

FAIRFAX COUNTY SHERIFF'S OFFICE

PROCEDURAL GUIDELINES FOR THE CONDUCT OF



HEARING PANELS

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INTRODUCTION

This manual is intended as a guide for personnel conducting Hearing Panels. While all facets of the hearing panel process cannot be covered in this document, the information included provides a basic guide for conducting hearings. It is imperative that this manual is thoroughly read and adhered to by panel members. In addition to this manual, Panels are to be guided by SOP 024, Administration of Staff Discipline. Nothing contained in this manual is intended to supersede the aforementioned.

The Hearing Panel's responsibility is not to prosecute or defend the case, but to ferret out the facts and reach the most just and logical decision possible. This decision should reflect the best interests of both the Fairfax County Sheriff's Office and the employee, as well as the citizens of Fairfax County.

A handwritten signature in black ink that reads "Stacey A. Kincaid". The signature is written in a cursive, flowing style.

STACEY A. KINCAID
SHERIFF

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AUTHORITY AND BASIS FOR HEARING PANELS

Hearing panels are internal administrative panels authorized by the Sheriff's Office Standard Operating Procedure 024, Administration of Staff Discipline, for the purpose of conducting disciplinary hearings and appeals. The employee for whom disciplinary action has been recommended has requested to use the alternative procedure and has waived his rights to grieve the proposed discipline under the County's grievance procedure. Where an employee has requested such a hearing and waives his or her grievance rights, the majority decision of the Hearing Panel is binding on the Sheriff and the employee except in cases where the Hearing Panel recommends a more severe sanction than the disciplinary action letter. In these instances, the Sheriff and the employee agree that the Sheriff may impose the punishment stated in disciplinary action letter. The findings of the Hearing Panel must be consistent with all applicable laws and regulations.

ADMINISTRATIVE PREPARATIONS FOR PANEL HEARINGS

Definitions

Employee: Unless otherwise specified, the term "employee" shall refer to the sworn member of the Fairfax County Sheriff's Office who has been subjected to administrative discipline and has requested a Hearing Panel as provided by SOP 024, Administrative of Staff Discipline. It shall also include any sworn member who has been directed to sit on the panel or to give testimony or present evidence to the panel.

Party: The term "party" or "parties" shall refer to the principal participants in the proceeding; the employee and the agency.

Counsel

The accused employee may represent themselves before the Hearing Panel or may retain counsel, at the employee's expense, to represent them. In the event that the employee is represented by counsel, the Agency may be represented by counsel as assigned by the Office of the County Attorney. For the purpose of these procedures, the term "counsel" shall mean an attorney admitted to practice law in the Commonwealth of Virginia. No other person shall be permitted to represent the employee before the Hearing Panel.

Subpoenas

Panels may direct any member of the Agency to appear before the Panel to give testimony or produce evidence. While the hearing Panel has no authority to issue subpoenas, sworn employees who fail to appear or produce evidence will be subject to disciplinary action for Failure to Report as Directed (SOP 018).

Witnesses

Any member of the Agency notified to appear for a hearing shall be present in person on the date and time specified for the hearing and shall check in with the designated agency representative. The member shall be governed by the instructions of the hearing panel chair. If a member has prior court commitments which conflict with the hearing, or for any other reason is unable to appear as scheduled, he or she shall notify the Supervisor of Internal Affairs, as soon as possible. Either party may request a rule on witnesses and such request shall be granted by the Hearing Panel.

Discovery

Technical rules of discovery are not followed. Prior to the hearing, the accused employee and each panel member will be provided a copy of the administrative investigation file on which the Agency has based the disciplinary action(s).

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Each party shall provide the Supervisor, Internal Affairs, with a copy of all documents and exhibits, and a list of witnesses, intended to be introduced during the Panel Hearing. Such material shall be provided no later than three business days prior to the commencement of the hearing. The Supervisor, Internal Affairs, shall provide each party with a copy of the documents and a witness list submitted by the opposing party.

If the accused employee or counsel desires additional books, records, papers or documents which are available only through the Agency, a request must be made in writing at the earliest opportunity and no later than 3 business days prior to the commencement of the hearing.

Transcripts

A transcript of the proceedings will be made at the expense of the Agency. All transcripts are the property of the Agency, but the employee may obtain a copy at their expense from the court reporter.

