



DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: Complaint Review	Effective Date: May 25, 2021	Policy Number: 3.01
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Attachments: <ul style="list-style-type: none">• Warning and Assurance Form• Complaint Form to Assist in Entering in AIM	L. Shane Nelson, Sheriff	

I. PURPOSE

The purpose of this policy is to inform all members of agency procedures for addressing concerns, complaints and/or allegations of misconduct.

II. POLICY

The Deschutes County Sheriff's Office shall investigate all complaints and allegations of member misconduct, determine whether the allegations are valid or invalid and take appropriate action.

Citizens making complaints regarding member conduct or agency policies or procedures shall be kept informed of the investigative process and provided feedback on the results of the investigation.

Internal investigations shall be conducted in a timely manner and fully documented. Internal files are confidential and will not be released except in response to a court order or as otherwise required by law or directed by the Sheriff.

Internal investigations shall be conducted to protect the rights of agency members and public citizens.

It is not the intent of this policy to contradict existing labor agreements. Any time such a contradiction occurs, the labor agreement shall supersede.

This policy applies to all Sheriff's Office members.

III. DEFINITIONS

Complaints are complaints regarding member conduct, policy or procedure that originate from a source outside or inside the agency.

Inmate Complaints are complaints made by inmates regarding member misconduct.

Institutional grievances are not complaints, unless a captain determines the grievance rises to the level of a complaint.

Allegation of Misconduct refers to a complaint against a member, regardless of its source, alleging conduct that constitutes a crime or that constitutes a violation of agency policy or procedure. Complaints regarding agency policy, practices or procedures are not allegations

of misconduct, rather are considered agency dissatisfaction and shall be reviewed apart from the formal internal affairs function.

Internal Affairs means the function ultimately responsible for conducting administrative investigations into allegations of serious member misconduct that could result in discipline up to and including termination initiated either internally, by a member of the public, or by some other governmental agency.

Member Performance Issues mean minor complaints regardless of source that are handled in the normal course of supervision.

Public Safety Officer includes a member of a law enforcement unit who is employed full time as a peace officer commissioned by a county and who is responsible for enforcing the criminal laws of this state. ORS 236.350(3).

Just cause is required for discipline and means a cause reasonably related to the public safety officer's ability to perform required work. Just cause includes a willful violation of reasonable work rules, regulations or written policies. ORS 236.350(2).

The Sheriff shall assign an Inspector to fulfill the responsibilities of the Internal Affairs function. The Inspector shall be a captain or lieutenant in rank and shall serve as the primary point of contact regarding all internal affairs files. The Inspector shall specifically fulfill the role of assigning investigators to internal affairs files and rendering findings on investigations completed by Sheriff's Office personnel.

IV. PROCEDURES

A. Complaints

1. Citizen complaints will be referred to and accepted by any supervisor of the agency who is approached for such assistance. While it is preferable that a supervisor take the complaint, any member may take the complaint in the absence of a supervisor. Members accepting complaints shall document the complainant's name, contact information and a brief description of the allegation(s) and must maintain confidentiality and forward the complaint to a supervisor as soon as practicable. The supervisor shall refer the allegation information to the appropriate sergeant or supervisor for assessment. Members who are unsure on how to accept a complaint shall seek direction from their supervisor.
2. Supervisors assessing complaints shall enter the complaint information into the AIM (Administrative Investigations Management) system. Supervisors shall forward any documents, photographs or other evidence related to the complaint to their division captain via the chain of command. Supervisors shall contact the complainant and conduct basic fact finding regarding the allegation(s) to include:
 - a. Approximate time frame and name of member involved;
 - b. A brief description of the alleged conduct; and,
 - c. Basic fact verification (was the member scheduled for duty when the alleged conduct took place, was the member assigned to the unit or post involved, etc...).
3. Supervisors assessing complaints shall contact the division captain of the subject member and advise the captain of the complaint information in AIM. The captain will assess the complaint and determine whether it warrants further inquiry. If so, the captain

shall determine whether the allegations constitute a training or counseling issue, or whether the allegation(s) constitute serious misconduct if proven true and the information forwarded to the Inspector. The captain may assign the supervisor to obtain additional facts to aid in the determination.

