

**LAW ENFORCEMENT MERIT SYSTEM COUNCIL
SUBSTANTIVE POLICY STATEMENT #1-2002**

DISCIPLINARY PROCEDURES

CRIMINAL INVESTIGATIONS AND PROSECUTORIAL REVIEWS

The Law Enforcement Merit System Council (Council) adopted rules relating to the meaning of “criminal investigation” as used in R13-5-701(C)(1) dealing with criminal holds and the computation of the 120-day time limit for internal investigations.

This Substantive Policy Statement is to inform the general public and employees under jurisdiction of the Council, of the Council’s interpretation of the rule relating to the 120-day time limit and a criminal investigation.

Rule R13-5-702.C.1. states “The 120-day time limit does not run during any criminal investigation by the employee’s agency, or any other agency, if the disciplining agency informs the business manager of the pending criminal investigation and provides the business manager with all relevant case numbers and any other information requested by the Council.”

The Council was asked to clarify the meaning of “criminal investigation” as used in R13-5-701(C)(1) dealing with a criminal hold and the computation of the 120-day time limit for internal investigations. Specifically, whether or not the time spent in prosecutorial review is part of the 120-day time limit.

The Council determined that “criminal investigation” shall include time spent doing an investigation and time spent in prosecutorial review.

Approved and entered into the minutes on November 12, 2002.

G.W. McKinney, Chair

G.N. Goodman, Vice-Chair

J.G. Landau, Member

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