

SHERIFF OF GARFIELD COUNTY

LOU VALLARIO

107 8TH Street
Glenwood Springs, CO 81601
Phone: 970-945-0453
Fax: 970-945-6430



106 County Road 333-A
Rifle, CO 81650
Phone: 970-665-0200
Fax: 970-665-0253

GARFIELD COUNTY SHERIFF'S OFFICE POLICY / PROCEDURE GENERAL

SUBJECT: PROFESSIONAL STANDARDS AND DISCIPLINE

EFFECTIVE DATE: January 01, 2024

POLICY:

It is the policy of the Garfield County Sheriff's Office to document and investigate all complaints regarding Sheriff's Office employees. All allegations shall result in a final disposition. The Professional Standards Division shall be responsible for the administration of internal affairs matters and acts directly under the authority of the Undersheriff. This policy does not exclude a supervisor from imposing routine corrective action and /or discipline as appropriate.

PURPOSE:

To establish the administration of internal affairs matters to ensure the integrity of the Garfield County Sheriff's Office and its employees. The goal of internal affairs is to ensure that the integrity of the Sheriff's Office is maintained through an internal system where objectivity, fairness, and justice are assured by intensive, impartial investigation and review. Internal investigations are necessary to clear employees who are falsely accused, as well as correct and/or discipline those who violate Sheriff's Office standards, rules, policies and procedures. This process also assists the Sheriff's Office in identifying training and policy needs.

DEFINITIONS:

- **Complaint:** An alleged violation of law, civil rights, policy, procedure, rule, or other misconduct by an employee of the Sheriff's Office which is received from any source. All such allegations will be classified as Level I or Level II complaints. The classification of all complaints will be determined by the Professional Standards Division, the Undersheriff, or his designee. Level I and II complaints are defined as follows:

Level I complaint:

Allegations of misconduct regarding violation of civil rights, sexual harassment, violation of criminal statutes, and/or any complaint designated as such by the Sheriff, Undersheriff, or a Division Commander.

Level II complaint:

Allegations of misconduct regarding violations of Sheriff's Office/County policies, procedures, standards, or rules other than those which constitute a Level I complaint, shall be classified as a Level II complaint (i.e., demeanor, failure to perform, misconduct, etc.)

- **Inquiry:** A request for information or examination into facts or principles that may deal with an incident involving an action or non-action which, upon review, does not constitute misconduct. Inquiries are often questions concerning routine Sheriff's Office operations that may not be understood by the general public and are not considered to be a complaint. Supervisors may document an inquiry at their discretion. If documentation is completed the inquiry report will be forwarded to the Undersheriff via the Professional Standards Division. Inquiries are another process which assists in identifying policy, rule, procedure, and training needs. Inquiries will not result in disciplinary action.

METHOD:

Receipt / Reporting of Allegations: All allegations of misconduct shall be processed and documented upon receipt as follows:

- Any non-supervisory employee who is contacted by any source wishing to lodge a complaint against a member of the Sheriff's Office will immediately put that source in contact with a supervisor from the affected division or the Professional Standards Division. If neither is available, the employee will take that individual's name, address, and phone number, if possible, and forward all information to a supervisor or the Professional Standards Division.
- A supervisor, upon receiving a complaint, shall normally gather all appropriate information from the reporting party on a **Master IA Intake Form**. Preliminary investigations will be documented by the supervisor and forwarded to the Professional Standards Division, via the chain of command, on the next business day or as soon as possible.
- Employees who have a complaint against another member of the Sheriff's Office shall report their complaint to their supervisor unless the complaint is against that supervisor. If a complaint is against the supervisor, the employee should go to the next supervisor in the chain of command.
- Documentation of a complaint shall be forwarded, via the chain of command.

False Reporting: In the event that the assigned investigator believes and has probable cause to sustain a charge of false reporting against a complainant and/or witness, the investigator may issue a summons. A false reporting charge against a complainant and /or witness will cause the case file to become public record per applicable statutes and case law.

