

**Please Note: This is a working draft of Directive 334.00. This is proposed language and the Bureau has not implemented any changes at this time.*

334.00, Performance Deficiencies

2nd Universal Review: 8/1/17-8/15/17(Clean View)

Refer:

- Portland City Code 3.21.120(F), Independent Police Review Division, Handling Complaints
- DIR 315.30, Satisfactory Performance
- DIR 330.00, Internal Affairs, Complaint Intake, and Processing
- DIR 332.00, Administrative Investigations
- DIR 335.00, Discipline Process

Definitions:

- Findings: A conclusion as to whether a member's conduct violated Bureau directives.
 - Sustained: The preponderance of evidence proves a violation of policy or procedure.
 - Not Sustained: The evidence was insufficient to prove a violation of policy or procedure.
 - Exonerated: The preponderance of evidence proves the member's conduct was lawful and within policy.
 - Unfounded: The preponderance of evidence proves the allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure.
- Performance Deficiency: Inadequate completion or execution of routine work duties or functions including, but not limited to, issues with attendance, incomplete reports, lack of follow through on cases, and failure to properly perform assigned duties.
- Performance Deficiency Investigation: An administrative investigation performed at the Responsibility Unit (RU) level to address inadequate completion or execution of routine work duties or functions.

Policy:

1. Member accountability and professionalism are of paramount importance. The Portland Police Bureau shall ensure that all member misconduct, including insufficient or poor work performance, is thoroughly investigated and appropriately addressed to maintain individual and organizational accountability and preserve community trust and confidence. Internal Affairs (IA) shall manage the investigation of performance deficiencies and work closely with Independent Police Review (IPR) to ensure that allegations of this nature are investigated fairly, professionally, and objectively.

Procedure:

1. Investigations of member work performance are generally conducted by the RU in accordance with Directives 330.00, Internal Affairs, Complaint Intake, and Processing, and 332.00, Administrative Investigations.
2. Investigation Initiation Procedures.
 - 2.1. The RU Manager shall identify member performance deficiencies and consult with Internal Affairs (IA) to determine if an investigation into the member's performance is warranted.

- 2.1.1. When notifying IA, the RU Manager shall include a detailed description of the member's behavior, in an effort to identify specific Bureau directives that will frame the allegations if there is an investigation.
3. Processing and Case Assignment.
 - 3.1. The IA Captain (or Designee) shall:
 - 3.1.1. Assign the investigation to the involved member's RU Manager or a designee, if the IA Captain agrees that the case is related to a performance deficiency and determines that an investigation is necessary.
 - 3.1.2. Provide all necessary forms and case materials to the RU Manager.
 - 3.1.3. Number and track all performance investigations to ensure adherence with procedures and timelines.
 - 3.1.4. Notify IPR Director of the investigation.
 - 3.2. The RU Manager shall:
 - 3.2.1. Assign cases to a supervisor within the RU.
4. Investigation.
 - 4.1. The Investigating Supervisor shall:
 - 4.1.1. Conduct the Performance Deficiency Investigation in accordance with procedures outlined in Directive 332.00, Administrative Investigations.
 - 4.2. The RU Manager shall:
 - 4.2.1. Ensure that performance investigations are conducted in a manner consistent with all applicable law and bargaining agreements.
 - 4.2.2. Ensure that performance investigations are completed within 70 days after assignment.
 - 4.3. The IA Captain (or Designee) shall:
 - 4.3.1. Review investigative reports and recommended findings for completeness and accuracy.
 - 4.3.2. After approving the investigation and within seven days of receipt of the case file, distribute a copy of the completed investigative report with the investigator's recommended findings to the involved member's RU Manager for making a proposed finding(s).
5. Findings and Corrective Action.
 - 5.1. A member who did not serve as the investigating supervisor (i.e., RU Manager or designee) shall make a proposed finding on each allegation investigated within seven days of receipt of the case file.
 - 5.1.1. Upon completion of review and development of proposed findings, the RU Manager or designee shall submit the proposed findings, through channels, to the IA Captain or designee.
 - 5.1.2. RU Managers or designees are not permitted to take any action on the investigation or recommended findings, initiate any corrective action, or discipline a member prior to receiving notification from IA that discipline and/or corrective action may be administered.
 - 5.2. The IA Captain (or Designee) shall:

