

I. RESULTS OF ALL REVIEW BOARDS, DISCIPLINARY ACTIONS, AND FORMAL GRIEVANCES

Copies of the results of all Review Boards, disciplinary actions, and formal grievances must be forwarded to the Personnel Unit for filing. It is the responsibility of each Review Board Chairperson or appropriate Commander to ensure that this is accomplished.

II. MEDICAL REVIEW BOARD

The Medical Review Board shall consist of the appropriate Bureau Chief, who acts as Chairperson, Administrative Services Division Commander, Employee Support & Assessment Unit Commander, Staff Services Commander, Personnel Supervisor, Legal Advisor, Pima County Risk Manager, and the County Physician.

- A. The Review Board shall meet as directed by the Chairperson.
- B. The Review Board shall evaluate the progress and status of Department members with temporary medical conditions to determine when and if a member will be able to return to full duty.
- C. If a member is unable to return to full duty, the Medical Review Board shall consider the operational needs of the Department and the progress of the member toward fitness for duty. The Board shall make a recommendation to the Sheriff for continuation of temporary medical condition status or issue a finding of a permanent medical condition. In the event of permanent medical condition, the Board shall make a recommendation for layoff, disability retirement, or other options afforded by County policies and local, state, and federal law.

III. PRE-END-OF-PROBATION EXECUTIVE REVIEW BOARD

- A. A Pre-End-of-Probation Executive Review of all corrections officers and deputy sheriffs shall be conducted to determine whether these Department members have met the minimum requirements to continue employment with the Department. The Personnel Unit Supervisor shall coordinate the executive review process.

B. Records Review

Specific areas that shall be considered during the Executive Review include:

1. Personnel Record
2. Internal Affairs Record
3. Training- CTO/FTO Record
4. Monthly Employee Performance Appraisal Forms
5. End-of-Probation Employee Evaluation

C. Members of the Pre-End-of-Probation Executive Review Board are as follows:

1. Employee's Bureau Chief
2. Employee's Division Commander
3. Administrative Services Division Commander
4. Staff Services Section Commander
5. Employee's District/Section Commander
6. Office of Special Investigations Commander
7. Personnel Supervisor
8. Training Supervisor

D. After the Executive Review, all End-of-Probation Appraisal Forms shall be discussed with the Department member, along with the results from the Pre-End-of-Probation Review. These documents will be signed and dated by the member and the Sergeant prior to being forwarded to the Personnel Unit. All documents will be placed in the member's personnel file.

IV. TRAFFIC ACCIDENT REVIEW BOARD

- A. Traffic Accident Review Boards shall conduct administrative hearings in order to investigate collisions or other accidents involving Pima County Sheriff's Department vehicles to determine whether the accident was preventable, preventable with extenuating circumstances, or non-preventable, and whether an infraction of departmental rules, regulations, procedures, or Arizona Revised Statutes occurred. This Board shall be used in place of the Departmental Review Board as outlined in this chapter.

The Board may be convened at the request of a bureau chief when a Department member appeals the finding of the Traffic Unit Administrative Review. The appeal request shall be made to the bureau chief for review.

- B. The Sheriff, or his designee, shall select the members for a Traffic Accident Review Board and shall convene the Board by notifying all concerned parties, in writing, of the location, date, and time of the hearing.
- C. Composition, Power, and Responsibility of Traffic Accident Review Boards
1. The Board shall consist of at least three members selected by the Sheriff, or his designee, of the following ranks:
 - a. Two (2) members of the same rank as the member appearing before the Board
 - b. One (1) member of a superior rank
 2. The Chairperson of the Traffic Accident Review Board shall be the senior ranking member of the Board and shall preside over the proceedings and maintain order.
 3. The Department member appearing before the Board shall not face any member of the Board who is of a lesser rank. Civilian members shall face a Board comprised of one (1) lieutenant or sergeant and two (2) deputies.
 4. A member facing a Traffic Accident Review Board may challenge that Board's membership only once.

5. At least one (1) deputy with expertise in traffic investigation shall be a member of each Traffic Accident Review Board. This deputy shall not have been involved in the Traffic Unit's Administrative Review of the case before the Board.
6. The Traffic Accident Review Board shall have intra-departmental powers to subpoena personnel to give testimony. Such a subpoena shall constitute a direct order to appear and testify before the Board.
7. The Chairperson shall ensure that a written record is maintained of all Traffic Accident Review Board proceedings. This record shall include the names of all persons involved, time and location of the hearing, and any other relevant information concerning the proceedings.