Criminal Investigation Procedures: If the allegation could result in the filing of criminal charges, the Sheriff, Undersheriff, and Professional Standards Division shall be notified immediately. In the event that the Professional Standards Division, Sheriff or Undersheriff determines a criminal investigation should be conducted, the case will be assigned to a criminal investigator (internal or external).

- The criminal investigator(s) shall follow normal investigative procedures to include, if appropriate, presentation of the case to the District Attorney for possible filing of criminal charges.
- All reports and information shall be given to the internal investigator, who will be updated regularly regarding the status of the investigation.
- Accused employee(s) have the same Fifth Amendment and other applicable privileges as any other person who may be a subject to a criminal investigation. In a criminal investigation, an accused employee may have an attorney present. No accused employee should be compelled to submit to a medical or laboratory examination, truth examination, physical line-up, or submission of financial disclosure against his/her will, nor should any disciplinary action be taken against an employee who fails to submit to any/or all examinations in a criminal investigation, unless the employee fails to cooperate with a warrant or other legal requirements.

Internal Affairs Investigations: All complaints will be investigated at appropriate levels.

- **Responsibilities of the Sheriff's Office:**

1. Employees shall be assured the rights afforded them in an internal investigation.
2. Professional Standards Investigators shall assure proper notification is made to the Complainant and involved employee(s) whenever possible.
3. The subject employee shall be informed, normally in writing, of the nature of the investigation and the name of the complainant, unless such information would jeopardize the investigation and/or process.
4. The subject employee shall be given timely notification of the date, time and location of any interview, unless the urgency of the investigation dictates otherwise.
5. Level I complaints shall be investigated by the Professional Standards Division, or directed otherwise by the Undersheriff. . These investigations may require the assistance of members from another division/agency at the discretion of the Professional Standards Division, or the Undersheriff. Formal taped interviews may be conducted and retained after the investigation. Level I investigations may also include the use of the Garfield County Sheriff's Office Non-criminal Advisement (Garrity warning) form.
6. Level II complaints shall be investigated by the Professional Standards Division, or if directed, the supervisor of the involved employee.
7. Any allegation made against a Division Commander shall normally be investigated by the Professional Standards Division at the direction of the Undersheriff unless a member of the Professional Standards Division is the accused party. Any allegation about the Professional Standards Division will be reviewed by the Undersheriff, who will make a decision as to who will investigate the case.
8. In all Internal Affairs Investigations, the interviews shall be conducted during reasonable hours, preferably when the employee is on duty, unless urgency dictates otherwise. Employees interviewed during off-duty time shall be compensated in accordance with the Sheriff's Office overtime procedures.
9. The employee being interviewed will not be subjected to offensive language or inappropriate threats of punitive action. However, advisement of punitive action(s) shall be given in instances where an individual fails to adhere to policy, procedure, rule, or a lawful order. No promise or reward shall be made as an inducement to answering any question.
10. If internal affairs investigative procedures include a medical or laboratory examination, truth examination, photographs taken of an employee, participation in a line-up, or submission of financial disclosure statements, prior authorization of the procedure shall be made to and obtained from the Undersheriff, in writing. This authorization shall be maintained in the case file.
11. If it is determined that there are additional acts of misconduct on the part of the employee(s) that are not included in the original complaint, but which are brought forth during the subsequent investigation, these acts will be included as either part of the original investigation or as a separate investigative process.

- **Responsibilities of the Employee:**

1. In internal affairs matters, no employee shall have an attorney present during any part of the process. Accused employees may, however, consult with an attorney if they desire.
2. During an Internal Affairs investigation, the employee must provide complete and truthful answers to all questions. Failure to do so may result in disciplinary action up to and including termination.
3. No employee shall make a false report against another employee or give false information during an internal investigation. False information given by an employee may result in disciplinary action up to and including termination.
4. No member involved in an internal affairs interview will be in custody in any way. The person being interviewed will be allowed to attend to their personal needs. Although they are not in custody, if the member elects to leave or end an interview, or in any way fails to follow any order, they may be subject to disciplinary action up to and including dismissal.
5. Refusal to cooperate with approved medical or laboratory examinations, truth examinations, participation in a line-up, or submission of financial disclosure may result in disciplinary action up to and including termination.
6. If a subject employee would like to know the status of an investigation in which they are involved, they may contact the investigator assigned to the internal affairs matter or the Undersheriff.

