

AELE Workshop

Public Safety Employee Discipline and Internal Investigations

Orleans Hotel & Casino – Las Vegas, NV

October 2-5, 2017

Agenda

Monday

8:15 AM Coffee and Registration Distribution of Materials

9:00 AM Introduction and Announcements, Review of Workshop Materials,
Use of AELE Web Site and Research Resources, Workshop Objectives

9:30 AM – 12:15 PM Presentation by *Paul Coble, Esquire*

Employee Disciplinary Rights, Right to Counsel/Representative,
Compelled Statements, Interviews, Disciplinary Warnings, Emergency
Suspensions, Prior Records, Use/Discovery/Disclosure of Reports and
Documents, “Brady” and Other Disclosure Issues

Double Jeopardy Issues, Discipline Issues Related to Criminal Prosecutions,
Obligations to Disclose Disciplinary Records, Exculpatory Information, Timing
and Limitations Issues Concerning Filing of Charges, Discoverability of Internal
Affairs Investigations

10:05 AM 10 Minute Break

11:05 AM 10 Minute Break

12:15 PM Lunch, Complimentary for All Attendants

1:30 PM Presentation by *Paul Coble* continued

2:20 PM 10 Minute Break

2:30 PM – 4:45 PM Presentation by *Emory A. Plitt, Jr.*, Workshop Course Director

The Elements of Just Cause for Taking Disciplinary Action, Penalty Standards
and Systems (The “Douglas Factors”), Substantial Evidence Test, Presumptions
and Burdens of Proof, Role of Prior Disciplinary, Record and Performance
Evaluations, Bargaining Issues Affecting the Discipline Process

3:25 PM 10 Minute Break

4:45 PM Conclude for the Day

Tuesday

9:00 – 11:00AM Presentation by *Judge Emory A. Plitt, Jr.*

Failure to Obey Orders and Directives, Inefficiency and Poor Performance, Untruthfulness, Transfers and Reassignments, Whistleblower Protections and Retaliation

Substantive Rules of Conduct, Conduct Unbecoming

10:00 AM 10 Minute Break

11:00 AM 10 Minute Break

11:10 AM - 4:45 PM Presentation by *Jack Pecoraro, Esquire*

Internal Affairs Procedures-The Nuts and Bolts of Internal Affairs, Processing Complaints, Complaint Logs and Records, Types of Complaints, Oral/Written, Internal, Anonymous, Formal vs. Informal, Organization of Internal Affairs Function, Scope of Internal Affairs Responsibilities

Internal Investigations, Witness Statements, Preserving Statements, Taping/Video, Interview Procedures and Objectives, Complaint Notifications, Scientific Testing, Physical Evidence, Time and Place Issues

Investigation Processing, Types of Dispositions, Preparing Reports, Report Flow/Contents, Recommendations, Charging, Expungement, Retention

First Amendment Issues, Scope and Application, Speech, Union Activity, Appearance and Grooming, Off Duty Activity, Application Of Balancing Tests

12:15 PM Lunch, Complimentary for All Attendants

1:30 PM *Jack Pecoraro* Continued

2:30 PM 10 Minute Break

3:30 PM 10 Minute Break

4:45 PM Conclude for the Day

Wednesday

9:00 AM – 12:15 PM Presentation by *Ronald Sanchez*

The Need and Benefits of Internal Affairs and Discipline
Auditing including: IA Unit Integrity; Risk Assessments and Risk Management; Historic Patterns of Corruption; Organizational Placement; Dissuading Language Issues; Complaint Intake Processes; Investigative Independence; Handling Perceived and Actual Conflicts of Interest; Risk-based Case Sampling; Separation of Duties; Investigative Completeness; Capturing Field Work; Work Plans; Findings and Recommendations; Expectations of Management; Competencies and Training; Framing of Allegations; Report Format; Adjudication Processes and Core Values Reconciliation; Records Retention; Audit Objectives and IA Case Check Lists; Audit Evidence and Preponderance of Evidence Standards; and, Common Discipline Issues.

Early Warning Systems (EWS) including: Class Poll; Reasons for an EWS; Benefits of an EWS; Key EWS Patterns; Types of EWS; Types of Data Capture; Red Flags and Patterns; Organizational Accountability; Access to EWS Data; When to review and Analyze EWS Data; Reviewing EWS Data with Employees; Requests to Remove EWS Data; Management's Response to EWS Alert Data; and, the Desired End Result.

10:00 AM 10 Minute Break

11:00 AM 10 Minute Break

12:15 PM Lunch, Complementary for All Attendants

1:30 – 4:45 PM Presentation by *Eric Daigle, Esquire*

New Developments and Best Practices in Discipline
Administrative Searches, Scope, Agency vs Personal Property,
Investigative Searches, Computers, Cell Phones, Regulations
Special Considerations in Employee Involved Domestic Violence
Early Warning Systems, Social Media, Web Sites, Messages, First Amendment
Considerations and Privacy Issues, Access, Compelled Disclosure, Ethics and
Integrity Testing, Department of Justice Investigations and Recommendations

2:30 PM 10 Minute Break

3:30 PM 10 Minute Break

4:45 PM Conclude for the Day

Thursday

9:00 – 10:00AM Presentation by *Eric Daigle, Esquire*

Civil Liability Arising from Discipline Systems and Failure to Discipline
Policy Claims (“Monell” Claims), Inadequate Policies, Failure to Properly
Investigate, Employee lawsuits

10:00 AM 10 Minute Break

10:10 AM – 12:15 PM Presentation by *John Peters, PhD*

Body and In Car Cameras and Camera Technology, Types of Cameras,
Need for Technical Analysis, Storage and Retrieval, Importance in
Investigations

Sex and Race Harassment in the Workplace, Hostile Work Environment,
Policy Considerations, Prevention Measures, Need for Prompt and Complete
Investigations

11:00 AM 10 Minute Break

12:15 PM Lunch, Complimentary for All Attendants

1:30 PM – 4:00 PM Presentation by *W. Ken Katsaris*

Use of Force Investigations, as part of Internal Affairs, Investigation
Techniques, Re-enactments, Policy Considerations, Weapons, Scientific
Testing, Video Review, Interviews and Statements

2:30 PM 10 Minute Break

4:00 PM Program Conclusion