Role of Chief Deputy of Administration

The Chief Deputy of Administration serves as the neutral facilitator and resource person for the panel during the hearing. When acting in this capacity, the Chief Deputy shall not give advice or counsel to either party.

Role of the Supervisor, Internal Affairs,

It shall be the responsibility of the Supervisor, Internal Affairs, to ensure that all preparations are made for the Panel Hearing. The Supervisor, Internal Affairs, shall coordinate all pre-hearing activities such as preparation of the Hearing Panel members, release of the administrative case reports, exchange of witness lists and coordination of document requests. The Supervisor, Internal Affairs, or designee shall serve as support person for the Panel and may be present at all stages of the hearing process except Panel deliberations. During the Panel Hearing, the Supervisor serves as a neutral facilitator and resource person for the Panel. When acting in this capacity, the Internal Affairs Supervisor shall not give advice or counsel to either party. *** If there will be any conflict of interest between the IA's investigative involvement in a case to be heard by the Hearing Panel and the IA's responsibilities to prepare and support the Hearing Panel, the Sheriff will appoint another staff member to prepare for and support the hearing.**

Persons Present at Hearing

Both the employee and Agency may have the assistance of no more than two persons (in addition to counsel) during the hearing. Parties shall be given broad discretion to select those two persons (assistant to counsel, investigators, spouse, etc.). At the beginning of the hearing, both parties shall identify to the panel those persons present under the authority of this section. Should either party object to the presence of any person, other than those expressly authorized by this policy, the panel shall resolve the dispute by majority vote.

As a matter of policy, the Agency shall be entitled to the presence and assistance of the lead investigator in the case (as one of the two persons authorized), and that person may not be excluded by the panel.

Agency/Public Access

All Hearing Panels are closed to the public and to the media unless a public hearing is requested by the employee and agreed to by the Agency. Cameras and recording equipment, other than that which is authorized by the Agency, will not be permitted in the hearing room. Panel Hearings are open to members of the Agency unless called as a witness.

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STANDARDS FOR HEARING PANELS

Hearing Panels are unique in the fact that they function without the technical restrictions and limitations imposed in courts of law, while at the same time preserving the fundamental principles of fairness and due process. Hearing Panels are initiated as fact-finding bodies to examine all of the information regarding a particular matter without interference from unduly restrictive legal provisions. The quasi-formal nature of the proceedings ensures that time will be taken for articulate definition of the issues, logical presentation of the evidence, and deliberative discussion and decision by the panel.

Burden of Proof

As established by Sop 024, Administrative of Staff Discipline and, the Hearing Panel is constituted as a fact-finding body. The Sheriff's Office has conducted an administrative investigation which has resulted in the following decisions by a reviewing authority:

1. A finding that an employee has engaged in specific conduct or actions;
2. A finding that the specified conduct or actions are in violation of established law, regulations, Standard Operating Procedures, policies or procedures of the Commonwealth of Virginia, County of Fairfax, or Fairfax County Sheriff's Office;
3. A determination that the recommended discipline is appropriate for the violation(s).

The Hearing Panel process is similar to a trial. The Agency has the burden of proving by a preponderance of the evidence that the employee committed the alleged violation(s) of law and/or regulations. The Agency also has the burden by a preponderance of the evidence of showing that the recommended discipline is reasonable. The Hearing Panel should consider only that evidence which is relevant and material to these issues.

Standard of Proof

It must be understood that these administrative hearings are not criminal in nature and are not governed by the rules of criminal law and procedure. Guilt need not be established beyond a reasonable doubt, as is required for the conviction of a crime.

The standard of proof in these administrative disciplinary hearings is "A Preponderance of Evidence." The courts have regarded the weight and sufficiency of the evidence as matters of administrative discretion and have sustained the Agency's decision if a preponderance of the evidence supported it. This means that the evidence in support of the allegation outweighs the evidence against it, no matter how slightly. An allegation is sustained by a preponderance of the evidence if the hearing panel is convinced that it is more likely than not that the allegation is true.