Confidentiality: Internal affairs matters are confidential in nature and adherence to confidentiality assists in the protection and integrity of the process, as well as all parties involved including the Sheriff's Office.

- It is the responsibility of all involved employees to keep internal affairs matters in strict confidence. Any employee that discloses information regarding an internal investigation to anyone, other than legal counsel and/or assigned investigators shall be subject to appropriate and/or additional discipline, up to and including termination.
- Members of the Professional Standards Division may only disclose internal affairs information to the Undersheriff or Sheriff and shall not disclose any information to a criminal investigator while an open criminal investigation exists on the employee in question.
- No internal affairs information shall be released to the media. In situations where the media inquires into internal matters, the Sheriff or his public information designee will be the point of contact for the media.

Administrative Leave: The Professional Standards Division at the direction of the Undersheriff may place an employee on administrative leave with pay during the course of an internal affairs investigation. If an employee is on paid administrative leave, that employee shall maintain daily contact with his/her supervisor and be available to the investigator assigned to the Internal Affairs matter. Any supervisor may immediately relieve an employee from duty and place them on paid administrative leave pending an Internal Investigation, if the supervisor determines that the continued presence of the employee in the workplace could constitute a danger or inappropriate situation.

Authority to Monitor and Inspect: The Sheriff's Office has legal authority as an employer to inspect and search all Sheriff's Office owned desks, lockers, storage spaces, rooms, offices, work areas, computers, vehicles or other equipment at any time as deemed necessary by the Professional Standards Division. An employee shall have no expectation of privacy regarding Sheriff's Office owned facilities, equipment, etc.

Completion and Disposition of Internal Investigation:

- Absent exigent circumstances, investigations of complaints shall be completed as soon as practical. These investigations are of the highest priority of the Sheriff's Office and shall be completed in a

reasonable time. This does not include the review process. Investigations that are going to need additional time to complete must have written authorization from the Undersheriff.

- At the conclusion of an investigation, the assigned investigator shall forward all documented information to the Undersheriff. The Undersheriff will determine if disciplinary action is warranted.
- Dispositions shall be classified as follows:
 - A. **Substantiated** – The allegation is supported by sufficient evidence that the misconduct occurred.
 - B. **Unsubstantiated** – The allegation is not substantiated, insufficient Evidence exists to prove or disprove the allegation.
 - C. **Exonerated** – The incident occurred, but the employee acted lawfully and properly according to policy.
 - D. **Unfounded** – The allegation is false, not factual, or did not occur, or the incident did not involve the employee named.
 - E. **Misconduct Not Based On Complaint** – Substantiated misconduct which was not alleged in the complaint, but disclosed by the subsequent investigation
- Substantiated allegations of misconduct shall result in sanctions that are fairly, equitably, and appropriately applied. The purpose of corrective and disciplinary action shall be to correct and train the employee, deter further misconduct and protect the community and the Sheriff's Office from the consequences of misconduct.
- Documentation will be placed in the personnel file of the affected employee(s) when corrective or disciplinary action is taken. This documentation will only indicate the reason(s) for and action(s) taken.
- When an internal investigation is completed, the subject employee(s) shall be advised of the final disposition and actions in either written notification or verbal.

Employee Review: All subjects of a substantiated internal investigation are allowed a review of the discipline imposed, by the Sheriff. Upon notification of the discipline, a written request seeking the Sheriff's review must be received by the Undersheriff within 24 hours. The Sheriff, upon receiving notice from the Undersheriff that a review was properly requested, shall review the findings of the case and the discipline imposed, and provide the employee an opportunity to be heard. The Sheriff shall provide his response to the review in writing. (Also see C.R.S. 30-10-506)

Statistical Reporting: The Professional Standards Division may compile statistical data regarding internal affairs investigations and citizen complaints which may include monthly or annual reports, prepared and disseminated to Sheriff's Office personnel.