PURPOSE:

The Sheriff's Office has established guidelines for a Conduct and Procedures Review Board to hear and evaluate issues arising out of the following circumstances:

- Incidents that result in serious disciplinary action taken against an employee.
- A grievance filed by an employee.
- Separation/Termination Decisions
- Any other matters that the Sheriff deems appropriate.

CONDUCT AND PROCEDURES REVIEW BOARD:

Review Board Defined – A panel of employees that examine specific issues involving other employees, including disciplinary action.

Clarification of the Board's Review of Disciplinary Action - Convenes to review a specific incident and make a recommendation to the Sheriff. An employee is permitted to request a Conduct and Procedures Review Board in writing to the Sheriff. After considering the request, the Sheriff will notify the requesting employee in writing whether the request was approved or denied. Only the Sheriff may convene a review board, and such a decision is made on a case by case basis at the Sheriff's sole discretion.

Terminated Employees – The decision to terminate an employee is solely at the discretion of the Sheriff. Therefore, the procedure delineated in General Order 113 – Grievance Procedures is not applicable to termination decisions. When an employee is terminated from the Sheriff's Office they may request, in writing, a Conduct and Procedures Board to the Captain of the Administrative Services Division within five days of the termination. The Captain will meet with the Sheriff to review the request and the Sheriff will make the decision whether a board will convene. If the request is granted a board will convene as outlined in the policy. If the request is denied the terminated employee will be notified in writing of the denial.

Legalities and Judicial Opinion - The Conduct and Procedures Review Board is not a judicial proceeding. Its findings are not legal in nature. It is not bound by rules of evidence or procedure. Constitutional rights evoked in a court of record do not apply to this panel of review. Its function is advisory. The determination of the Sheriff as to the findings of the Conduct and Procedures

Review Board is final. The Sheriff asserts his statutory right to dispose of disciplinary matters in accordance with his pleasure.

The board review is an informal hearing. It is not audio or video recorded. No written transcript is produced. It is closed to the public. The board review is not a proceeding that triggers an employee's right to counsel.

COMPOSITION OF THE BOARD:

Composition of the board in general - Consists of three sworn members of the Sheriff's Office, excluding the Division Commander of the employee in question, any relative of the employee, and any witness or investigator involved in the complaint or incident. Board members are appointed by the Sheriff and serve at his pleasure.

Division representation – Unless the Sheriff deems otherwise, at least two divisions are represented on the board. A subordinate to the employee in question cannot serve as a board member. Board members are notified of their assignment in a personnel order.

Specific composition of the board:

- A Division Commander, other than the division commander of the employee in question, who serves as the presiding deputy.
- A representative from a division other than that of the employee in question.
- A deputy of the same rank as the employee in question.

Exception: When circumstances arise wherein a member of the Executive Command Staff is a party of the specific issues that the board will be examining, the Sheriff can deviate from the above process as warranted.

PROCEDURE:

1. Notify employees subject to review, in writing, at least three working days in advance of the board's meeting. Written notification is to include the date, time and place of the hearing, and the names of board members.
2. When deemed necessary, call witnesses and review investigative reports, documents, and other evidence.
3. At the conclusion of review, conduct an oral vote in reverse order of seniority indicating each member's position concerning the issues before the board.
4. Sheriff's Office General Counsel will be present during board proceedings only to observe, and may subsequently incorporate the board's findings into a legal memorandum to

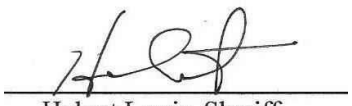
the Sheriff containing the General Counsel's legal opinion and any recommendations.

Employee in question responsibilities –The presence of the employee in question is mandatory during the board proceedings unless otherwise approved by the Administrative Services Captain. The board can elect to meet without the presence of the employee. If the employee does not appear and fails to issue a written refusal, the board will meet and review the issue without the participation of the employee. An employee can remain in the hearing during its entire proceeding unless otherwise prohibited by the board itself. If a citizen complaint is the issue at hand, the complainant can attend the board unless the presiding member determines otherwise.

SHERIFF:

Statutorily, the Sheriff possesses the power to dismiss a deputy based on the Sheriff's pleasure. This power is granted to the Sheriff due to the special legal relationship created when a Sheriff delegates his powers on a deputy. The deputy acts in the Sheriff's stead and, legally speaking, the deputy's acts are the Sheriff's acts. Because of this close legal association, South Carolina statutes grant a Sheriff the sweeping power to dismiss deputies who he feels no longer serve his purpose. In light of this statutory power, the Sheriff will review recommendations from a Conduct and Procedures Review Board and make disposition of the issue in accordance with his statutory powers and with respect to Sheriff's Office General Orders.

The Sheriff can order an additional review of the issues involved in the original board or determine that no disciplinary action is warranted despite the board's recommendations. The Sheriff's judgment is final. The deputy (including other employees) who is the subject of the board's review will receive notification of the Sheriff's determination in writing, with copies delivered to the Office of Professional Standards and/or the deputy's (employee's) personnel file.



Hobart Lewis, Sheriff