D. Rights and Duties of Department Members Appearing Before a Traffic Accident Review Board

1. Members may be present during the presentation of all testimony and may cross-examine all witnesses who are called to testify.
2. Members may call witnesses to testify on their behalf.
3. Members may consult with other persons before a Traffic Accident Review Board but shall represent themselves during the Board's proceedings.

E. Traffic Accident Review Board Findings

1. The Board shall establish, by majority vote, the following:
 - a. Whether the accident was preventable, preventable with extenuating circumstances, or non-preventable
 - (1) Non-Preventable
 - (a) The member directly responsible for the vehicle exercised reasonable care in the operation of the vehicle.
 - (b) Circumstances contributing to the accident or incident were reasonably beyond the control of the member.

- (2) Preventable With Extenuating Circumstances
 - (a) Avoidance of the accident or incident was reasonably within the control of the member.
 - (b) If extenuating circumstances existed, disciplinary action may be waived at the discretion of the Bureau Chiefs.
 - (c) Judgment in this category must be thoroughly explained by the Traffic Accident Review Board.
- (3) Preventable
 - (a) Avoidance of the accident or incident was reasonably within the control of the member.
 - (b) There was a failure to exercise reasonable care in the operation of the vehicle and/or a violation of law, Department rules, regulations, or procedures.
- b. In cases where enforcement action has not already been taken, whether a violation of Arizona Revised Statutes occurred
- c. If a violation of departmental rules, regulations, or procedures occurred
- d. If the member committed the violation
- e. If further investigation or information is required to conclude the review
2. The Chairperson of the Traffic Accident Review Board shall, within two (2) business days of a hearing, forward a written report to the Sheriff summarizing the Board's findings.
3. The Traffic Accident Review Board's report is only advisory.

F. Issuing of Citations

1. If a Traffic Accident Review Board determines that a violation of Arizona Revised Statutes has occurred, and enforcement action has not already been taken, the Board Chairperson shall return the case to the Fleet Manager who will forward the case to the Traffic Unit Supervisor.
2. The Traffic Unit Supervisor shall complete the appropriate citation(s) and forward the citation(s) to the Department member's commander for service within the time limits pursuant to A.R.S. § 28-1592.
3. The member's commander or designee shall be responsible for insuring the citation is served (signed by the member), in person, by the commander, or his/her designee.
4. Once served, a copy of the citation shall be forwarded to the Traffic Unit Supervisor in order to confirm service. The citation copy shall have noted the date and time of service and shall be initialed by the server.
5. The Traffic Unit Supervisor shall forward the citation copy to Material Management for placement in the Traffic Accident File.
6. The Traffic Unit Supervisor shall be responsible for follow-up on the service of the citation if he/she has not received confirmation on the service of the citation within ten (10) days of the citation preparation date. If he/she has not received the served citation copy, the Special Operations Section Commander shall be notified and shall take appropriate action.

G. Disciplinary Action and Remedial Training for Preventable Traffic Accidents

1. Members who are found by a Traffic Accident Review Board to have been responsible for a preventable traffic accident, or in some cases a preventable traffic accident with extenuating circumstances, are subject to disciplinary action and remedial training.
2. The following are general guidelines for preventable traffic accident discipline:

- a. Members who have been found responsible for a preventable traffic accident shall be issued no less than a Letter of Counseling.
 - b. Members who have been found responsible for more than one (1) preventable accident in a twelve (12)-month period shall be issued no less than a Letter of Reprimand.
 - c. More severe disciplinary action may be considered based upon the member's driving record, the nature of a traffic accident, or the disciplinary history of the member.
 - d. A Preventable Traffic Accident Form shall be completed prior to issuing any disciplinary action.
 - e. A Bureau Chief shall review all disciplinary actions for preventable accidents prior to their being administered.
3. The Department's Safety Officer shall:
- a. Schedule the employee for remedial driver's training within thirty (30) days of receipt of the notice to attend
 - b. Forward a memo documenting the employee's participation in remedial driver's training to the Training Center and the Material Management Section
 - c. Follow-up with the employee at six (6) and twelve (12) months to review training material and identify positive changes in driving behavior

V. SHOOTING REVIEW BOARDS

- A. The Shooting Review Board shall conduct administrative hearings to investigate the circumstances of any shooting incident involving a Department member. It shall be convened at the discretion of the Sheriff.
- B. The Shooting Review Board for **Commissioned members** shall comprise the following:
 1. The member's Division Commander, who shall serve as Chairperson of the Board