4. Complaints resulting in training or counseling shall be referred to the member's supervisor for resolution. The supervisor shall take the necessary steps to address the member's conduct or performance, complete the complaint information into AIM, and add it to the member's working file. Complaint and the resolution shall be documented in the member's annual performance review and then removed from the working file.
5. Letters of thanks and accolades regarding member conduct shall also be included in the member's working file and included in the member's annual performance review and then removed from the member's working file and returned to the member.

B. Allegations of Misconduct

1. In cases where the division captain determines the allegations shall be referred to the internal affairs function, the division captain shall notify the Inspector, who shall determine assignment to the internal affairs function or return the investigation to the supervisor for resolution or further investigation.
2. If there is a potential for criminal charges, the Sheriff shall also arrange for a separate criminal investigation in accordance with subsection F, number 1, below.

C. Relieving a Member from Duty

Any sergeant or higher authority may suspend a member with pay, pending completion of a formal investigation, if that supervisor believes the member:

- a. Is physically, mentally or emotionally incapable of performing their duties;
- b. Has committed a violation of law; or,
- c. Has committed a violation of agency directive(s) of such a nature or extent that the continuance of their duties pending the outcome of an investigation would not be in the best interests of the agency.

Any supervisor suspending a member shall complete an internal memo of the incident and expeditiously forward it through the chain of command. The report shall be provided to the Sheriff no later than 0900 on the next working day. The supervisor shall immediately notify the Sheriff via chain of command. Continued administrative leave shall be at the discretion of the Sheriff.

Members being placed on administrative leave shall receive and sign a letter from their division captain as soon as practical notifying them that their workday shall be assigned as Monday through Friday, 0800 hours to 1600 hours, and that while they are on administrative leave they are to follow the following instructions:

1. Contact their assigned captain or designee every day during their assigned work day (Monday through Friday) at 0800 hours;
2. Remain available for contact by phone during assigned work hours and available to report as directed; the member will be allowed a 30 minute lunch break and two 15 minute breaks during the day.

3. Obtain permission in advance from their assigned captain or their designee if unavailable for reporting in instances other than sick leave. Sick days must be reported within the first hour of the work day;
4. If permission is granted, sick or vacation time (whichever is appropriate) can be used during the absence;
5. The member is subject to subpoenas and court notices and shall respond to their direction;
6. The member is required to report and cooperate with Internal Affairs interviews and requests in a timely manner;
7. The member is required to abide by all Sheriff's Office policies, procedures and standards;
8. Any Sheriff's Office equipment including weapons, badges, identification cards, facility access keys or other requested property shall be surrendered upon demand;
9. The member shall not enter non-public areas of any Deschutes County Sheriff's Office facility without permission of their assigned captain or their designee.
10. At the Sheriff's discretion, the agency may modify requirements for members on unpaid administrative leave.

D. Allegations Stemming from a Tort Claim Notice

An allegation brought to the agency's attention as a result of a tort claim notice shall be immediately referred to the Sheriff's Office Legal Counsel and the Sheriff. Any subsequent investigation shall be commenced at the direction, and under the authority, of the Sheriff's Office Legal Counsel. The investigation shall otherwise comply with these procedures.

E. Responsibilities of the Inspector

The Inspector shall have primary supervisory responsibility for the review and investigation of all complaints against members, whether initiated by a citizen or the agency, that could potentially result in corrective action up to and including termination of the member. While investigating a complaint of misconduct, the Inspector is delegated by authority of the Sheriff for the purposes of directing the investigation and reports directly to the Sheriff or his designee.

Upon receipt of a complaint, the Inspector shall contact the Sheriff's Office Human Resources to obtain a case file number for the purposes of tracking and auditing Internal Affairs investigations. The Inspector shall contact the complainant and verbally advise them that the matter is under investigation, and that the complainant shall receive written notice when the investigation is completed. The Inspector shall advise complainants of agency procedures for the processing and investigation of complaints, and provide the complainant with the name of the person to contact if the complainant wishes to check on the status of the complaint.

Complaint investigators shall be assigned by the Inspector. Investigations of complaints shall be completed within a reasonable time after the subject of the investigation is notified of the investigation. If the investigation is likely to exceed six months, the investigator shall request an extension from the Sheriff. Regular status reports shall be given to keep the Sheriff informed of the progress of the investigation.

