Corrective Training

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4. Reduction in Pay
5. Reckoning Period
6. Suspension Without Pay
7. Demotion
8. Termination

Any disciplinary sanction(s) imposed shall become effective on the date the employee concurs with the imposed sanction(s) or the date of the Sheriff's findings after an administrative hearing has been held.

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.

General Rules of Conduct: Standards of conduct expected of all employees which enables the Office to accomplish its purpose as defined above.

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.

Offense: A violation of an Office rule of conduct for which a penalty may be imposed. An offense shall be designated as a "Class 1", "Class 2", "Class 3" or "Class 4" based upon the severity of the offense and the penalty that attaches to the particular offense, the most severe being designated as a Class 1 offense.

Reckoning Period: A disciplinary action consisting of a set period of time during which an employee is expected to remain free of misconduct or violations of the Office rules of conduct. Enhanced discipline may be imposed for violations occurring during this period of time.

Reduction in Pay: A salary reduction for a specified number of hours or period of time which is imposed solely at the discretion of the Bureau Commander or senior manager.

Reprimand: Either an oral or written censure.

Suspension Without Pay: A relief from duty without pay.

Termination: Dismissal from employment.

Violation: A rule infraction.

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203.4 PROCEDURE

A. Generally: The Yuma County Sheriff's Office will investigate all allegations of personnel misconduct and suspected misconduct. Allegations of misconduct or suspected misconduct may be made by a supervisor, other employee or the public and may be made orally, by telephone or in writing, either signed or anonymously submitted.

B. Application to all Office Employees: This Policy applies to all Office employees, reserve officers, and volunteers. All allegations will be investigated. The investigation will be conducted by the employee's immediate supervisor or the Office of Professional Responsibility of the Yuma County Sheriff's Office. Should an Office employee allege misconduct on the part of an employee of equal or higher rank, a superior supervisor will be called to investigate the matter.

1. Based on the severity of the allegation, a Lieutenant or senior manager may request an Administrative Investigation "A.I" number.
2. When making a determination as to the charge(s) brought against an employee, there may be several rules which apply. Each allegation shall be specifically reviewed and the most appropriate charge(s) filed to avoid redundancy.
 - a. If there is a reason to believe the results of the investigation could result in dismissal, demotion or suspension, the officer may request to have a representative present during the interview process.
 - b. The representative shall be an employee of the Sheriff's Office and not an attorney unless prior approval has been obtained from the Sheriff or the Sheriff's designate.
 - c. The representative shall act only as an observer during the interview process.

C. Relieved from Duty Pending Results of an Administrative Investigation: It may be beneficial to all parties to relieve an employee from duty during an Administrative Investigation. All such allegations must be investigated immediately. Any employee relieved from duty will be placed on administrative leave, with pay, pending due process. The Sheriff shall be immediately notified if an employee is relieved from duty pending an investigation.

D. Responsibilities of the Employee While Under Investigation:

1. Notification of Supervisor: When an employee is accused of any misconduct by a member of the public while outside of the Office building(s), the employee will call his/her immediate supervisor as soon practicable. In all instances, supervisory notification will be made within twenty-four (24) hours of the incident.
2. Discussion of an Ongoing Investigation: The subject of an ongoing investigation is prohibited from discussing the investigation with anyone employed by the Office, other than a staff member who is acting as the employee's representative throughout the proceedings.

E. Responsibilities of the Investigating Supervisor:

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1. A supervisor will immediately conduct an initial investigation of all alleged or suspected incidents of misconduct and will include any allegations of misconduct, either observed or suspected, by other Office employees and citizens.
2. The investigating supervisor will prepare a preliminary investigation report and submit it to the Bureau Commander or senior manager.

F. Responsibilities of the Administrative Investigator:

1. The Investigator will investigate all charges of alleged personnel misconduct.
2. The investigator take statements from witnesses and complainants whenever possible. All statements from the accused will be electronically recorded.
3. The Investigator will provide the Bureau Commander or senior manager with the file immediately upon completion of the investigation.