Evidence

Proceedings before a Hearing Panel are quasi-legal in nature and should not be entangled by the technicalities which characterize court proceedings. Panels shall preserve the fundamental principles of fairness and prudence, while simultaneously rejecting any rules which are innately obstructive. Accordingly, there is no strict enforcement of Rules of Evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which prudent and responsible persons rely in the conduct of serious affairs, regardless of the existence of any laws or statutory rules which might make such evidence inadmissible in a court proceeding. The Hearing Panel should consider all evidence, and only that evidence, which is **material** and **relevant** to the issue.

Materiality

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Materiality relates to whether the evidence offered is "in issue". If the evidence is offered to prove a proposition, which is not a matter in issue, or capable of proving a matter in issue, the evidence is properly said to be immaterial.

Relevancy

A determination of relevancy is the conclusion that there exists a sufficient relationship between the evidence offered and the fact sought to be proved, such that reasonable persons might infer one from the other. Evidence is relevant when it tends by logical nature and by reasonable inference to prove or disprove that a fact is true.

Hearsay

The heart of the objection to the admission of hearsay evidence is the absence of an opportunity for cross-examination of the declarant (the person who made the statement offered in evidence by the testimony of another).

Basic to the origin and philosophy of rules excluding hearsay and some other exclusionary rules was a distrust of the capacity of the jury to properly appraise the evidence. Given that the Hearing Panel consists of experienced and knowledgeable agency employees, the basis for this historical distrust is minimized. In fact, such rules are commonly not applied when the trier of fact is an expert tribunal, as in Hearing Panel cases.

Consequently, hearsay is admissible in these administrative hearings. Hearing Panels must be aware, however, that it would be arbitrary, capricious and an abuse of discretion if the findings were based solely on hearsay evidence. Rather than become involved in a lengthy suppression debate, the Hearing Panel would best facilitate reaching an educated and responsible decision by admitting all relevant evidence and then attributing the proper weight to it when collectively examining all of the evidence.

Expert Witnesses

Both the employee and the Agency are entitled to present the testimony of expert witnesses when such witnesses possess information, which will aid the Panel in reaching a decision. This does not mean, however, that all expert witnesses are equal, and their testimony must be evaluated and weighed accordingly. The Hearing Panel may assess the qualifications of each expert and come to their own conclusions with respect to that person's level of knowledge, experience and expertise.

Criminal Proceedings v. Administrative Charges

Criminal proceedings and administrative hearings originating from the same incident are independent of each other. Hearing Panels must remember that not only is the standard of proof different, but often the administrative charges are different, and require fresh evaluation. The fact that a judge or jury may have acquitted the respondent of a criminal charge, or the court record fails to reflect a finding of guilt or innocence, does not prevent the Panel from examining the behavior and conduct at hand, which may still be a violation of Agency rules and regulations. Essentially, then, while it may appear that the same general conduct is under scrutiny in both proceedings, the standards of proof are different, the specifics of the charges are different, and the parties affected by the behavior may be different, and the effect the behavior had on the Agency must still be examined. The Hearing Panel need not consider the evidence given in the criminal proceeding unless it would benefit their decision in the administrative matter. Criminal court transcripts may be used by the Hearing Panel if available, under the general rules relating to evidence.

Motions and Objections by Counsel

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When motions are made by either party or their counsel, the Panel chair shall note the motion for the record, afford the opposing party an opportunity to respond, and then sustain or overrule the motion. The Hearing Panel chair must remember that the Panel is a fact-finding body, impaneled to seek the truth and to formulate a factual account of the issue or incident. This purpose should not be defeated by frivolous motions.

Furthermore, the Panel chair should not feel unduly pressured by the need to provide an immediate response to a motion which has been made for consideration. The chair may seek advice from the other Panel members or, if necessary, take a brief recess to seek assistance from the Chief Deputy of Administration. Should a panel member disagree with the ruling, that member shall immediately inform the chair and request a panel vote. A majority opinion of the Hearing Panel shall prevail.

Attending counsel shall be governed by the rulings of the Panel on all questions at issue in the taking of the testimony or submission of evidence. Nothing shall prohibit counsel from noting an objection for the record.