- 5.2.1. Review proposed findings and discipline to ensure completeness and accuracy.
- 5.2.2. Distribute the case file, including the recommended and proposed findings and discipline, to the appropriate Assistant Chief and IPR for a concurrent seven-day review.
- 5.3. Neither the RU Manager, nor the Assistant Chief shall take any action on proposed findings, initiate corrective action, or discipline a member prior to formal approval and notification IA.
- 5.4. Disciplinary action related to performance deficiencies will normally be progressive in nature; however serious performance problems may justify suspension or termination without prior warning or attempts at corrective action or discipline.
 - 5.4.1. Supervisors shall refer to Directive 335.00, Discipline Process for guidance regarding the process for recommending and assigning corrective or disciplinary action.
6. Records Retention.
 - 6.1. IA shall maintain performance investigation case files in accordance with records-retention policies. Performance investigation files may be purged according to the schedule detailed in Directive 332.00, Administrative Investigations.

PROVIDE FEEDBACK: [Use this Form](#)

**Please Note: This is a working draft of Directive 334.00. This is proposed language and the Bureau has not implemented any changes at this time.*

334.00, Performance Deficiencies

2nd Universal Review: 8/1/17-8/15/17(Redline Markup View)

Refer:

- Portland City Code 3.21.120(F), Independent Police Review Division, Handling Complaints
- DIR 315.30, Satisfactory Performance
- DIR Directive 330.00, Internal Affairs, Complaint Intake, and Processing Investigation Process
- DIR Directive 332.00, Administrative Investigations
- DIR 335.00, Discipline Process

Definitions:

- Findings: A conclusion as to whether a member's conduct violated Bureau directives.
 - Sustained: The preponderance of evidence proves a violation of policy or procedure.
 - Not Sustained: The evidence was insufficient to prove a violation of policy or procedure.
 - Exonerated: The preponderance of evidence proves the member's conduct was lawful and within policy.
 - Unfounded: The preponderance of evidence proves the allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure.
- Performance Deficiency: Inadequate completion or execution of routine duties or functions including performance. Examples may include, but are not limited to, issues with attendance problems, incomplete reports, inaccurate statements, lack of follow through on cases, and failure to properly perform assigned duties.
- Performance Deficiency Investigation: An administrative investigation performed at the Responsibility Unit (RU) level to address inadequate completion or execution of routine to determine whether a member's work duties or functions performance is deficient.

Policy:

1. Member accountability and professionalism are of paramount importance. The Portland Police Bureau shall ensure that all member misconduct, including insufficient or poor work performance, is thoroughly investigated and appropriately addressed to maintain individual and organizational accountability and preserve community trust and confidence. Internal Affairs (IA) shall manage the investigation of performance deficiencies and work closely with Independent Police Review (IPR) to ensure that allegations of this nature are investigated fairly, professionally, and objectively.

Procedure:

1. Investigations of member work performance are generally conducted by the RU in accordance with Directives 330.00, Internal Affairs, Complaint Intake, and Processing, and 332.00, Administrative Investigations.
2. Investigation Initiation Procedures.
 - 2.1. The RU Manager shall identify member performance deficiencies and consult with Internal Affairs (IA) to determine if an investigation into the member's performance is warranted.

2.1.1. When notifying IA, the RU Manager shall include a detailed description of the member's behavior, in an effort to identify specific Bureau directives that will frame the allegations if there is an investigation.

3. Processing and Case Assignment.

3.1. The IA Captain (or Designee) shall:

3.1.1. Assign the investigation to the involved member's RU Manager or a designee, if the IA Captain agrees that the case is related to a performance deficiency and determines that an investigation is necessary.

3.1.2. Provide all necessary forms and case materials to the RU Manager.

3.1.3. Number and track all performance ~~Performance deficiency~~ investigations to ensure adherence with procedures and timelines. ~~should generally be conducted~~

3.1.4. ~~Notify~~ IPR Director of the investigation.