2. A division commander not filling the position of Chairperson
 3. The member's District/Section Commander
 4. One (1) member of a rank equal to that of the involved member
 5. The Training Unit Supervisors, who shall attend in a non-voting, advisory capacity
 6. The Homicide or Robbery/Assault Unit Supervisor and the Lead Investigator, who shall attend in a non-voting, advisory capacity
- C. The Shooting Review Board for **Corrections Officers** shall comprise the following:
1. The member's Division Commander, who shall serve as Chairperson of the Board
 2. A division commander not filling the position of Chairperson shall be present, e.g., Security Operations or Support Operations
 3. The member's Section Commander, if firearms qualified, or if not, a firearms-qualified corrections lieutenant
 4. One (1) firearms-qualified corrections officer of a rank equal to that of the involved member
 5. The Training Unit Supervisors, who shall attend in a non-voting, advisory capacity
 6. The Homicide or Robbery/Assault Unit Supervisor, who shall attend in a non-voting, advisory capacity
- D. The Shooting Review Board shall examine all investigative data. The Shooting Review Board may interview involved Department members and applicable witnesses. The Shooting Review Board shall evaluate the incident in order to:
1. Review the tactics used by the member before, during, and after the shooting
 2. Assess the member's judgment, training, and compliance with applicable Department policies

3. Recommend changes in specific Department policies or training procedures, if necessary
- E. Upon completion of the Shooting Review Board's evaluation, the Lead Investigator shall meet with the Board Chairperson and prepare a written report of the Board's findings.
1. The written report shall be forwarded to the Board Chairperson for review.
 2. The Chairperson shall prepare a recommendation and forward to the Bureau Chief.
 3. The Bureau Chief shall review the report and make a recommendation to the Sheriff.
- F. Upon receipt of the Sheriff's finding in the case, the Shooting Review Board Chairperson shall, within five (5) working days, forward a written notification of the findings to the involved member.
1. The notification shall state whether the member's actions were in compliance with Department policies and standards.
 2. The Chairperson may also elect to discuss the findings with the member.
- G. Members who are found by the Shooting Review Board to have failed to comply with applicable Department policies and/or have been found to have deficiencies in judgment or training, or to lack appropriate knowledge of law enforcement tactics, are subject to disciplinary action and/or remedial training.
- H. The Shooting Review Board Chairperson shall be responsible for forwarding the final report, with an Officer-Involved Shooting Summary form completed by the Homicide or Robbery/Assault Unit Supervisor, to the Personnel Unit for archiving.

VI. OTHER DEPARTMENTAL REVIEW BOARDS

- A. Review Boards have been established to provide a method for resolving possible infractions of Department rules, regulations, and procedures.
- B. Review Boards serve as fact-hearing bodies for incidents involving personnel of the Department that require investigation.
- C. The Sheriff shall select Review Board members and convene the Board by notifying all concerned parties in writing of the location, date, and time of the hearing.
- D. Composition, Power, and Responsibility of Review Boards
 - 1. The Board shall consist of at least three (3) members of the following ranks:
 - a. One (1) member of the same rank as the member appearing before the Board
 - b. Two (2) members of a superior rank
 - 2. The Chairperson of the Board shall be the senior ranking member of the Board.
 - 3. The accused Department member appearing before the Board has the privilege of one (1) preemptory challenge regarding Board membership.
 - 4. The member appearing before the Board shall not face any member of the Board who is of lesser rank.
 - 5. The Board Chairperson may appoint advisors with expertise in specific areas.
- E. Review Board Findings
 - 1. The Board shall establish whether or not:
 - a. A violation of Department Rules and Regulations, or procedures occurred

- b. The accused committed the violation
2. The Chairperson of the Review Board shall, within five (5) business days of a hearing, forward a written report to the Sheriff summarizing its findings.
3. The Review Board's report is only advisory in nature.
4. Upon final disposition, the Chairperson shall be responsible for forwarding the final report to the Personnel Unit for archiving.

