

## **Personnel Change in Status Form - Separation Steps**

Steps taken when PCS form is received

Note: CJA General Counsel meets with the Certification Unit once a week to discuss, among other things, both PCS Form-Routine and PCS Form-Misconduct.

### **PCS Form - Routine**

State, County, or Municipal Law Enforcement Agency submits a Personnel Change in Status (PCS) - Routine Separation form to the Criminal Justice Academy (CJA). CJA's Certification Unit reviews the form to determine if facts listed evidence routine separation or potentially evidence misconduct.

- If no facts are listed on the form... Additional facts are provided at the agency's discretion or CJA's request. An example is, if an officer has been arrested, CJA encourages the agency to include the charges in the "Other" block of the form so CJA can review it to determine if further action, such as a Temporary Suspension, is needed.
- If facts on form evidence....
  - routine separation..... PCS form and information is processed through ACADIS
  - misconduct..... CJA certification unit gathers more information from the agency and encourages the agency to re-submit the form as PCS-Misconduct

### **PCS Form - Misconduct**

State, County, or Municipal Law Enforcement Agency submits a Personnel Change in Status (PCS) - Separation due to Misconduct form to the Criminal Justice Academy (CJA). CJA's Certification Unit reviews the form to determine if facts listed evidence misconduct or potentially routine separation.

- If no facts are listed on the form... CJA certification unit gathers more information from the agency and, based on the information obtained, moves to one of the next two rows.
- If facts on form (or gathered by CJA if no facts are on the form) evidence...
  - routine separation..... Information goes to the Law Enforcement Training Council (LETC) for an initial vote.
    - If LETC votes that the facts do not evidence misconduct, CJA's Certification Unit contacts the agency and encourages the agency to re-submit the form as PCS-Routine.
    - If LETC votes that the facts potentially evidence misconduct, then the form goes through the typical process like others with facts that evidence misconduct (see next row).
  - misconduct.....
    - Officer is notified, via certified mail, of the allegation.
    - Current or Proposed process (S.518) begins (see next page).

<b><u>Current Process</u></b>	<b><u>Proposed Process (S 518)</u></b>
<ul style="list-style-type: none"> <li>• Officer cannot request a contested case hearing until they are employed by a law enforcement agency. <ul style="list-style-type: none"> <li>○ ACADIS file is flagged “Needs a Contested Case Hearing.”</li> </ul> </li> <li>• Officer becomes employed by a law enforcement agency and requests a contested case hearing.</li> </ul>	<ul style="list-style-type: none"> <li>• Officer has 60 days, after notification, to request a contested case hearing. <ul style="list-style-type: none"> <li>○ Officer against whom an allegation of misconduct is alleged is prohibited from being employed as a law enforcement officer until case has been decided in his/her favor</li> <li>○ If they fail to request within this time LETC will issue a final agency decision permanently denying them a law enforcement certification.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• The next LETC member hearing officer is assigned the case and informs when his schedule is free to sit as hearing Officer. This allows the officer time to hire an attorney and for the parties to conduct discovery before the hearing. (45-60 days)</li> </ul>	<ul style="list-style-type: none"> <li>• LETC has authority to appoint CJA attorneys to sit as hearing officers.</li> <li>• Hearing officer, a CJA attorney, would be assigned the case and schedule the hearing. It would be shortened if the officer already retained an attorney and the parties agreed discovery was not necessary. In that case, the hearing would be scheduled within 30 days. If the office did not have an attorney and wanted one or the parties wanted to conduct discovery, CJA would try to give 45-60 days.</li> </ul>
<ul style="list-style-type: none"> <li>• Hearing occurs</li> </ul>	<ul style="list-style-type: none"> <li>• Hearing occurs</li> </ul>
<ul style="list-style-type: none"> <li>• CJA receives hearing transcript (30 days or more)</li> </ul>	<ul style="list-style-type: none"> <li>• CJA receives hearing transcript (30 days or more)</li> </ul>
<ul style="list-style-type: none"> <li>• CJA staff reread transcript and review exhibits, then begins drafting the hearing officer’s recommendation (2 weeks)</li> </ul>	<ul style="list-style-type: none"> <li>• CJA staff reread transcript and review exhibits, then begins drafting the hearing officer’s recommendation (2 weeks)</li> </ul>
<ul style="list-style-type: none"> <li>• Transcript, exhibits, and proposed recommendation are sent to the hearing officer for their comments, or signature if they approve of the recommendation (2 weeks)</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript, exhibits, and proposed recommendation are sent to the hearing officer for their comments, or signature if they approve of the recommendation (2 weeks)</li> </ul>
<ul style="list-style-type: none"> <li>• Parties are provided a copy of the Hearing Officer’s Recommendation and may file motions in support in or opposition.</li> </ul>	<ul style="list-style-type: none"> <li>• Parties will be provided a copy of the Hearing Officer’s Recommendation and may file motions in support in or opposition.</li> </ul>
<ul style="list-style-type: none"> <li>• Recommendation is sent to all LETC members, along with transcript and exhibits.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommendation, motions, exhibits, and hearing transcript will be sent to LETC members for their review.</li> </ul>
<ul style="list-style-type: none"> <li>• Recommendation is discussed in next LETC meeting (meetings held quarterly)</li> </ul>	<ul style="list-style-type: none"> <li>• LETC can schedule oral arguments at the next quarterly meeting or they can issue a Final Agency Decision at any time, once the hearing package is reviewed.</li> </ul>