During the course of the hearing it may become apparent from the evidence presented that the proper charges have not been filed, that existing charges should not have been brought, or the wording of the charges contains a mistake or is deficient. The Panel can, through the Report of the Hearing Panel, add, alter, amend or dismiss (as necessary) the charges. Often defense counsels make motions, at various times during the proceedings, to dismiss a charge or an entire case. Any and all motions shall be noted for the record. However, it is the duty and responsibility of the Hearing Panel to hear the entire case and not to add, amend or dismiss charges prior to the conclusion of the hearing. The reasons and rationale for any such changes shall then be addressed in the Hearing Panel report, prepared at the conclusion of the hearing.

Hearing Testimony

All Sheriff Office employees are required to be truthful, pursuant to Standard Operating Procedure 016, Standards of Conduct, and as required by the oath to which they are sworn prior to testimony. In the face of intentionally vague or evasive testimony, however, it may become necessary for the chair to advise the witness of his or her responsibilities and to further direct him or her to be more explicit. This is also applicable to civilian witnesses who have sworn to an oath of truth. It should be noted that similar warnings are given during criminal proceedings and the chair should not have qualms about issuing a directive of this nature.

The Hearing Panel may require the Internal Affairs to conduct further investigation to resolve a disputed issue. The findings of such investigation will be returned to the Hearing Panel prior to their deliberations.

During testimony other issues may come to light which, in the opinion of the Hearing Panel, require action or investigation by the Sheriff Office. In these cases, the Panel chair shall advise the Sheriff by memorandum of the information received that requires further action.

Evidence Sufficient to Sustain a Violation

To sustain a violation, the hearing panel must be convinced that a preponderance of the evidence supports a finding that the employee committed the alleged violation(s) of law and/or regulations. Evidence must be reasonable in nature, credible, and of solid value. Inferences based solely on mere possibility; suspicion, speculation, imagination; guesswork, supposition, conjecture or surmise should be rejected.

Decisions

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Upon completion of all testimony presented by the employee and the Agency, the Hearing Panel shall conduct private deliberations until a majority decision has been reached on all charges and issues before the Hearing Panel. If the hearing panel finds that a charge is sustained, the Hearing Panel shall recommend disciplinary action in accordance with Sop 024. Hearing Panels may recommend the type of penalty to be imposed, but the specific conditions remain the discretion of the Sheriff. For example, the Panel may recommend a suspension of 40 hours, but may not dictate the specific dates; the Panel may recommend a disciplinary transfer from the employee's existing assignment, but may not dictate a destination assignment. Hearing Panels are not authorized to award damages or attorneys fees to the employee.

Upon completion of the deliberations, the Hearing Panel shall prepare a written decision Report of Hearing Panel in memorandum form. The report shall contain a description of the incident and the issue(s), a summary of the facts as determined from the evidence, conclusions and recommendations. Where the decision of the Hearing Panel is not unanimous, the minority member may submit an addendum report of his or her opinion.

The chair of the Panel Hearing shall deliver the report to the Chief Deputy of Administration, within five workdays. The Chief Deputy of Administration will deliver the original report to the Sheriff and copies to the Internal Affairs, Supervisor, and the County Attorney, the employee and employee's counsel.

SPECIFIC HEARING PROCEDURES

Opening

The chair of the Hearing Panel shall open the proceedings as outlined in the Format section of this manual.

Opening Statements

The Agency (or counsel) may present an opening statement.

The employee (or counsel) may present an opening statement.

Order of Witnesses

The Agency shall call the first witness and continue until the Agency's case has been completed. The employee shall call first his or her witness and continue until the employee's defense has been completed.

Oath Administered to Witnesses

The oath and order of confidentiality is administered to witnesses by the a court reporter who is an authorized notary public in the Commonwealth of Virginia

**"Do you solemnly swear or affirm that the testimony you are about to give this
Panel is the truth, the whole truth, and nothing but the truth?"**

**"You are directed not to discuss your testimony with anyone outside the hearing until
after this matter has been concluded."□**

Examination of Witnesses

Direct Examination. The direct examination of the witness is conducted.

Cross-Examination. The opposing party may cross-examine the witness.

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Examination by Panel. The Hearing Panel members may examine the witness directly. Any Panel member may ask questions of any witness on direct examination, cross-examination, or rebuttal. (Panel members may interrupt or interject a question at any time, but such interruptions should be kept to a minimum.)

Redirect and Recross Examination. The witness may be subjected to redirect and recross no more than one time.