VII. DISCIPLINARY ACTION

- A. All disciplinary action shall comply with the Pima County Personnel Policies, Pima County Merit System Rules, Pima County Law Enforcement Merit System Rules, and Department Rules and Regulations, and procedures.
- B. Members of the Department may be subject to disciplinary action for failure to observe the provisions of the Pima County Personnel Policies, Pima County Merit System Rules, Pima County Law Enforcement Merit System Rules, and Department Rules and Regulations, and procedures.
- C. Informal disciplinary action may take one or more of the following forms:
 1. Verbal Counseling
 2. Letter of Counseling

The letter of counseling shall be signed by the member, the administering supervisor, and the appropriate commander or manager, and placed in the member's Department personnel file.
 3. Informal disciplinary actions will automatically be purged from the personnel file in compliance with the Merit System Rules.
- D. Formal disciplinary action may take one (1) or more of the following forms:
 1. Letter of Reprimand
 2. Suspension for Cause
 3. Demotion for Cause

4. Dismissal for Cause
- E. The following levels of authority may discharge disciplinary action as indicated:
1. First-line supervisors may administer:
 - a. Verbal Counseling
 - b. Recommendation of a more severe form of disciplinary action
 - c. Request for a Review Board
 2. District/Section Commanders, Corrections Lieutenants, and Managers may administer:
 - a. Verbal Counseling
 - b. Letters of Counseling
 - c. Recommendation of a more severe form of disciplinary action
 - d. Request for a Review Board
 3. Division Commanders and Corrections Captains may administer:
 - a. Verbal Counseling
 - b. Letters of Counseling
 - c. Letters of Reprimand (signed by the Sheriff)
 - d. Recommendation of a more severe form of disciplinary action
 - e. Request for a Review Board
 4. Only the Sheriff and/or the Bureau Chiefs may suspend, demote, or dismiss a Department member. The Sheriff and/or the Bureau Chiefs may also administer any of the aforementioned forms of discipline.

- F. The Sheriff or Bureau Chiefs must sign all letters of reprimand; therefore, when a Commander issues such a letter, it shall be forwarded to the Sheriff for signature. If the Sheriff or a Bureau Chief signs the letter of reprimand, it shall be returned to the Commander who may then administer the discipline.

- G. Suspension for Cause and Administrative Leave
 - 1. Suspension for cause is a disciplinary action, and such suspensions are without pay.

 - 2. Administrative leave may be employed pending the completion of an investigation or criminal proceedings. This type of leave is with pay.

- H. Procedures for Administrative Suspension/Leave of Department Members
 - 1. Whenever it is deemed necessary as a result of a flagrant violation of an established Department Rules and Regulations, or procedure, any supervisor may relieve from duty any subordinate member of the Department in order to preserve good order, efficiency, and discipline.
 - a. When a member is relieved from duty, the supervisor so ordering shall, as soon as practicable, but within thirty-six (36) hours, notify the Sheriff or the Bureau Chiefs in writing by presenting all the circumstances that resulted in the supervisor's action.

 - b. Even though relieved from duty by a supervisor, a member is not suspended or placed on leave until the Sheriff or a Bureau Chief orders the suspension or leave.

 - 2. Conduct During Suspension/Leave
 - a. Members on suspension or leave shall remain subject to Department Rules and Regulations, and procedures.

 - b. Members on suspension or leave shall not wear their uniforms.

 - c. Members on suspension or leave shall have no law enforcement authority.

- d. Members on suspension or leave shall be ineligible to receive any special assignment pay, holiday pay, or on-call pay.
- e. Members on suspension or leave shall be prohibited from working off-duty or outside employment.

VIII. ADMINISTRATION OF DISCIPLINARY ACTIONS

A. Supervisors' Obligations

In administering disciplinary actions, supervisors shall take the following actions:

1. Advise the Department member involved of the reason for disciplinary action
2. Advise the member involved what disciplinary action has been taken and explain the ramifications of the action
3. Advise the member involved of grievance or appeals procedures available. In cases of dismissal, demotion, or suspension, a copy of the Employees' Guide to the Appeal Process shall be attached to the notification of the particular action.
4. Forward copies of the disciplinary action to the Personnel Unit for placement in the member's file

- B. Members' obligations: They shall sign the notice of disciplinary action, indicating receipt. This signature does not preclude a member from grieving or appealing the disciplinary action, nor does it indicate agreement with the action.

