

Administrative Investigations

Table of Contents

Policy Statement	2
Persons Affected	2
Collective Bargaining	2
Directives Affected	2
Definitions	2
Purpose	3
Responsibility	3
Preliminary Review	4
Convening Authority	4
Assignment	4
Initiation	5
Employee Notification	5
Protocol	5
Review Boards.....	5
Disposition	5

Policy Statement

Administrative investigations document the facts and circumstances surrounding specific incidents in a systematic way that:

- Allows for an objective, comprehensive review that can support purposeful change and inform risk management efforts.
- Protects the rights of all involved parties.

Persons Affected

All Sheriff's Office employees and volunteers

Collective Bargaining

It is recognized that this policy affects employees covered by collective bargaining and other agreements that have specific provisions regarding the administrative investigation of employees. If this policy is found to conflict with a collective bargaining or other agreement (e.g. CBA, MOU, Settlement Agreement) covering employees of the Sheriff's Office, the terms of the agreement will prevail and be followed. Any dispute arising as to whether this policy conflicts will be resolved by the grievance process outlined in the pertinent agreement.

Directives Affected

Rules and Regulations Manual, Sections 28.1 – 28.16

See also [Complaints](#) and [Employee Discipline](#) policies.

Definitions

Administrative investigation - A process used by command staff members to discover and document the facts and circumstances surrounding an event or series of events.

Class I - An administrative investigation in which there are allegations of misconduct on the part of an employee that, if sustained, could result in disciplinary action that would cause economic loss to that employee (e.g., suspension, termination)

Class II - An administrative investigation in which the allegations against the employee are considered minor. The allegation if sustained would not result in disciplinary action that causes economic loss to that employee.

Allegation – An assertion of misconduct leveled at an employee after official examination of the facts and circumstances during the preliminary review. *Complaints* do not constitute official *allegations*.

Convening authority – The person who orders an administrative investigation

Employee (subject) – An employee against whom an official allegation of misconduct is made

Employee (witness) – An employee who witnessed conduct or performance or participated in an incident related to a misconduct allegation against a subject employee

Finding – The decision issued by a convening authority on *each allegation* of misconduct based on a preponderance of the evidence. Official findings are:

Sustained: The allegation is substantiated.

Not sustained: There is not sufficient evidence to prove or disprove the allegation.

Unfounded: The allegation was false or not factual.

Exonerated: The incident occurred but the employee acted lawfully and properly.

Misconduct – An act or omission by an employee that constitutes a violation of one or more Sheriff's Office directives

Preliminary review – A review by a supervisory employee of the *known* facts and circumstances surrounding a complaint for the purpose of determining or recommending how the Sheriff's Office should address the complaint

Review board – A team of individuals with relevant subject-matter expertise assigned to help an investigator discover and document the facts and circumstances to more fully inform the convening authority

Purpose

Command staff members may use [administrative investigations](#) when one or more incidents have occurred and the facts and circumstances are not clear, to:

- Identify opportunities to improve organizational systems and practices to ensure they conform to industry best-practices and minimize risk, and/or
- Evaluate allegations of employee [misconduct](#).

Alleged criminal conduct by Sheriff's Office personnel will normally be referred to an outside agency for a *criminal* investigation.

Responsibility

The chief inspector is responsible for overseeing all Sheriff's Office administrative investigations, including:

- Setting up and maintaining associated processes and protocols.
- Administering designated information management systems and ensuring involved personnel are trained in their use.
- Retaining all records relating to administrative investigations in accordance with applicable law.
- Ensuring that disclosures of these records are limited to authorized Sheriff's Office personnel or as required by applicable law, rule or agreement.

Preliminary Review

Before requesting or convening an administrative investigation, command staff members should conduct a [preliminary review](#) of the facts and circumstances surrounding an incident or complaint.

Preliminary reviews include the gathering and examination of existing, relevant records. Reviewing personnel may direct that employees complete official reports they should have filed as part of their normal course of business. Preliminary reviews *should not* include formal interviews with [subject](#) or [witness](#) employees or requirements that they submit statements; however, this does not preclude supervisors from documenting reports of misconduct to command staff members. During a preliminary review, command staff may contact supervisory personnel to determine what relevant records or information may exist that is related to the incident in question.

As a result of a preliminary review, command staff members should document the preliminary review and may take appropriate action that includes any of the following:

- Requesting or convening an administrative investigation (see [Initiation](#))
- Making changes to systems or practices
- Taking corrective (non-disciplinary) action with an employee (see [Employee Performance Management](#) policy)

Convening Authority

The sheriff, undersheriff and chief deputies have the authority to convene [Class II](#) administrative investigations.

The sheriff and undersheriff may convene [Class I](#) investigations.

Assignment

Chief Deputies may assign [Class II](#) investigations to other command staff members within their bureau or request assistance from the Office of Professional Standards.

The sheriff and undersheriff may assign any administrative investigations to any command staff member. They will normally assign investigations involving significant incidents or serious employee misconduct ([Class I](#) investigations) to the Office of Professional Standards.

Convening authorities shall assign administrative investigations to properly trained personnel.

Nothing in this policy shall preclude the sheriff from asking an outside agency to conduct an administrative investigation.

Initiation

The convening authority will normally initiate an administrative investigation in writing addressed to the investigator and:

- Designate the investigation as Class I or Class II.
- Describe the incident(s) to be investigated and/or the questions the convening authority wants the investigation to address.
- For incidents in which employee misconduct is alleged, list the subject employee(s) and each specific misconduct allegation with its applicable directive.
- Provide direction on the use of a [review board](#) (if any).

Employee Notification

Investigators should keep any [subject employees](#) informed about the general timeline of an administrative investigation. At a minimum, investigators will notify subject employees in writing as soon as practicable after the initiation of an administrative investigation using the [Administrative Investigation Advisement Form](#).

Investigators will also notify subject and witness employees in advance of interviews using the [Administrative Investigation Interview Advisement Form](#).

Protocol

Command staff members will use the [Administrative Investigations Protocol](#) when overseeing and conducting administrative investigations. Administrative Investigations will be completed even if the subject employee resigns or retires prior to the conclusion of the investigation.

Review Boards

The convening authority may direct or an investigator may request the use of a [review board](#) during an administrative investigation. The assigned investigator shall chair the review board and will outline its membership and action plan for approval by the convening authority.

The investigator will direct all activities of the review board and is responsible for ensuring all of the review board's actions are consistent with the [Administrative Investigation Protocol](#) and all applicable collective bargaining agreements. In particular, during investigations in which employees are alleged to have committed misconduct, the investigator will ensure that all [subject](#) and [witness](#) employees receive appropriate advisements prior to participating in any interviews in front of the review board.

Disposition

Investigators will normally forward completed administrative investigation reports to the [convening authority](#). For Class I investigations, investigators should normally forward reports up the chain of command beginning with the appropriate bureau chief so that command staff members can make recommendations to the convening authority.

The convening authority is responsible for:

- Directing any changes he or she deems necessary as a result of the investigation.
- Making findings with regards to any misconduct allegations and informing affected employees of the result (see [Employee Discipline](#) policy).