Additional Questioning by Hearing Panel. The Panel members may ask additional questions of the witness if they desire.

Witness Excused. The witness may be excused if it is agreed upon by the employee and the Agency.

Employee Testimony

If the employee does not choose to testify, the Panel may compel his/her testimony if they deem it necessary.

Closing Arguments

The Agency or counsel may present a closing argument.

The employee or counsel may present a closing argument.

The Agency or counsel may present a rebuttal/ closing argument.

Dismissal of the Court Reporter

Upon conclusion of all testimony and the summary arguments, the chair shall dismiss the court reporter and close the Panel Hearing.

Deliberation by Panel

The Hearing Panel shall meet and deliberate in private. No record shall be made of any Panel deliberations or votes. The final decision of the Hearing Panel shall be made in writing to the Sheriff.

Review of the Employee's Personnel Record

The Hearing Panel may examine the employee's personnel file and record of disciplinary action only after finding that a violation is sustained, and only for the purpose of determining a fair and proper recommendation.

Consideration of Mitigating Factors

In recommending discipline, the Panel must balance the desire for consistency in the application of discipline for similar violations with the recognition that each case is unique. Consequently, the Panel must recommend discipline, which is appropriate for both the individual as well as the misconduct. What would appear to be a disparity on the surface can be negated by a proper explanation of the facts of the case and how it relates to the discipline. The Panel should consider the following factors in determining an appropriate disciplinary recommendation:

- (1) The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
- (2) The employee's job classification and assignment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
- (3) The employee's past disciplinary record;

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- (4) The employee's past work record, including length of service, performance on the job, and dependability;
- (5) The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;
- (6) The consistency of the discipline with those imposed upon other employees for the same or similar offenses;
- (7) The notoriety of the offense or its impact upon the reputation of the Agency;
- (8) The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
- (9) The potential for the employee's rehabilitation;
- (10) Any mitigating circumstances surrounding the violation such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter;
- (11) The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others; and
- (12) Of significant importance, whether or not the violation had an impact on the Agency's ability to accomplish its mission.

It is understood that not all of these factors will be pertinent in every case. Frequently, some of the relevant factors will weigh in the employee's favor while others may not; some factors may even constitute aggravating circumstances. Accordingly, the Panel must take care to consider and balance all of the relevant factors in the case. The Panel must articulate in the report the factors which it has deemed relevant to the disciplinary recommendation.

Report of the Hearing Panel

In order to satisfy legal requirement and produce a decision of record which the Agency can review and defend, a document must be prepared which describes the hearing as a whole and includes the hearing issue(s), the evidence and facts considered, the logical conclusions reached, and a just penalty, if appropriate. In essence, this means that the persons responsible for the decision provide, in writing, an official explanation of how they reached it. This decision should reflect the best interests of the Fairfax County Sheriff Office and the citizens of Fairfax County, as well as the employee.

This document, known as the Report of the Hearing Panel, will be a permanent record of the issues upon which the Agency's action is predicated. Thus, it is imperative that the report is factual and complete; its contents should accurately reflect the efforts of the Hearing Panel to provide a just and impartial forum for the employee and the Agency.

To accomplish this task, the chair shall, before the hearing begins, inform all members of the Panel to give their full attention to the hearing and to record extensive notes. After the hearing, the chair should write the Panel's draft opinion, as the transformation of the issues and a conclusion into a written document obviously necessitates that, at least initially, one person is the author. In the panel's discretion, a member other than the chair may write the initial draft. Regardless of which member is preparing the

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initial draft, the findings are the responsibility of the entire Panel and the chair shall ensure that each member takes an active role that professional and comprehensive document results from these efforts, and that any applicable deadlines are met.

Specific Contents of the Report

The Report of the Hearing Panel shall include the following:

Summary of Incident: A brief background of the incident and the issues, which gave rise to the allegations.

Summary of Facts: An analysis of the evidence considered by the Hearing Panel by which they reached a reasoned belief about the facts and issues in dispute. The summary may include a synopsis of witness testimony as it relates to the hearing issue, as well as a review of the documentary and/or physical evidence accepted. As this area consists of the actual facts of the case as inferred by the Panel, it should not be a redundant restatement of all the evidence presented during the Hearing. However, an analysis as to how these facts were reached and the reasoning and justification for the acceptance of certain evidence over conflicting evidence should be articulated.

