

OVERVIEW OF APPEARANCE BEFORE THE LEPS SUBCOMMITTEE

The Law Enforcement Professional Standards Subcommittee (“LEPS” or “Subcommittee”) of the Governor’s Committee on Crime, Delinquency and Correction is responsible for the oversight and issuance of certification for law enforcement officers. As part of this duty, there are occasions in which an officer or applicant for certification may appear before the Subcommittee. This overview is intended to provide guidance in the procedures that will be utilized by the Subcommittee.

I. NOTICE

If you are to appear before the Subcommittee, you will be provided written notice of your appearance. The notice will include the location, date, and time of your appearance. If you have a conflict or difficulty with attendance at the duly notice date and location, you must notify the Subcommittee in writing within 5 business days of receipt of the notice. For good cause, the Subcommittee may continue the matter to the next scheduled meeting.

Should you fail to appear as scheduled, then the Subcommittee will consider the certification question in your absence, which may include decisions adverse to you. Therefore, you must attend as scheduled to preserve and protect your rights.

II. SUBCOMMITTEE APPEARANCE

The Subcommittee generally schedules certification issues in conjunction with its regularly scheduled meetings. Therefore, there may be unrelated items or business for the Subcommittee to take up prior to your particular certification consideration.

A. Will take place in a closed session (e.g. not open to public)

At the appropriate place in the Subcommittee agenda, the Subcommittee will move to go into Executive Session to address personnel and/or adjudicatory matters. Your particular issue will be taken up as an adjudicatory matter and therefore will not be open to the public or media.

The Subcommittee will clear the room except for appropriate staff and Subcommittee members. If there are multiple matters to be taken up in executive session or adjudication, you will remain outside of the meeting until such time as your matter is taken up for consideration.

When the Subcommittee takes up your matter, you will be invited into the room, along with your legal counsel, if any. The Subcommittee does not provide legal counsel to represent you in this matter.

B. Statement/Presentation to the Subcommittee

At the beginning of the Subcommittee's consideration, the Chair of the Subcommittee will briefly announce the matter to be taken up along with the nature/reason for your appearance. The Chair will then invite you and/or your legal counsel to make a statement/presentation in support of your position. During this Statement, you may provide any supporting documents or exhibits in support of your position. If you do bring exhibits/documents, please bring at least 15 copies with you to provide each member a copy.

You will be provided appropriate amount of time to make your statement, but you are generally asked to limit your presentation to no more than 15 minutes.

C. Questioning by Subcommittee

As part of its review and consideration of your certification issue, the members of the Subcommittee may ask questions of you and/or seek clarification as to matters. These questions will typically be asked at the conclusion of your statement/presentation. However, there may be times when a member needs to ask a question during your statement/presentation to clarify something you may have stated or presented.

D. Witnesses

Following your statement/presentation, the Subcommittee will then hear from witnesses you have brought with you on your behalf, if any. There is no requirement that you bring or present witnesses in support of your position.

In addition to your witnesses, if any, the Subcommittee may also call witnesses to clarify any facts or to address questions members may have.

The witnesses will remain out of the room during your statement/presentation, and will be called in one at a time to address the Subcommittee. As with your statement/presentation, the witnesses will be allowed an opportunity to make a statement/presentation and then may be questioned by the Subcommittee.

You and your legal counsel will be permitted to remain in the room during the witness appearance before the Subcommittee. However, neither you nor your legal counsel shall be permitted to question or examine a witness during their appearance. If you or your counsel become disruptive or seek to intimidate or influence a witness's appearance, you will be asked to leave the room and the Subcommittee will continue with consideration of the matter in your absence.

E. Rebuttal/Final Statement

Following conclusion of all witness statements/presentations, you will be provided an opportunity to make a rebuttal, if any, to witness statements and/or to make concluding

remarks to the Subcommittee. The Subcommittee members may again have questions for you as result of witness statements/presentations.

This will be the final opportunity to address the Subcommittee prior to its consideration of the matter. You will not be permitted to remain in the room during the Subcommittee's deliberations, and will be notified in writing of its decision.

III. POST APPEARANCE

Following your appearance, the Subcommittee will consider the matter and render a decision. If an adverse decision is reached written notification of the decision on the matter will be provided to you. You have the right to appeal the decision of the Subcommittee to the Executive Director of the Governor's Committee on Crime, Delinquency and Correction. The decision will provide the appropriate appeal information, but you must generally seek an appeal within 10 days of receipt of the decision.

IV. MISCELLANEOUS

A. No Court Reporter or Recording

As this is not a formal court of record, your appearance before the LEPS Subcommittee will not be recorded electronically nor will a court reporter be used. Further, neither you nor any witnesses will be permitted to record or make a transcription of the proceeding.

B. No Weapons Are Permitted

No one appearing before the committee will be permitted to carry a firearm or any other deadly weapons. Steps should be taken to secure all weapons prior to entering the facility.

C. Appearance

Business casual attire is recommended as a minimum choice of attire. Department uniform for sworn officers may be worn. Cell phones or radios should be turned off or silenced when you are before the Subcommittee.

D. Decision Process

As indicated under III, Post Appearance, you will, under most circumstances, be notified by written correspondence of the decision of the Subcommittee. The decision, unless tabled to a future meeting by the members, will be made during the meeting at which you appeared. No decision may be made while the members are in executive session addressing personnel or adjudicatory matters. When the members come out of executive

session the Chair will ascertain if there is a motion to be made and acted upon concerning the issues presented during executive session.

You do not have to remain at the meeting after your matter has been discussed, but may elect to be present when the members come out of executive session. The meeting is open again to the public at that time. For those individuals who have elected to not remain, the Chair or a member of the Division of Justice and Community Services, where practical, will contact you, or who you have asked to be contacted, and verbally advise you of the action/decision of the Subcommittee, pending the written notice being sent.