IX. GRIEVANCE AND APPEALS PROCEDURES

A. General Provisions

1. Permanent Department members are guaranteed the right to utilize the grievance process without fear of intimidation or coercion or in any way jeopardizing their employment with the Pima County Sheriff's Department.
2. The grievance process is designed to:

- a. Provide members with a means of expressing grievances without fear of retribution
- b. Assist the County and the Department in identifying and eliminating causes of member complaints or problems
- c. Contribute to harmonious employee relations that will result in favorable morale and efficiency throughout the County service

B. Informal Procedures

1. Members shall, if possible, informally discuss any problem or complaint with their immediate supervisor as this method is usually in the best interest of the County, the Department, and the member.
2. Members have the right to discuss the problem or complaint informally with individuals of a successively higher supervisory or management level within the Department if it is not possible to discuss the problem with their supervisor or if the supervisor lacks authority to act on the problem. If this fails, the member may utilize the applicable formal procedure.
3. Members may informally discuss a complaint or problem with a member of the Pima County Human Resources Department, a Supervisor of the Sheriff's Department Personnel Unit, or the Department EEO Coordinator.
4. For any complaint or grievance that alleges discrimination based on religion, race, age, national origin, sex, disability, sexual orientation, or veteran status, the complainant is encouraged to contact the Pima County EEO Department or the Sheriff's Department EEO Coordinator to present and discuss the member's concerns to determine whether the matter is of a grievable nature.

C. Formal Procedures: Grievances and Appeals

See Pima County Personnel Policies and Merit System Rules.

D. Discrimination or Sexual Harassment Complaint Procedure

SEXUAL HARASSMENT IS PROHIBITED AT THE PIMA COUNTY SHERIFF'S DEPARTMENT.

1. Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment, or when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
 - b. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
2. Any member who feels that he or she may be a victim of sexual harassment should seek assistance from one of the following:
 - a. Immediate Supervisor
 - b. Commander(s)
 - c. Department EEO Coordinator
 - d. County EEO Representatives

There is no requirement to follow the chain of command when reporting sexual harassment.

3. If the reporting individual desires primarily to discuss personal thoughts and feelings or consider ways in which to deal individually with the incident(s), the Department EEO Coordinator shall assist and explain the avenues of recourse that are available.

Any report of conduct that constitutes sexual harassment shall be investigated by either the Sheriff's Department or the County EEO Office. Every attempt shall be made to maintain confidentiality in such an investigation.

4. Any Supervisor or Commander who is made aware of a complaint regarding possible sexual harassment must report the complaint to one of the following:
 - a. Personnel Unit Supervisor
 - b. Department EEO Coordinator
 - c. Commander of the unit in which they work
 - d. Pima County EEO Office
5. The Sheriff's Department is committed to investigating each complaint and taking corrective action on violations of this policy.
6. Reprisal by any member or manager against any complaining member or corroborating witness is prohibited.

E. Americans With Disabilities Act Grievance Procedure

1. It shall be the policy of the Pima County Sheriff's Department to support the Americans with Disabilities Act (ADA) through the hiring, accommodation, promotion, and retention of qualified disabled employees.
2. For any complaint based on the ADA, the complainant shall contact the Pima County Risk Management Department or the Sheriff's Department EEO Coordinator who shall serve as the Departmental ADA Coordinator. Complainants wishing to bring an ADA grievance shall submit it on the ADA Grievance Notice Form and forward it to the Director, Pima County Risk Management.

X. Employee Representative

- A. An employee under investigation, in which the Department believes could result in Dismissal, Demotion, or Suspension, may request to have a representative of the employee present, at no cost to the Department, during the Interview. (This does not apply to Criminal Investigations.) One (1) Employee Representative will be allowed per investigative interview/meeting. The following guidelines apply:

1. The Employee Representative must be a full-time PCSD employee and not an attorney.
2. The Employee Representative shall participate as an observer only and may not speak on behalf of the employee.
3. An employee requested to be an Employee Representative may do so as long as it does not adversely affect his or her job performance as determined by his or her supervisor.
4. The Employee Representative selected cannot have any involvement in the incident being investigated, nor have any involvement in the administrative investigation.
5. The Employee Representative selected cannot be in the chain-of-command of the employee under investigation and cannot be an employee who directly reports to the employee under investigation.
6. An employee under investigation has a maximum of two (2) hours to contact the Employee Representative and have him or her present prior to the interview being conducted.
7. An employee under investigation will be permitted reasonable breaks of limited duration during any interview for telephonic or in-person consultation with others, including an attorney, who are immediately available.
8. No confidentiality exists regarding any communication between an employee under investigation and his or her Employee Representative.
9. No overtime will be authorized for an employee's role as an Employee Representative.