

AELE Workshop
Public Safety Employee Discipline and Internal Investigation
September 30-October 3, 2019
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 (Emory Plitt and Donald Leach)
Judge Emory A. Plitt, Jr and Donald Leach, PhD serve as Course Directors
John Peters, PhD serves as Registrar

9:30 AM **Presentation by Paul Coble, Esquire (Jones & Mayer)**

- Employee Disciplinary Rights, Right to Counsel/Representative, Compelled Statements/Interviews, Disciplinary Warnings, Emergency Suspensions
- Prior Records, Use/Discovery/Disclosure of Reports and Documents, Brady, Giglio 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 Investigations and Filing of Charges, Discovery of Internal Affairs Investigations

10:00 AM 10 Minute Break

10:10 AM **Presentation by Paul Coble, Esquire continued**

11:10 AM 10 Minute Break

11:20 AM **Presentation by Paul Coble, Esquire continued**

12:15 PM Lunch – complimentary for all registered attendants

1:30 PM **Presentation by Jack Pecoraro, Esquire**

- Internal Affairs Procedures, Nuts and Bolts of Internal Affairs, Processing Complaints, Logs and Records, Types of Complaint: Oral/Written/ Internal/External/ Anonymous/ Formal/Informal
- Organization of Internal Affairs Functions and Responsibilities, Internal Investigations, Witness Statements, Preserving Statements, Taping/Recording/Video/Written Statements, Interview Procedures/ Advisements/ Objectives, Timing, Complaint Notifications, Scientific Testing, Preservation of Physical Evidence, Time and Place Issues
- Investigation Processing, Types of Dispositions, Preparing Reports, Report Flow/Contents, Recommendations, Charging, Expungement, Records Retention, Some First Amendment Issues

2:30 PM 10 Minute Break

2:40 PM **Presentation by Jack Pecoraro, Esquire continued**

3:30 PM 10 Minute Break

3:40 PM **Presentation by Jack Pecoraro, Esquire continued**

4:40 PM Conclude for the day

Tuesday

9:00 AM **Presentation by Chief Rodney Hill, Esquire**

- The Elements of Just Cause for Taking Disciplinary Action, Penalty Standards and Systems (“Douglas Factors”), The Substantial Evidence Test, Presumptions and Burdens of Proof, Prior Disciplinary Records, Inefficiency and Poor Performance

10:00 AM 10 Minute Break

10:10 AM **Presentation by Chief Rodney Hill continued**

11:00 AM 10 Minute Break

11:10 AM **Presentation by Chief Rodney Hill continued**

12:15 PM Lunch complimentary for all registered attendants

1:30 PM **Presentation by Captain Ronald Sanchez (LAPD)**

- The Need and Benefits of Internal Affairs and Discipline, Auditing including IA Unit Integrity, Risk Assessments, Risk Management, Historic Patterns of Corruption, Organizational Placement, Dissuading Language Issues, Complaint Intake Processes, Investigative Independence, Perceived and Actual Conflicts of Interest, Risk Based Case Sampling, Separation of Duties, Investigative Completeness, Capturing Field Work, Work Plans, Findings and Recommendations, Management Expectations, Training and Competencies, Framing of Allegations, Report Format, Adjudication Processes and Core Values Reconciliations, Records Retention, Audit Objectives, IA Case Checklists, Audit Evidence and Preponderance of Evidence Standards and Common Discipline Issues
- Early Warning Systems (EWS) including Class Poll, Reasons for EWS, Key EWS Patterns, Types of EWS, Types of Data Capture, “Red Flags” and Patterns, Organizational Accountability, Access to EWS Data, Review and Analysis of EWS Data, Review of EWS Data with Employees, Expungement of EWS Data, Management Response to Alert Data

2:30 PM 10 Minute Break

2:40 PM **Presentation by Ronald Sanchez continued**

3:30 PM 10 Minute Break

3:40 PM **Presentation by Ronald Sanchez continued**

4:45 PM Conclude for the day

Wednesday

9:00 AM **Presentation by Chief Rodney Hill**

- Failure to Obey Orders and Directives, Untruthfulness, Whistleblower and Retaliation, Conduct Unbecoming Rules and Standards

10:00 AM 10 Minute Break

10:10 AM **Presentation by Elmer Dickens, Esquire**

- The Anatomy of a Disciplinary Case. A study of 3 actual disciplinary cases from initial complaint through administrative appeals through court and through later civil litigation. Things an agency should and should not do to sustain disciplinary action.
- Sex, power, and staff misconduct. The impact of positions of power can lead to misconduct. Suggestions to help decrease the amount of misconduct in an agency.

11:00 AM 10 Minute Break

11:10 AM **Presentation by Elmer Dickens continued**

12:15 PM Lunch complimentary for all registered attendants

1:30 PM **Presentation by Eric Daigle, Esquire (Daigle Law Group)**

- New Developments and Best Practices in Discipline, Administrative Searches, Scope, Agency and Personal Property, Investigative Searches. Computers, Cell Phones, Warnings, Special Considerations in Employee Involved Domestic Violence, Early Warning Systems Application
- Social Media, Web Sites, Message Content, Privacy Issues, Compelled Disclosure

2:30 PM 10 Minute Break

2:40 PM **Presentation by Eric Daigle, Esquire continued**

3:30 PM 10 Minute Break

3:40 PM **Presentation by Eric Daigle, Esquire continued**

4:45 PM Conclude for the day

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Thursday

9:00 AM Presentation by Eric Daigle, Esquire

- Civil Liability Arising from Discipline Systems, Disciplinary Actions and Investigations, Inadequate Policies, Failure to Investigate, Employee Litigation
- Policy Claims, Department of Justice Investigations

10:00 AM Presentation by Jack Pecoraro, Esquire

- First Amendment issues in Internal Affairs investigations and discipline. Scope and application, Speech, Union Activity, Appearance and Grooming, Off-duty activities, Social Media Use and Access, Blog Use and Postings, Regulations and Restrictions

11:00 AM 10 Minute Break

11:10 AM Presentation by Jack Pecoraro continued

12:15 PM Lunch complimentary for all registered attendants

1:30 PM Presentation by Judge Emory A. Plitt, Jr

- Court standards and evaluation of Internal Affairs investigations and Disciplinary Action, preserving the Record, Administrative Appeals, Burdens of Proof

2:20 PM 10 Minute Break

2:30 PM Presentation by Dr John Peters, PhD (IPICD)

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

3:30 PM 10 Minute Break

3:40 PM Presentation by Dr John Peters, PhD

- Sex and Racial Harassment in the Workplace. Hostile Work Environment Issues, Policy Formulation and Application, Prevention Measures, Reporting and Record Keeping

4:40 PM Program Conclusion