

## **UNIT ORDER #70 - CIVIL SERVICE RULE 18.01 â€” SUSPENSION**

### **PURPOSE OF THIS ORDER:**

It is the policy of the Internal Affairs Bureau (IAB) to complete an administrative investigation and serve the Letter of Intent within 30 calendar days of a Subject's *sentencing* in state and federal criminal cases.

### **Procedure:**

Per Civil Service Rule 18.01 – Suspension: “When the charge upon which a suspension is the subject of criminal complaint or indictment filed against such employee, the period of suspension may exceed 30 calendar days and continue until, but not after, the expiration of 30 calendar days after the judgment of conviction or the acquittal of the offense charged in the complaint or indictment has become final.”

- a. Subject has been suspended without pay (18.01).
- b. Subject is sentenced in state or federal court for a criminal offense.
- c. Assigned IAB investigator shall complete, stack, and submit the case to his or her team lieutenant for approval.
- d. Team Lieutenant shall approve the case and coordinate with the Subject's chain of command and the Advocacy Unit to ensure the case is adjudicated through the Subject's chain of command and Case Review Panel, within 21 days.
- e. Team Lieutenant shall ensure the Discipline Team completes the Letter of Intent (LOI), IAB Captain approves the LOI, and the LOI is served within 30 calendar days of the Subject's sentencing.

### **Reasoning:**

When a Subject is suspended per 18.01, his/her pay is suspended. Once the Subject is sentenced in state or federal court, the Department has 30 calendar days to discharge the Subject; otherwise, the Subject's pay is reinstated.

### **Subject Convicted of a Misdemeanor:**

When a Subject is suspended per 18.01, due to a felony filing and is subsequently convicted of a misdemeanor, the following procedures shall be followed:

- a. Confirm if the misdemeanor prohibits the Subject from possessing a firearm, which disqualifies him or her from employment as a peace officer (State Law: 29805 P.C. and 29810 P.C.; Federal Law: 18 United States Code Section 921 et seq. or Section 922(g) (9).
- b. If the conviction is a disqualifying misdemeanor:
  - Adhere to the procedure outlined on page 1.
- c. If the conviction is not a disqualifying misdemeanor:
  - Inform the Subject's Unit Commander that the Subject may be returned to full pay status with their Chief's approval. If it appears that this will not result in a discharge case, advise the Subject's Chief that the

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Subject's pay can be resumed prior to the expiration of the 30 days. The Chief must authorize the Subject's return to full pay status in a memorandum to Pay and Leave. Also, the Chief will need to decide whether to return the Subject to full duty or to continue the Subject on relieved of duty status.

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