The Inspector shall have the following responsibilities:

- a. Maintain confidentiality;
- b. Maintenance of a complaint log;
- c. Maintenance of a central file for complaints in a secured area, kept in conformity with Oregon Administrative Rules;

- d. Conducting a regular audit of complaints to ascertain the need for changes in training or policy;
- e. The Inspector may recommend to the Sheriff that a case be referred to the District Attorney's Office for review of possible criminal charges.
- f. The Inspector may recommend to the Sheriff that a case be forwarded to the District Attorney's Office for consideration of possible member bias or profiling under ORS 131.915 where "profiling" means the targeting of an individual by a law enforcement agency or a law enforcement officer, on suspicion of the having violated a provision of the law, based solely on the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law;
- g. Refer cases to Sheriff's Office Legal Counsel where appropriate;
- h. Monitor case progression to ensure timelines are met per Sheriff's Office policy; and,
- i. Notify members who are the subject of the investigation of any extensions of the investigation.

F. Member's Duties and Rights During Investigations

1. Criminal Investigations

- a. An investigation of alleged misconduct may be investigated by an outside agency at the request of the Sheriff.
- b. Any criminal investigation shall be conducted separately from the internal investigation and any member who is the subject of a criminal investigation shall be afforded civil rights as any other citizen.
- c. Allegations of a criminal conduct should be referred to the District Attorney's Office. In most cases, the internal investigation shall be held pending final disposition of the criminal case. The Sheriff may direct the internal investigation continue concurrently to the criminal investigation if the Sheriff deems it in the public interest to do so.
- d. The Sheriff shall assess the seriousness of any criminal indictment against a member and shall have the option of placing a member on unpaid administrative leave during the course of the criminal investigation. Use of unpaid administrative leave shall be considered on a case-by-case basis.

2. Internal Administrative Investigations

- a. During the administrative investigation, if a member refuses to answer questions directly related to their duties, the member under investigation shall be advised as follows:
 - 1) The member shall be required to truthfully answer all questions specifically, narrowly and directly related to the performance of their official duties.
 - 2) Refusal to comply with an order to answer such questions is a separate and additional violation of agency work rules that may subject the member to further corrective action up to and including termination.

3. Representatives at Interviews

- a. A member will be permitted to have an association representative of the members choosing with them in the room during any interview regarding allegations of misconduct by the member. However, members shall not cause the investigation to be unreasonably delayed by their choice of representative.
- b. The member's representative is limited to acting as an observer of the interview but may ask the investigator to clarify a question. The representative may not interfere with the interview in any way, nor suggest responses to the member. When the interview focuses on, or leads to, evidence of potential criminal activity by the member, the investigator shall stop the interview and refer the interview results to Sheriff's Office Legal Counsel prior to completing the interview.
- c. In a disciplinary or administrative investigation, the members chosen representative shall not be required to disclose, or be subject to disciplinary action for refusing to disclose, statements made by the member to the representative for purposes of the representation.
- d. Members exempt from collective bargaining may have a representative of their own choosing be present at the interview. The representative shall be limited to the same role described in (b) above.

4. Special Examinations

- a. A member may be asked to submit a financial disclosure statement if that information is pertinent to an internal investigation currently being conducted or if there are records of Sheriff's Office funds involved or relevant to the investigation. If the member fails to voluntarily supply the information, the agency may seek that information through any available legal channels. Failure to provide financial records of agency funds may result in corrective action.
- b. If photo evidence for identification is solely for administrative purposes, and criminal prosecution is not anticipated, a member can be required to be photographed (this would be for identification verification).
- c. Property belonging to the agency is subject to inspection at any time. Property includes, but is not limited to, vehicles, desks, files, storage lockers and electronic devices.
- d. No member shall be required, as a condition for employment, or continuation of employment to take a breathalyzer, polygraph test or any other form of a so-called lie detector test. ORS 659.840. ORS 659.840 does allow for the administration of a breathalyzer test if the member consents and if the agency has reasonable grounds to believe that the member is under the influence of intoxicating liquor, the agency may require, as a condition of employment or continuation of employment, the administration of a blood alcohol content test by a third party or a breathalyzer test. The agency shall not require the member to pay for the cost of administering the test. However, under ORS 659A.300, the member can consent to a polygraph examination during the course of criminal or civil judicial proceedings in which the member is a party or witness or during the course of a criminal investigation.
- e. Members shall be subject to Sheriff's Office policy regarding drug and alcohol testing.

