

AELE Workshop

Public Safety Employee Discipline and Internal Investigations

Orleans Hotel & Casino
Las Vegas, Nevada
December 15-17, 2008

Agenda

Monday December 15

8:15 AM Coffee and Registration

9:00 AM Introductions and Announcements
(*Wayne W. Schmidt, AELE Staff Representative*)

9:05 AM Use of AELE Web Site and Resources, AELE Programs, Workshop Materials
(*Wayne W. Schmidt*)

9:20 AM - 12:15 PM Presentation By *Judge Emory A. Plitt, Jr., Workshop Course Director*
▣ Workbook Sections 34, 37, 71, 73 and 76

- Workshop Objectives, Relationship to Other Types of Litigation Including Mediation and Arbitration, Procedural and Substantive Due Process, Critical Issues Involving Rules of Conduct, Federal Constitutional Aspects of Employee Discipline
- The Elements of Just Cause for Taking Administrative Disciplinary Action, Penalty Standards and Systems (The “Douglas Factors”), Court Review Standards, Substantial Evidence Test, Making and Preserving the Record, Presumptions and Burdens of Proof, Plea Bargains
- New Critical Developments in Discipline, The Untruthful Officer, Failure to Obey Orders and Directives, Transfer and Reassignment, Employee Evaluations and Counseling, Inefficiency and Poor Performance, Retaliation, “Whistleblower” Problems

10:05 AM 10-Minute Break

11:05 AM 10-Minute Break

12:15 PM Lunch Complimentary for All Attendants

1:30 PM - 4:45 PM Presentation by *Jack Pecoraro, Attorney at Law*

▣ Workbook Section 61

- Internal Affairs Procedures - The Nuts and Bolts of IA, Processing Complaints, Complaint Logs/Records, Types of Complaints, Oral, Written, Internal, Anonymous, Formal v. Informal, What Kinds of Matters Internal Affairs Should Handle, Organization of Internal Affairs Function
- Internal Investigations, Witness Statements, Preserving Statements, Taping, Video, Who to Interview, Interview Procedures and Objectives, Officer Complaint Notifications, Scientific and Other Testing, Physical Evidence, Time and Place Issues
- Investigation Processing, Types of Dispositions, Unfounded, Exonerated, Not Sustained, Sustained, No Finding, Their Meaning and Importance, Preparing Reports, The Report Flow, Contents of Reports, Recommendations, The Decision to Charge a Violation(s), Expungement, Investigation Retention

2:20 PM 10-Minute Break

3:20 PM 10-Minute Break

4:45 PM Conclude for the Day

Tuesday December 16

9:00 AM - 12:15 PM Presentation by *Paul Coble, Jones & Mayer*

▣ Workbook Section 66

- Employee Disciplinary Rights, Right to Counsel/Representative, Interviews, Compelled Statements, Disciplinary Warnings, Emergency Suspensions
- Procedural Bills of Rights, Progressive Discipline Issues, Role of Employee's Prior Records, Use/Discovery/Disclosure of Reports and Documents, "Brady" and Other Disclosure Issues
- Double Jeopardy Issues, Discipline Issues Related to Criminal Prosecution, 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 - 4:45 PM Presentation by *Michael Stone, Esquire*

▣ Workbook Section 77

- First Amendment Issues, Scope and Application, Speech, Political Activity, Union and Employee Organization Activity, Sexual Activity, Hairstyles and Grooming, Appearance Issues, Supreme Court Rulings on Employee Speech, Applying Balancing Tests, Purely Private v. Job Connected Activities
- Conduct Unbecoming an Employee, What is it, Use of Conduct Unbecoming Rules, Common Problems, Notice and Rule Application Issues, Drafting Charges, Pitfalls to Avoid, Departmental Policies and Procedures, Vagueness Problems, Need for Specificity, Relationship to Department Goals and Objectives
- Bargaining Issues in Discipline, Penalty Matrix and Offense Classification Systems, Terms and Conditions of Employment, Duty to Bargain/Meet and Confer, Employee Lawsuits over Discipline, Employee Organization Issues and Concerns

2:20 PM 10-Minute Break

3:20 PM 10-Minute Break

4:45 PM Conclude for the Day

Wednesday December 17

(Please note that the Workshop begins at 8:00 AM on Wednesday)

8:00am - 10:55 AM Presentation by *Ronald Sanchez*

▣ Workbook Section 62

- The Need for and Benefits of Internal Affairs and Discipline Auditing, Intake Process, Risk Based Case Sampling, Adequacy of Investigations and Management Considerations, Separation of Duties, Investigation Summaries, Adjudication Recommendations, Intake Process, File Review, The Investigative Process

- Scope and Process of Audits/Reviews, Timeliness, Investigation Completeness and Integrity, Review and Adjudication, Dispositions, Record Keeping, Early Warning Systems, Conflicts of Interest, Organizational Placement
- Relationship to Other Areas of Agency Management, Training, Policy/Rule/Procedure Review and Development, Personnel and Employee Relations, Risk Assessment - Reduction and Prevention

9:05 AM	10-Minute Break
10:00 AM	10-Minute Break
10:55 AM	Concluding Remarks
11:00 AM	Program Conclusion