

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject ANTI-RETALIATION	Policy Number CP-11
		Effective Date 01-06-22
Related Information CP-2, <i>Code of Conduct</i> CP-3, <i>Workplace Professionalism</i> CP-8, <i>Preventing Racial and Other Bias-Based Profiling</i> GC-7, <i>Transfer of Personnel</i> GC-12, <i>Hiring and Promotional Procedures</i>		Supersedes CP-11 (12-13-18)
Version Date	Review Period	Description of Review
01-06-22	July 2023 – June 2024	Statement of Annual Review – No Changes

PURPOSE

The purpose of this Office Policy is to ensure that members of the public and Office personnel do not experience retaliation for exercising their right to the freedom of speech, as protected by the First Amendment, as well as applicable court orders and state and federal law. The Office recognizes a need to address the delicate balance of speech made as a member of the public on matters of public interest in connection with Office operation and as an employee of the Office simply performing their job duties.

Although this Office Policy refers to employees throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

POLICY

It is the policy of the Office to respect the First Amendment right of free speech of members of the public who criticize the Sheriff, the Office, and Office personnel, as well as the right of free speech of Office personnel when speaking as a member of the public upon matters of public concern and when their interest outweighs the Office's interest in the effective and efficient fulfillment of its responsibilities to the public.

DEFINITIONS

Retaliation: Subjecting an employee to adverse treatment or adverse action because the employee engaged in a protected activity. All forms of reprisal, discouragement, intimidation, coercion, or adverse action against any person, member of the public, employee because that person reports misconduct, attempts to make or makes a misconduct complaint in good faith, cooperates with an investigation of misconduct, conducts an investigation or enforces the findings of a misconduct investigation, constitute retaliation and is strictly prohibited. This also includes reports of misconduct made directly to any outside entity authorized to take corrective action.

PROCEDURES

- Office personnel shall not take action against any individual in retaliation for any individual's lawful expression of opinions in the exercise of the First Amendment right to the freedom of speech. The Office, however, recognizes that there may be occasions where criticism or comment may arise from sworn personnel related to police conduct and pursuant to official duties, not as a member of the public; in that case, criticism or comment may, in fact, provide basis for Office action against the individual.

2. Nothing in this Office Policy prohibits the Office from taking appropriate disciplinary action against an employee who violates Office Policy by engaging in speech not protected by the First Amendment right to the freedom of speech. When employees make statements pursuant to their ordinary job duties, the First Amendment does not insulate their communications from discipline. For example, the First Amendment does not protect employees from discipline for making statements that violate policies including, but not limited to, Office Policies CP-2, *Code of Conduct*; CP-3, *Workplace Professionalism*, and CP-8, *Preventing Racial and Other Bias-Based Profiling*.
3. An employee shall, without retaliation, report an act of alleged misconduct by another employee to a supervisor or directly to the Professional Standards Bureau (PSB), or to any outside entity authorized to take corrective action.
4. All forms of reprisal, discouragement, intimidation, coercion, or adverse action against any individual, member of the public, or employee because that person reports misconduct, attempts to make or makes a misconduct complaint in good faith, cooperates with an investigation of misconduct, conducts an investigation or enforces the findings of a misconduct investigation, constitute retaliation and are strictly prohibited. This also includes reports of misconduct made directly to any outside entity authorized to take corrective action. Retaliating against any person who reports or investigates alleged misconduct shall be considered serious misconduct and shall result in disciplinary action, up to and including dismissal from employment.
5. Employees shall not use their position or authority to affect a hire, promotion, transfer, restoration to duty or by creating an unfair disadvantage as a form of retaliation as specified in Office Policy CP-2, *Code of Conduct*, or as otherwise prohibited in Office Policy GC-12, *Hiring and Promotional Procedures* and Office Policy GC-7, *Transfer of Personnel*.