5. Rights During an Internal Affairs Investigation Interview

- a. Prior to any interview or special examination, the member under investigation and the association representative, if applicable, shall receive confidential written notification of the complaint. This notification will include a copy of the original complaint or a summary adequately listing the relevant facts and the member's rights and responsibilities relative to the investigation.
- b. All interviews shall be conducted while the member is on duty or during the member's normal waking hours, unless the seriousness of the investigation requires otherwise. If the interview is conducted while the member is off duty, the member shall be compensated appropriately.
- c. The interview shall be held at the member's work area or at a location agreeable to both parties.
- d. The interview may not last an unreasonable time, taking into consideration the gravity or complexity of the matter under investigation.
- e. During the interview, the member shall be allowed to attend to physical needs.
- f. No more than two interviewers at a time may question the member.
- g. The interviewers shall inform the member of their authority to compel a statement and of the identity of the investigators and all persons present during the interview.
- h. The member is not required to answer questions until the member has been informed of the nature of the investigation and of facts reasonably sufficient to inform the member of the circumstances surrounding the allegations under investigation. This paragraph does not apply to preliminary questions directed at gaining an overview of events in order to assess whether an investigation is necessary and to effectively investigate and gather evidence.
- i. Members under investigation shall not be threatened with punitive action (with the exception of subparagraph j) or subjected to offensive language, nor threatened with transfer, dismissal, or disciplinary action during an interview. No promise or reward shall be made by the internal investigators as an inducement to answer any questions.
- j. In a compelled interview solely for noncriminal purposes, a member who refuses to respond to questions or to be interviewed shall be informed that refusal may lead to disciplinary action.
- k. The complete interview shall be recorded. Any interruptions shall be noted, and any relevant discussions transpiring during breaks will be summarized on the recording and verified for accuracy by the member.
- l. The member must be given a copy of the recorded interview and, upon request, a transcript of any recording that has been transcribed by the employer. The member must be given a copy of any written statement or report describing the member's statements. Materials required to be given to the member under this paragraph must be given before subsequent interviews in the course of the same investigation.
- m. The member may record the interview.

- n. Member's under investigation or their supervisor may contact the Inspector to ascertain the status of the investigation of a complaint filed against them.

The safeguards above do not apply to the questioning of the member in the normal course of informal verbal admonishment, or other routine or unplanned contact with, a supervisor or other member, or an investigation concerned solely with criminal activities.

6. Reporting

- a. After completion of the investigation, the person conducting the investigation shall complete a full report listing the specific allegations, the involved members, the witnesses contacted, and a summary of the investigation and findings. The resulting adjudication shall be documented in the file specific to each listed allegation.
- b. Investigative reports shall not be placed in the member's personnel file. In the event that a complaint is sustained and results in corrective action, the corrective action memo is the only documentation that is placed in the personnel file. All other investigative material and adjudication memos shall be kept only in Internal Affairs files.

G. Investigative Timeline for IA

An investigation into an allegation of misconduct by a member shall be completed no later than six months from the date the member who is subject to the investigation is given notice of the investigation. The investigation is considered complete when adjudicated in cases not sustained, or when final discipline has been imposed in sustained cases. The investigation may be extended to a maximum of 12 months from the date of the first subject interview, provided that, before the extended period begins, written notice explaining the reason for the extension is provided to the member and the members chosen representative, and union representative, if any.

- 1. The time limit does not apply if:
 - a. The investigation involves a member who is incapacitated or unavailable.
 - b. The investigation involves an allegation of worker's compensation or disability fraud by the member.
 - c. The member waives the limit in a signed writing.
 - d. The investigation requires a reasonable extension of time for coordination with one or more other jurisdictions.
 - e. The investigation involves more than one subject member and requires a reasonable extension of time.
 - f. The alleged conduct is also the subject of a criminal investigation or criminal prosecution, time does not run for the period during which the criminal investigation or criminal prosecution is pending.
 - g. The investigation involves a matter of civil litigation in which the member is a named defendant or member's actions are a basis for liability, time does not run for the period during which the civil action is pending.
 - h. If the investigation is a result of a complaint by a person charged with a crime, time does not run for the period during which the criminal matter is pending. A pending criminal matter does not preclude an IA from going forward, however, and the decision is left to the discretion of the agency.

2. An investigation may be reopened if:
 - a. Significant new evidence is discovered that is likely to affect the outcome of the investigation;
 - b. The evidence resulted from the member's pre-disciplinary response; or,
 - c. The evidence could not have been discovered by the employer without resorting to extraordinary measures.

