



CITY OF PORTLAND, OREGON



Bureau of Police

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DATE: February 28, 2014

TO: All Bureau Employees

SUBJECT: Discipline Guide

As Chief of Police, it is my responsibility to ensure accountability for our individual actions and to improve employee behavior and performance. In doing so, we reinforce our organization's values and maintain our credibility and trust with the community we serve.

Typically, disciplinary action is used as a means to correct unacceptable behavior and as a tool in setting and enforcing Bureau standards. When making recommendations to the Commissioner-in-Charge for discipline or imposing discipline, I ask for and receive input from a wide variety of resources, including the Police Review Board, union representatives, and other management and advisory personnel such as the RU manager and the Bureau of Human Resources.

My goal is to apply disciplinary standards in a fair and consistent manner. Nationally, many law enforcement agencies use a discipline matrix when considering the appropriate level of discipline resulting from administrative or performance investigations.

At my direction, the Professional Standards Division convened a workgroup to develop a Discipline Guide. The workgroup collaboratively gathered and reviewed historical PPB data, and policies of other agencies, in order to develop a guide to be used by Portland Police Bureau, RU managers, the Police Review Board, and the Chief of Police when recommending corrective action.

Workgroup stakeholders invited to attend and participate included representatives from the Operations Branch, Services Branch executive lieutenants, Training Division, Personnel Division, Independent Police Review Division (IPR), City Attorney's Office, PPA, PPCOA, AFSCME, Professional Standards and Internal Affairs.

The objectives of the workgroup in the development of the guide included: providing a mechanism for improved timelines within the discipline process; promoting a mechanism for positive change in behaviors and/or performance; making recommendations to improve the corrective action and discipline process; providing guidance to supervisors who make disciplinary recommendations; promoting and providing consistency in disciplinary actions; providing officers with an understanding of possible outcomes; and improving accountability.

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The workgroup has developed a Discipline Guide through a thoughtful collaborative process over a period of several months. In practice, the guide will accompany Internal Affairs and/or performance investigation investigative material to be reviewed by the RU manager; Police Review Board, and the Chief of Police when considering corrective action recommendations to the Commissioner-in-Charge.

The Discipline Guide will become effective on March 1, 2014. This new Discipline Guide replaces the previous standard of “past practice” when deciding what discipline is appropriate to recommend.

The discipline process can be difficult and emotional for everyone involved. My hope is that as we continue to support one another in meeting expectations, there will be fewer disciplinary decisions that will need to be made.

MICHAEL REESE

Chief of Police

Refer to category description when determining the severity of the violation for directives that fall in multiple categories.

| Categories and Descriptions <i>Examples noted (but not limited to)</i> | | Mitigated | Presumptive | Aggravated |
|--|--------------------------|-------------------|-------------------|---------------------|
| CATEGORY A: Conduct that has or may have a minimal negative impact on operations or professional image of PPB. <i>Failure to provide name, badge, card</i> <i>Use of profanity</i> <i>Failure to write a report</i> <i>Failure to appear in court</i> <i>Minor deviation from policy resulting in vehicle crash</i> <i>Rude or dismissive behavior/language</i> | 1st violation in 1 Year | | CC | LOR |
| | 2nd violation in 1 Year | CC | LOR | One Day SWOP |
| | 3rd violation in 1 Year | LOR | One Day SWOP | Two Day SWOP |
| CATEGORY B: Conduct that has or may have a negative impact on operations or professional image of PPB; or that negatively impacts relationships with other officers, agencies or the public. <i>Deviation from policy resulting in vehicle crash</i> <i>Failure to warn (prior to use of force)</i> <i>Improper control hold</i> <i>Minor deviation from vehicle pursuit policy</i> <i>Failure to write an ORS mandated report</i> <i>Minor deviation from confrontation management performance policy</i> <i>Minor deviation from search and seizure policy</i> <i>Deviation from policy resulting in N/D of Less Lethal/Taser</i> | 1st violation in 2 Years | CC | LOR | One Day SWOP |
| | 2nd violation in 2 Years | LOR | One Day SWOP | Two Day SWOP |
| | 3rd violation in 2 Years | One Day SWOP | Two Day SWOP | One Workweek SWOP |
| CATEGORY C: Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the department, or on relationships with other officers, agencies or the public. <i>Significant deviation from policy resulting in vehicle crash</i> <i>Disclosure of confidential information</i> <i>Significant deviation from policy resulting in N/D of Less Lethal/Taser</i> <i>Failure to adhere to ORS mandated arrest</i> <i>Minor deviation from use of physical force policy</i> <i>Deviation from policy resulting in N/D of F/A</i> <i>Deviation from vehicle pursuit policy</i> <i>Deviation from confrontation management performance policy</i> <i>Deviation from search and seizure policy</i> <i>Offensive or discriminatory language (Example: Epithets)</i> | 1st violation in 3 Years | LOR | One Day SWOP | Two Day SWOP |
| | 2nd violation in 3 Years | One Day SWOP | Two Day SWOP | One Workweek SWOP |
| | 3rd violation in 3 Years | Two Day SWOP | One Workweek SWOP | Two Workweek SWOP |
| CATEGORY D: Conduct substantially contrary to the values of the PPB or that substantially interferes with its mission, operations or professional image, or that involves a serious risk to officer or public safety, or intentionally violates bureau policy. <i>Disparate treatment</i> <i>Deviation from use of physical force policy</i> <i>Significant deviation from vehicle pursuit policy</i> Sustained 2.02 Violations (Mandatory PRB Review) <i>Significant deviation from policy resulting in N/D of F/A</i> | 1st violation in 5 Years | One Day SWOP | Two Day SWOP | One Workweek SWOP |
| | 2nd violation in 5 Years | Two Day SWOP | One Workweek SWOP | Two Workweek SWOP |
| | 3rd violation in 5 Years | One Workweek SWOP | Two Workweek SWOP | Three Workweek SWOP |

