3-02/010.50 - Policy on Promotion/Transfer Process - Responsibility for Active Investigation Reviews

All personnel who are considered for promotion and/or transfer are subject to review of active investigations. Active investigations may preclude their promotion/transfer. The following procedures outline units' responsibilities for ensuring that the appropriate reviews have been made. This policy, however, does not preclude a temporary reassignment pending resolution of the investigation.

In founded investigations, a transfer to another unit or to a custody division unit shall not be a term of any settlement agreement, nor shall such transfer be used as a form of discipline. This shall not, however, preclude the transfer of personnel to a custody division unit based upon an objective assessment of the qualifications of the Department member for such assignment, taking into consideration the previous work history of such member in a custody division unit.

DEPUTY SHERIFF/SERGEANT

Personnel Administration Bureau shall ascertain if a candidate for promotion/transfer is the subject of an active investigation prior to any promotion/transfer announced via Department-wide electronic mail message.

> **NOTE:** Active investigations are defined as open investigations and those wherein discipline has been recommended but not yet imposed.

Source references shall include, but are not limited to, the following:

- Personal Performance Index (PPI)
- Internal Affairs Bureau
- Internal Criminal Investigations Bureau
- Risk Management Bureau

The captain of Personnel Administration Bureau shall certify the review process has been completed.

The captain of Personnel Administration Bureau, or his/her designee, shall advise the divisional representative prior to any break-up meeting as to the status of any investigation(s) which involve their personnel.

The division representatives shall know the status of any active investigation involving candidates for promotion or transfer of personnel in their command prior to any break-up meeting.

An active investigation may preclude promotion/transfer; however, the area commander for Personnel Administration Bureau and the concerned division chief/division director or higher shall concur in any decisions regarding eligibility/ineligibility for promotion/transfer.

ASSISTANT DIRECTOR/DIRECTOR/LIEUTENANT AND ABOVE

The area commander for Personnel Administration Bureau shall ascertain if a candidate for promotion/transfer is the subject of an active investigation prior to any promotion/transfer announced via

Department-wide electronic mail message. (Refer to source references listed above.)

The captain of Personnel Administration Bureau, or his/her designee, shall advise the divisional representative prior to any break-up meeting as to the status of any investigation(s) which involve their personnel.

In any event, division representatives shall know the status of any active investigation involving candidates for promotion or transfer of personnel in their command prior to any break-up meeting.

An active investigation may preclude promotion/transfer; however, the concerned division chief/division director and the concerned assistant sheriff shall concur in any decisions regarding eligibility/ineligibility for promotion/transfer.

CUSTODY ASSISTANT/DEPUTY SHERIFF TRAINEE PROMOTIONS

Personnel Administration Bureau, Pre-Employment/Backgrounds Unit shall have the responsibility for ensuring that Department personnel who are undergoing a background investigation for custody assistant or deputy sheriff trainee have been reviewed for active investigations prior to appointment to the custody assistant or deputy sheriff trainee classifications.

Source references shall include, but are not limited to, the following:

- Personnel Performance Index (PPI)
- Internal Affairs Bureau
- Internal Criminal Investigations Bureau
- Risk Management Bureau

CUSTODY ASSISTANT TRANSFERS

Custody Services Division administrations shall have the responsibility for coordinating with unit commanders at custody facilities to ensure that custody assistants' personnel records have been reviewed for active investigations, prior to transferring within a custody division unit and into a patrol station/unit. (Refer to source references listed above.)

OTHER PROFESSIONAL STAFF PROMOTIONS/TRANSFERS

The unit commander/director of the requested assignment or their representative is to make contact with the employee's current unit commander/director to ascertain eligibility for promotion/transfer by reviewing the following source references:

- Personnel Performance Index (PPI)
- Internal Affairs Bureau
- Internal Criminal Investigations Bureau
- Risk Management Bureau (where appropriate)

Without the approval of the concerned division chief/division director or higher, unit commander/director shall

not authorize the promotion/transfer of personnel under their command who are the subject of an active investigation.

Any exception to the above policy shall be approved by the undersheriff or concerned assistant sheriff.

NOTE: For purposes of this policy, promotion/transfer will include restorations, administrative reassignments, and voluntary demotions.