H. Adjudication

1. In cases where the investigator is from outside the Sheriff's Office, the investigator shall, at the request of the Sheriff, adjudicate the allegations contained in the original complaint, or discovered in the course of the investigation. Investigations conducted by Sheriff's Office members will be forwarded to the Inspector for adjudication. Adjudication shall be as follows:
 - a. Sustained: Evidence sufficient to prove allegations.
 - b. Not sustained: Insufficient evidence to either prove or disprove allegations.
 - c. Exonerated: Incident occurred but was lawful and proper.
 - d. Unfounded: Allegation is proved false or unfactual.
 - e. Policy failure: Flaw in policy contributed significantly to the incident.
2. After adjudication, a Management Review Team consisting of all division captains and the lieutenant or supervisor of the member under investigation shall meet to review the Internal Affairs investigatory file. The team shall review the file for completeness, determine if any further action or investigation needs to be made, concur or disagree with findings and make recommendations for corrective action in consideration of the "seven just causes for discipline" as noted in section V, subsection A number 2 of this policy.
3. When the Management Review Team completes the Internal Affairs file, the captain of the division in which the member is assigned shall make a final recommendation to the Sheriff. If the Sheriff concurs with the adjudication, the file will be forwarded to the appropriate supervisor for final disposition.

Complaint files will be reviewed annually by the division captains and the Sheriff's Office Human Resources and a report will be prepared for the Sheriff's review relative to those findings. A copy of this report can be available to any citizen through a public records request.

V. Disciplinary Action

All discipline imposed or recommended shall be proportionate to the issue being addressed, however, the Sheriff's Office reserves the right to impose a level of discipline that is appropriate under the circumstances even if not progressive.

It is not the intent of this policy to contradict applicable collective bargaining agreements. Any time such a contradiction conflict occurs, the applicable collective bargaining agreement shall supersede.

A. Procedures

1. Progressive Discipline

- a. When an area requiring improvement is identified, a program of counseling and/or training shall be implemented to encourage member effectiveness and efficiency.
- b. In minor cases of performance deficiency, counseling and/or training may be a corrective method to modify the behavior.
- c. While it is the policy of this agency to use progressive discipline, more serious violations may warrant more serious discipline. Supervisors are authorized to impose discipline, including: oral and written reprimands and suspension without pay. In cases where the discipline results in demotion or termination, the Sheriff shall impose the discipline.

2. Basis for Disciplinary Action

Disciplinary action may not be taken against a member without just cause. Just cause means:

- a. The member knew or should have known of the Sheriff's Office policy.
- b. The Sheriff's Office policy was reasonable.
- c. The Sheriff's Office conducted an investigation to determine that the member violated the policy.
- d. The investigation was fair and objective.
- e. Sufficient evidence existed of the member's violation of the policy.
- f. The Sheriff's Office policy was consistently applied.
- g. The discipline was reasonable and proportional.

3. Supervisors Role in the Disciplinary Process

- a. Supervisors shall document all instances of counseling and/or additional training used to modify a member's behavior on the performance observation form and placed in the member's working file. This documentation is available for use during the member's annual evaluation.
- b. Supervisors shall enforce Sheriff's Office standards of conduct, as well as all Sheriff's Office policies.
- c. Supervisors shall participate in the development of rules, policies and procedures defining misconduct and unacceptable performance.
- d. Supervisors shall communicate the rules, policies and procedures to subordinates and train subordinates in proper conduct and acceptable performance.
- e. Supervisors shall take emergency personnel action (for example: directing immediate administrative leave) where there is misconduct and/or unacceptable

performance and, when assigned, perform investigations and recommend disciplinary action to the Sheriff.

- f. Supervisors may correct minor disciplinary problems in an informal manner through routine counseling or recommending further training.
- g. In addition to disciplinary recommendations, supervisors are expected to forward recommendations to the Sheriff through the chain of command concerning recognition or reward.
- h. Supervisors shall make reasonable efforts to discipline a member in a manner that will not embarrass or humiliate the member in front of other members or the public.