Conclusion: The conclusion portion of the report explains how the facts of the case, as determined by the Panel, pertain to specific allegations of misconduct. It is the application of the laws and regulations to the facts. If allegations were added, amended, or deleted, the facts of the case relating to these actions by the Panel should be explained.

Recommendations: The recommendation(s) made by the Hearing Panel shall fall into one of our four categories, which are consistent with SOP 014:

1. Unfounded: The allegation is false.
2. Exonerated: The incident complained of occurred, but the actions taken were lawful and proper.
3. Not Sustained: Insufficient evidence exists to either prove or disprove the allegation.
4. Sustained: The allegation is supported by a preponderance of the evidence

Should the Panel sustain one or more violations, a disciplinary recommendation must be included. The proposed disciplinary action shall be consistent with SOP 024, IV. Hearing Panels may recommend the type of discipline to be imposed, but the specific conditions of that discipline remain the discretion of the Sheriff's Office. For example, the Panel may recommend a suspension of 40 hrs, but may not dictate the specific dates. The Panel may recommend a disciplinary transfer from the employee's existing assignment, but may not dictate a destination assignment. Hearing Panels are not authorized to award damages or attorney's fees to an employee.

HEARING FORMAT

CHAIR: The hearing will come to order. This hearing Panel is convened at the direction of Stacey A. Kincaid, Sheriff, pursuant to an appeal filed by (Name of Employee) under Standard Operative Procedure 024, Administration of Staff Discipline.

I am (Name and rank of Panel chair) and I have been selected by the Sheriff to chair this Hearing Panel. The employee has chosen (Name and rank of Employee's choice) as his/her delegate on the Hearing

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Panel. We have selected (Name and rank of consensus choice) as the third delegate of the Hearing Panel.

On (Date) the employee was informed of the Sheriff's Office intention to sustain the following violations:

The employee has appealed that decision and has requested a Hearing Panel.

At this time the record shall reflect that a court reporter, which is a Notary Public in and for the Commonwealth of Virginia, is present for the purpose of creating a transcript of these proceedings. The Sheriff's Office is present in the person of (name, Supervisor of Internal Affairs). (Will the Sheriff's Office counsel please identify himself/herself for the record?) The employee is present. (Will employee's counsel please identify himself/herself for the record?)

CHAIR (addressing employee): Have you been provided a notice of the charges against you (Advance Notice memorandum)? Have you been provided a copy of the Administrative Investigation file? Have you been provided a copy of the Sheriff's Office Procedural Guidelines for the Conduct of hearing Panels?

CHAIR: Does either party have pre-hearing motions for the Panel to consider (Rule on witnesses, scheduling issues, etc.)?

CHAIR (addressing each party in turn): Are you ready to proceed?

CHAIR: As both sides are ready, I will open the hearing. This hearing will be conducted in accordance with the Sheriff's Office Procedural Guidelines for Conduct of Hearing Panels. All members of this panel will be present during the entire hearing. I will call for a brief recess approximately every 60-90 minutes, and we will take a one-hour lunch break near noon. Are there any questions?

CHAIR (addressing Agency): You may make an opening statement if you desire.

AGENCY'S OPENING STATEMENT

CHAIR (addressing employee): You may make your opening statement if you desire.

EMPLOYEE'S OPENING STATEMENT

CHAIR: (addressing Agency): Please call your first witness.

The first witness (and all subsequent witnesses) is given order of confidentiality by the Chair:

CHAIR: "Do you solemnly swear or affirm that the testimony you are about to give the Panel is the truth, the whole truth, and nothing but the truth?"

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"You are directed not to discuss your testimony with anyone outside the hearing until after this matter has been concluded."

THE HEARING PROCEEDS AS DESCRIBED IN SECTION II OF THIS MANUAL.

AFTER ALL WITNESSES AND CLOSING ARGUMENTS HAVE BEEN HEARD:

CHAIR: This concludes the hearing of the testimony in this case. The Panel will adjourn and begin deliberations. A written decision will be transmitted to the Sheriff within five business days following conclusion of the Panel's deliberations and a copy will be provided to employee. The court reporter is dismissed and the hearing is closed. Thank you.