

House Oversight Committee

Response to Decertification / Discipline Inquiry

3/29/17

- Are there other states that are providing training to the individual(s) at law enforcement entities that are responsible for issuing discipline at the entity, similar to how the Academy provides training for individuals that serve as instructors for the certain classes at law enforcement entities.

Response: Discipline at the agency level will usually be addressed by the county, municipal or State human resources. Generally governed by policies or procedures established at that level. Law Enforcement misconduct requiring an internal affairs (IA) investigation is usually handled by a law enforcement officer assigned that responsibility by the agency head. Most come from the ranks, were an investigator in another area within the agency, and may or may not have had training in the IA area. As noted in the survey approximately 20% of the agencies who responded employ an IA investigator at their Academy. None require a certification. Our Academy does have an IA investigator but she only handles Academy issues not decertification cases from other agencies across the State. The Academy does offer training on the decertification process in a number of classes taught at the Academy. All of the Basic Law Enforcement students are given a class on how they can lose their certifications as a part of ethics training. Decertification process training is also offered to personnel attending the new Chiefs and Sheriffs workshop as well as those who attend the Training Manager Development Course and the Executive Management course. Training for IA investigators is offered through the Sherriff's Association and the Academy has an IA course that is taught upon request. A number of larger agencies within the State will send their personnel to formal IA training as well.

- Does the Academy believe providing uniform training to the individuals at the law enforcement entities that determine whether or not a Notification of Separation Due to Misconduct is submitted may foster consistency in the type of facts that lead to submitting these forms? Why or why not?

Response: Currently the training offered by the Academy aids with the understanding of the process. However, the decision as to if the facts of a case support misconduct or not rest in the hands of the agency head. After an investigation has been conducted by an agency then the human factor determines if the MRN denotes a normal separation or one for misconduct based upon facts or circumstances. The Academy and the Training Council make every effort to be consistent with the process and rulings involving misconduct. Consistency at that point of the process is extremely critical to ensure fairness and equability.

- Another question that was asked of the Academy was to determine how other State Academies' / POSTs are funded? The results of the survey conducted through IADLEST is listed below:

51.6% funded through state/general fund. Of these:

43% primarily use court costs and tickets as primary funding (fines and fees)

43% primarily use their state's general fund

13% primarily use state taxes or insurance premiums

32% funded by candidates attending training

16% funded by agencies sending candidates for training