



Kern County Sheriff's Office
Policies and Procedures

TITLE: EMPLOYEE DISCIPLINE – DUTIES/PERFORMANCE		NO: D-200	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 1, 1990	REVIEWED: 8/25/2017	REVISED: 4/20/2005	UPDATED: 8/25/2017

POLICY

It is the policy of the Sheriff's Office that all its members perform their duties in a competent, efficient, and professional manner in conformity with the policies, rules, regulations, and orders of the Sheriff's Office and the County of Kern.

It is the intent of the Sheriff's Office to diligently investigate allegations of poor performance following accepted investigative standards, the Peace Officers Procedural Bill of Rights (Government Code 3300 et.seq.) as applicable and current statutory and case law. If employee performance requires the imposition of disciplinary action to correct the performance, such disciplinary action shall be taken in an informed, reasonable, timely, fair, and uniform fashion, without compromising the mission of the Sheriff's Office.

DIRECTIVE A

The procedures that follow are intended for use in cases where the employee problem is clearly one of work performance or violation of any rules set out in Section "B" of this manual. These procedures should be used within any of the following three dimensions:

- When lesser forms of discipline have failed to change the employee's behavior. Supervisors are expected to pursue lesser forms of discipline such as oral admonishments or documented oral admonishments (refer to section D-100).
- When the nature of the employee's behavior is serious enough to require more severe discipline even though lesser forms of discipline have not been exhausted.
- When the infraction is a violation of C-100, C-200, or C-300, and in the supervisor's judgement is of such a minor nature that an Internal Affairs investigation is not warranted and the matter may be adequately resolved at the supervisory level. In these situations, the supervisor will obtain the approval of their division commander before proceeding.

DIRECTIVE B

The command officer or supervisor may suspend, with pay, any subordinate for insubordination or disruptive behavior. The subordinate shall be told that he/she will be contacted by his/her respective Bureau Chief Deputy or their designee the next business day. The suspending officer shall immediately forward a written report on the suspension through the chain of command to the Chief Deputy or their designee.

DIRECTIVE C

During the disciplinary process, if the division commander is absent and will not return in time to comply with the prescribed time limit, guidelines, the package will automatically be routed to another division commander. In the absence of the Bureau's Chief Deputy, another Chief Deputy will be designated to act for the absent Chief Deputy.

PROCEDURE

When a supervising employee determines, discipline could be necessary to correct poor performance on the part of an employee under their supervision, or the employee has failed to perform a listed duty, they will:

- Comply with the requirement of Government Code 3300 et. seq. if the employee is a peace officer.
 - Particular attention must be paid to Government Code 3303.
- Conduct an investigation of the incident and establish:
 - The identities of the individuals involved, if any;
 - The acts or omissions that constitute the poor performance;
 - The statements or accounts of all persons involved.
- Prepare a written report in memorandum form that includes all the above, plus:
 - The rules, regulations, policies, or orders applicable;
 - The acceptable work standard, and a statement of where the employee has fallen short;
 - The apparent severity of the failure of performance.
- Forward this report and all supporting documentation to their Commander in a sealed envelope. In cases where the supervising employee is of the rank of Commander or higher, the documentation will be forwarded to the next highest level.
- Notify the employee of the situation at the time the report is forwarded.

Any commander receiving such report will:

- Act as the Sheriff's Office's reviewing authority;
- Determine if there are sufficient facts to warrant the imposition of discipline;
- Determine what discipline is appropriate;

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- If insufficient information is included in the report, return the report for further investigation.

When facts justify a written reprimand or oral admonishment, the commander will:

- Instruct the supervisor to prepare a written reprimand using the approved format (See D-100, Attachment A), or
- Instruct the supervisor to document an oral admonishment (See D-100, Attachment B).

When the apparent facts justify discipline greater than a written reprimand, the commander will:

- Meet with the investigating supervisor to corroborate and clarify any information or documentation.
- Comply with Government Code 3300 et. seq.
- Meet with the employee (and his/her representative if requested) to:
 - Give employee opportunity to explain actions or omissions;
 - Establish employee's understanding of events;
 - Gain any new or additional pertinent information;
 - Clarify information or documentation.
- Make final determination on justification for discipline;
 - If a written reprimand or less, return to supervisor.
- If discipline of more than a written reprimand is warranted, prepare a report in memorandum form of his/her actions, findings, and recommendations;
 - Attach to supervisor's report;
 - Forward to appropriate Chief Deputy within three (3) working days.
- Notify employee that the matter has been sent for further review.

The Chief Deputy, upon receipt of a request for discipline report, within three (3) working days, will:

- Review the contents and determine if facts support discipline;
- If necessary, meet with the commander and supervisor to clarify any points;
- At his/her discretion meet or confer with any other person they deem necessary;

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- At his/her discretion confer with County Counsel on any case;
 - Should confer on cases of severe discipline or representation by County Counsel is likely;
 - In those cases, referred to County Counsel, request a timely response.
- Determine the appropriate disposition of all allegations as identified in DPPM D-100 under “Definitions...Disposition.”

When the Chief Deputy makes, a disposition finding of other than sustained, he/she will:

- Notify the employee of the finding and that no discipline will be taken;
- Notify the Commander involved of the finding.

When the Chief Deputy makes, a disposition finding of sustained, he/she will notify the Personnel Commander.

The Personnel Commander will schedule a discipline review for the purpose of deciding on what, if any, discipline should be attached to the sustained allegations(s). The discipline review panel is to be comprised of all Chief Deputies available to attend. The Personnel Commander will attend in order to facilitate the review process.

When the decision is to not impose discipline, the Chief Deputy will:

- Notify involved parties of the decision.

When the decision is to issue a written reprimand, the Chief Deputy will:

- Cause the preparation and service of the written reprimand through the commander or supervisor of the employee.

When the review panel recommends discipline more severe than a written reprimand, the Personnel Division Commander will:

- Cause the preparation of a letter of intent to discipline or dismiss;
- Cause the letter of intent to be sent to the appropriate Deputy County Counsel for his/her review and recommendations;
- After County Counsel’s review, cause the service of the letter of intent in a timely manner.

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DIRECTIVE D

At any time during the process, the County Counsel’s Office may be contacted for advice or assistance and may be furnished any materials or information necessary to provide legal services. In addition, materials and information concerning a disciplinary matter may be provided to any other persons necessary to the proper completion of the disciplinary process.

DIRECTIVE E

Personnel assigned to perform an Internal Affairs investigation shall have full staff authority of the Sheriff-Coroner to order employees of the rank of sergeant and below, or any non-sworn member, to cooperate fully during Internal Affairs investigations and to answer questions, if they are the subject of the investigation.

Any member of the Sheriff’s Office of the rank of lieutenant or higher who is a subject of the investigation will be ordered to answer all questions fully and honestly by the Internal Affairs division commander or by a superior officer who will remain present during the interview.

All members of the Sheriff’s Office who are witnesses in an administrative investigation are hereby obligated and directed to cooperate and answer truthfully and completely all questions asked by the investigator.

Employees are reminded that a refusal to obey a lawful order to cooperate will be treated as insubordination by Administration of the Sheriff’s Office and will subject the offender to disciplinary action up to and including dismissal from employment.

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