4. Authority of a Supervisor in Disciplinary Actions

- a. Sergeants are authorized to impose the following discipline: coaching and counseling, oral reprimands, written reprimands and one day suspension without pay. Sergeants may recommend more severe discipline, if warranted.
- b. Lieutenants are authorized to impose the following discipline: coaching and counseling, oral reprimands, written reprimands and up to five days suspension without pay. Lieutenants may recommend more severe discipline, if warranted.
- c. Division captains are authorized to impose the following discipline: coaching and counseling, oral reprimands, written reprimands and up to 30 days suspension without pay. Division captains may recommend more severe discipline to the Sheriff, if warranted.

5. Notice to Member of Proposed Discipline

- a. Upon the completion of the internal investigation and Management Review Team process, the member shall be served with a confidential written notice of the charges and proposed discipline. The supervisor of the member under investigation shall present this notice to the member at least five days prior to the predetermined meeting date. When possible, service shall be made when the member is on duty. When duty service is not feasible, the member may be served at home.
- b. The notice of proposed discipline shall include:
 - 1. The recommended disciplinary action;
 - 2. The name of the supervisor or higher authority responsible for the decision to impose the proposed discipline;
 - 3. A date and time when exculpatory material or mitigating factors may be submitted at an informal hearing which may be recorded;
 - 4. The member's right to appeal and appellate procedures;
 - 5. A meeting date, time and place where the member may present any information relevant to the proposed discipline to be considered prior to the final determination of discipline to be imposed; and,
 - 6. A copy of the investigative report.

6. Meeting with the Supervisor Imposing Discipline

- a. Prior to the implementation of discipline, a meeting with the supervisor shall be convened with the member against whom charges and specifications alleging misconduct have been filed, in order to consider such charges. A summary of the sustained allegation shall be provided to the member who was the subject of the investigation.
- b. The meeting shall comply with the member's due process rights. An association representative shall be allowed to be present at a member's request at any meeting between the member and any investigating supervisor, in which the member reasonably believes that discipline may result from the meeting and/or investigation. The supervisor shall then complete the "pre-disciplinary considerations worksheet" for inclusion in the Internal Affairs file.
- c. The supervisor shall make a final decision as to the imposition of any disciplinary measures.
- d. Upon determination of that disciplinary action, other than demotion or termination of the member, the appropriate supervisor shall prepare and submit a statement to the member, including the following:
 - 1. The principal reason for the disciplinary action;
 - 2. The specific discipline to be imposed;
 - 3. The effective date of the discipline; and,
 - 4. The appeal procedure available to the member.

7. Demotion or Termination of an Employee

- a. Any allegation that could potentially result in termination (at the Inspector's review level) shall be immediately brought to the Sheriff's attention.
- b. A member who is the subject of proposed demotion or termination shall receive written notice of charges similar to the notification specified in section 6(a) from the Sheriff. This notification shall contain the following:
 - 1. Effective date of the demotion or termination; and,
 - 2. Statement of the member's employment record.
 - 3. The member may receive the status of fringe and retirement benefits through the Deschutes County Human Resources Department.

8. Records

- a. See Policy **3.03 Disciplinary Action** subsection **L. Records** for information on written reprimands, placement into the member's personnel file and consideration for promotional processes and progressive discipline.

9. Appeals

- a. Members may appeal any decision as outlined in state law, ordinances, collective bargaining agreement or agency procedures.

- b. The Sheriff reserves the right to alter or modify any disciplinary action if it is in the best interest of the Sheriff's Office.

Any decision by a member to retire or resign shall not affect the required notification to DPSST with regard to certification issues.

In cases where sustained allegations of misconduct, or testimony in the course of an administrative investigation, involve intentional and malicious deceptive conduct on the part of the member who is the subject of the investigation, the Sheriff shall retain the ability to notify the District Attorney regarding the member's future ability as a witness.

10. Name Clearing Hearing

- a. In the event that the discipline imposed is termination, the affected member shall be offered a name clearing hearing. The affected member shall have 14 calendar days to respond. The purpose of the hearing shall be to allow the member to speak in their own defense regarding the allegations against them. The hearing is open to the public. The member may request the hearing be held in executive session. The member may bring documents, displays and call witnesses regarding the allegations against them leading to the pending termination.
- b. Sheriff's Office personnel shall attend the hearing and hear all testimony presented. Attending personnel shall consist of the Sheriff or designee and Sheriff's Office Legal Counsel. The Sheriff may assign other members to the panel at their discretion. Attending Sheriff's Office personnel shall not respond to any testimony or engage with the member during the course of the hearing.