

Carlsbad Police Department

Policy Manual Special Order 2022-01

Pursuant to Carlsbad Police Department Policy 204, this Special Order becomes effective, January 3, 2022. Policy Sections 340.5-340.6 have been modified to reflect the following.

340.5 POST INVESTIGATION PROCEDURES

340.5.1 RESPONSIBILITIES OF COMMAND STAFF

All completed personnel Type II investigations, as classified pursuant to department policy, shall be forwarded to the PSSB Lieutenant for approval. Approved investigations shall be forwarded to the involved employee's Bureau Captain, or other person at the direction of the Chief or Assistant Chief, for review and determination of findings. The involved employee's Bureau Captain, or assigned person, will conduct findings for the alleged policy violation(s) and prepare a report for the Assistant Chief.

The Assistant Chief will have the responsibility to implement and/or recommend disposition, including discipline for Type II complaints, if determined appropriate by the Assistant Chief, per each employee's applicable Memorandum of Understanding. The Assistant Chief will notify the employee of the disposition and discipline if indicated.

340.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

In the event disciplinary action is recommended, consistent with all applicable Memorandum of Understandings, the Assistant Chief shall provide the employee with written (*Skelly*) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

(a) Specific charges set forth in separate counts, describing the conduct underlying each count.

(b) A statement that the employee has been provided with or given access to all of the materials considered by the Assistant Chief in recommending the proposed discipline.

(c) An opportunity to respond orally or in writing to the Chief of Police if requested within seven days of receiving the *Skelly* notice.

1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

340.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This *Skelly* response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the *Skelly* response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.
- (f) Once the employee has completed his/her *Skelly* response, the Chief of Police shall consider all information received in regard to the recommended discipline. A written decision shall be provided to the employee within 30 days, imposing, modifying, or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

WILLIAMS 5221
Mickey Williams, Chief of Police

1.3.22
Date