Yellow shading indicates automatic referral to Police Review Board Board

See Page 2 for information about the use of this guide.

CC - Command Counseling LOR - Letter of Reprimand SWOP - Suspension without Pay
 Workweek = Forty Hours N/D - Negligent Discharge F/A - Firearm

Refer to category description when determining the severity of the violation for directives that fall in multiple categories.

| Categories and Descriptions <i>Examples noted (but not limited to)</i> | | Mitigated | Presumptive | Aggravated |
|---|--------------------------|----------------------------|-------------------------------|-------------------------------|
| CATEGORY E: Conduct that involves misuse of authority, unethical behavior, or an act that could result in an adverse impact on officer or public safety or to the professionalism of the PPB. <i>Display of a firearm or badge for personal gain</i> <i>Significant deviation from use of physical force policy</i> <i>Significant deviation from confrontation management performance</i> <i>DUII</i> <i>Significant violation of search and seizure policy</i> <i>Evidence Tampering</i> <i>Supervisor failing to take action on 2.02 violation</i> <i>Retaliation</i> | 1st violation in 7 Years | Two Day SWOP | One -Two Workweek SWOP | 3 Workweek SWOP - Termination |
| | 2nd violation in 7 Years | One -Two Workweek SWOP | 3 Workweek SWOP - Termination | Demotion - Termination |
| | 3rd violation in 7 Years | 3 Workweek SWOP - Demotion | Termination | |
| CATEGORY F: Any violation of law, rule or policy which: could result in death or serious bodily injury; or constitutes a willful disregard of PPB values; or involves any act that demonstrates a serious lack of integrity, ethics or character related to an officers fitness to hold the position of police officer; or involves misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law ; or involves any conduct which constitutes the failure to adhere to any contractual condition of employment or failing to maintain certification mandated by law. <i>Out of policy use of deadly force</i> <i>Significant deviation from confrontation management performance policy during use of deadly force</i> <hr/> <i>Any felony or D.V. conviction</i> <i>Untruthfulness</i> | Violation | 3 Workweek SWOP - Demotion | Termination | |

Yellow shading indicates automatic referral to Police Review Board

Any prior sustained violation involving the same or similar misconduct within the specified time frame, in a category greater than or equal to the current violation, may be considered as one prior violation.

Any prior sustained violation involving the same or similar misconduct within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

In cases involving multiple concurrent sustained violations, the presumptive discipline level will be set at the category of the most serious sustained violation. The additional violations may increase the penalty level by 1.

Disciplinary actions are determined by the Police Commissioner and/or the Chief of Police and/or their designee. The Police Commissioner and/or Chief of Police may deviate from this guide as conditions and circumstances warrant.

One year is defined as one calendar year from the date of discipline.

Mitigating factors to consider include (but are not limited to): circumstances surrounding rule violation; complimentary history including commendations, letters of appreciation, awards and medals; prior work history, such as positive evaluations and/or work performance, volunteerism, advanced job-related training; discipline history; the member's years of service; training received specific to the behavior in question; willingness to accept responsibility; member's intention in taking or not taking action.

Aggravating factors to consider include (but are not limited to): potential or actual injury or harm to the member of the public or bureau member; rank of the officer who committed the violation; member's prior discipline history or corrective action history; potential impact to the Bureau mission or operations; loss or damage to city or private property; unsatisfactory work performance; failure to meet documented expectations (i.e. Letter of Expectation, Work Plan); training received specific to the behavior in question; documented history of unsatisfactory performance; failure to accept responsibility; member's intention in taking or not taking action.

This guide supplements existing City and Bureau policies, including Directive 341.00 and City of Portland HRAR 5.01.