G. Classification of Findings: Upon review of the investigative file, the Bureau Commander or senior manager shall determine the appropriate finding that shall fall into one of the following categories:

1. **Unfounded:** The complaint was not based on facts as shown by the Investigation or the alleged misconduct did not occur.
2. **Exonerated:** The alleged misconduct did occur, but the investigation disclosed the actions were reasonable, lawful and proper.
3. **Not Involved:** The investigation established that the employee was not involved in the action complained of, although the incident did occur.
4. **Not Sustained:** There is insufficient evidence available to either prove or disprove the allegations of the complaint.
5. **Sustained:** The investigation disclosed sufficient evidence to support the allegations in the complaint.
6. **Misconduct not based on Original Complaint:** Substantiated misconduct not alleged in the complaint but disclosed by the investigation.

H. Sanctions: Disciplinary sanctions will be made at the conclusion of the investigation. Depending on the severity of the offense, sanctions may range from a verbal warning to termination.

1. **Notice of Deficiency:** An employee charged with a minor infraction where charges are sustained, may be disciplined by verbal warning or written reprimand using the Notice Deficiency process.

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2. Administrative Investigation ("A.I."): An employee charged with a minor to major infraction where charges are sustained, may be subject to disciplinary sanctions that may range from a verbal warning through termination, depending on the severity of the offense.

I. Review of Investigation Findings:

1. The Bureau Commander or senior manager will meet with the employee upon completion of the investigation.
 - a. If, at the time of the meeting with the Bureau Commander or senior manager additional employee misconduct is established, the disciplinary process shall be discontinued until any additional allegations have been investigated.
2. The employee will be advised of the results of the investigation. If the allegations are sustained, the employee will be advised of the disciplinary sanction(s) to be imposed.
3. If the employee does not concur with the recommended disciplinary sanction(s), the employee will be advised of his/her right to a hearing before the Sheriff or Sheriff's designee.
 - a. The employee will be provided with instructions to request a hearing that shall include the deadline for submitting the request.
 - b. The employee will be advised of his/her right to have witnesses present at the hearing. All witnesses must have relevant information regarding the investigation; character witnesses will not be permitted. The Sheriff or Sheriff's designee reserves the right to make a determination as to applicable witnesses.

J. Relieved from Duty Pending an Administrative Investigation.

1. Any supervisory officer may relieve an employee of duty when it appears that the employee is not mentally or physically capable of continuing in his/her assignment and/or the circumstance is of such a nature that it may cause a breach in safety or security. The employee will be relieved of his/her Office identification card, badge, vehicle, keys, and weapons. Notification to the Sheriff will be made immediately, through the established chain of command.
2. When it becomes necessary to place an employee into custody, the ranking supervisor will immediately relieve the employee of duty and relieve him/her of all Office property. Notification to the Sheriff will be made immediately through the established chain of command.

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K. Request for Hearing with Sheriff or Sheriff's Designee:

1. An employee is entitled to request a hearing with the Sheriff or Sheriff's designee if punitive action is involved.
2. A written request for a hearing must be submitted within five (5) working days after notice of possible disciplinary action. That request must include the following information:
 - a. Whether the request for hearing is with the Sheriff or Sheriff's designee;
 - b. A rebuttal to the charges and/or recommended sanctions;
3. If a hearing with the Sheriff or Sheriff's designee is requested, the employee may also request:
 - a. Witnesses to be present at the hearing. In addition to the name of the witness, the request must state the relevance such witness has to the incident/investigation.
 - b. Written statements from witnesses.
4. If the request for hearing form is not received in a timely fashion or the request does not contain the required information, the request for hearing will be denied and the process will continue.
5. Discipline can only be modified, altered or changed by the Sheriff or Sheriff's designee.

L. Hearing with the Sheriff:

1. The request for hearing with the Sheriff shall be filed within five (5) working days.
2. The hearing with the Sheriff is the concluding step in the disciplinary process and shall include a review of all investigative and administrative procedures occurring prior to the hearing to ensure due process was afforded the employee.
3. Testimony at the hearing will be limited to information and evidence directly involving:
 - a. The incident which was the subject of the investigation;
 - b. Conduct during and subsequent to the investigation;
 - c. Any other incidents that relate to similar conduct by the employee.

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4. If during the hearing with the Sheriff, additional misconduct of the employee is established, the Sheriff shall so advise the employee. The Sheriff shall then order an inquiry into that misconduct to ensure due process is met prior to rendering a determination as to any additional sanction(s) to be imposed.
5. The results of the hearing will be presented to the employee within five (5) working days.

203.5 AMENDMENT:

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

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