



WEBER COUNTY SHERIFF'S OFFICE

POLICY AND PROCEDURES

Authority to Relieve Personnel of Duty, Administrative Leave Notice

EFFECTIVE DATE: 10/07/03 AMENDS/SUPERCEDES: 38.8 STANDARD NUMBER: 52.1.8	REVIEW DATE: 03/01/05 REVISION DATE: 03/01/05 APPROVED: <u>** On File</u> Sheriff Signature
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38.8.1 Purpose

To establish the authority and circumstances by which a member can be relieved of duty.

38.8.2 Rationale

There are some circumstances in which it may be necessary to prohibit a member from exercising that member's authority and responsibilities. This would be done to protect the integrity of Sheriff's Office operations, the safety of the member or others, prevent further risk of liability, etc.; until such time as all the relevant issues are resolved.

38.8.3 Definition

- A. Relief from Duty – To be excused from, or ordered to refrain from, exercising authority and responsibilities related to the member's position or assignment. Such relief from duty is *with pay* and the member is required to abide by office policy and to cooperate with Office officials. *Relief from duty is not a punitive action against the member!*
- B. Traumatic incident – An incident in which there are serious physical and/or emotional repercussions apparent or likely. Examples of traumatic incidences include, but are not limited to: member involved shooting, injury or fatal accident, in-custody death or serious injury, etc.

38.8.3 Policy

- A. Relief from Duty, With Pay (Leave with Pay) - In keeping with the best interests of the Office and the community, our policy is that any supervisor, acting upon reasonable belief, may relieve a member from duty, with pay, due to unforeseen hardship, traumatic incident, or pending an administrative investigation of

misconduct by the Internal Affairs Unit.

1. **Factors to Consider:** Supervisors will consider the following factors when reasonable belief exists that misconduct by a member has occurred. Immediate relief from duty is normally appropriate when:
 - a. behavior exists which creates a safety hazard;
 - b. indications of alcohol or drug use is present, or;
 - c. the misconduct is serious in nature.
- B. This section does not preclude supervisors from temporary and short term relief of members from assigned tasks to resolve minor violations such as violations of uniform, equipment, or grooming standards.
- C. In situations involving alcohol or drug use, or any other mental or physical impairment, the member should be driven/escorted by a responsible party to their residence or other location as appropriate.
- D. The supervisors' limits of authority regarding disciplinary suspension, or leave without pay, are covered in Chapter 18.

38.8.4 Procedure

- A. With the exception of investigations for use of deadly force, the procedure upon relief of duty, unless amended by a superior because of the circumstances involved, is that the supervisor:
 1. Relieves the member of:
 - a. County identification/access card,
 - b. Sheriff's Star/Badge,
 - c. Assigned duty firearm/s and other weapons,
 - d. Authorization to use County Vehicle/equipment,
 - e. Authority to perform law enforcement duties.
 2. Verbally notifies member's Section/Duty Lieutenant or Bureau Commander as soon as is practical after the incident.
 3. Notifies the Sheriff and Chief Deputy of the reasons for such action no later than the end of the tour of duty by memorandum through the chain of command, with a copy sent to the Internal Affairs Unit.
 4. Notifies the member that he/she must be available at all times during his/her assigned tour of duty, must provide location and contact numbers, and must phone daily to their place of assignment.

5. Notifies the member that he/she must obtain medical attention and a release prior to being reinstated to full duty, if necessary.

B. Relief Duration

1. If a sergeant is the relieving supervisor, the relief from duty may not exceed 24 hours without additional action from a Section/Duty Lieutenant or above.
2. If a Lieutenant, Captain, or Chief Deputy is the relieving supervisor, the relief from duty may exceed 24 hours. In such cases a written notice of such action should be given to the member, with copies to those supervisors in the chain of command, including the Sheriff.
3. Superior supervisors to the relieving supervisor may amend the relief orders when circumstances require it.

B. Administrative Leave Notification (Memo to Member): A written memo by the Sheriff or his designee will be given to the member as soon as is practical, setting forth the following conditions:

1. Loss of authority to perform law enforcement functions, and utilize County equipment and vehicles;
2. Whether that member must report by telephone at the start of their normal tour of duty to their supervisor at the supervisor's regular place of assignment or contact phone;
3. That the member may be requested to have medical attention prior to being reinstated; and
4. Any other conditions or requirements as determined by the supervisor or administration.