

AELE Workshop

Public Safety Employee Discipline and Internal Investigations

Orleans Hotel & Casino – Las Vegas, NV
October 29 - November 1, 2018

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 Judge Emory A. Plitt, Jr., 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

9:00AM – 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 AM 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, Complimentary for All Attendants

1:30 PM - 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 AM – 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