3.2. The RU Manager shall:

~~4.0.0.~~3.2.1. Assign cases to a supervisor within the ~~RU~~ Responsibility Unit.

4. Investigation.

4.1. The Investigating Supervisor shall:

4.1.1. Conduct the Performance Deficiency Investigation in accordance with procedures outlined in Directive 332.00, Administrative Investigations.

4.2. The RU Manager shall:

4.2.1. Ensure that performance investigations are conducted in a manner consistent with all applicable law and bargaining agreements.

~~2. Ensure that A performance investigation should address specific allegations of policy violations.~~

4.2.2. ~~All~~ performance investigations are completed within 70 days after assignment.

4.3. The IA Captain (or Designee) shall:

4.3.1. Review investigative reports and recommended findings for completeness and accuracy.

4.3.2. After approving the investigation and within seven days of receipt of the case file, distribute a copy of the completed investigative report with the investigator's recommended findings to the involved member's RU Manager for making a proposed finding(s).

5. Findings and Corrective Action.

5.1. A member who did not serve as the investigating supervisor (i.e., RU Manager or designee) shall make a proposed finding on each allegation investigated within seven days of receipt of the case file.

5.1.1. Upon completion of review and development of proposed findings, the RU Manager or designee shall submit the proposed findings, through channels, to the IA Captain or designee.

~~3.0.0.~~5.1.2. RU Managers or designees are not permitted to take any action on the investigation or recommended findings, initiate any corrective action, or discipline a member prior to receiving notification from IA that discipline and/or corrective action may will be administered numbered and tracked by Internal Affairs.

5.2. The IA Captain (or Designee) shall:

5.2.1. Review proposed findings and discipline to ensure completeness and accuracy.

5.2.2. Distribute the case file, including the recommended and proposed findings and discipline, to the appropriate Assistant Chief and IPR for a concurrent seven-day review.

5.3. Neither the RU Manager, nor the Assistant Chief shall take any action on proposed findings, initiate corrective action, or discipline a member prior to formal approval and notification IA.

4.0.5.4. Disciplinary action related to performance deficiencies will normally be progressive in nature; however serious performance problems may justify suspension or termination~~discharge~~ without prior warning or attempts at corrective action or discipline.

Supervisors shall refer

~~5. A performance investigation is not to be used as substitute for an administrative investigation, which will be handled in accordance with Directive 335332.00, Administrative Investigations.~~

Procedure:

~~1. Discipline Process for guidance regarding Performance Deficiency:~~

~~1.1. Serious performance deficiencies or a pattern of performance deficiencies may rise to the process level of misconduct.~~

~~2. Responsibility Unit Manager Responsibilities:~~

~~2.1. Each Responsibility Unit Manager will ensure his or her staff is educated as to what constitutes personnel performance deficiency and how performance investigations are initiated.~~

~~2.2. If a Responsibility Unit Manager determines that an investigation into a member's performance is warranted, the Responsibility Unit Manager shall consult with Internal Affairs.~~

~~2.3. If Internal Affairs agrees that the case is related to a performance deficiency, Internal Affairs will assign the performance investigation to be conducted by the subject member's Responsibility Unit Manager or designee.~~

~~2.4. The Responsibility Unit Manager will submit the completed performance investigation, through channels, to Internal Affairs.~~

~~2.5.0.5.4.1. Responsibility Unit Managers are not permitted to take any action on the investigation or any recommendations for recommending and assigning findings, corrective or disciplinary action, or discipline prior to submitting the completed investigation to Internal Affairs for further review.~~

6. Records Retention.

~~2.6. IA shall maintain Responsibility Unit Managers will:~~

~~2.6.1. Contact the Captain of the Professional Standards Division or designee.~~

~~2.6.2. Identify specific allegations of performance deficiencies that will be the subject of the investigation.~~

~~2.6.2.1. The Captain of the Professional Standards Division or designee will decide who will conduct the performance investigation and if assigned to the Responsibility Unit will provide all necessary forms.~~

~~2.6.3. Assign performance cases for investigation by a supervisor within the Responsibility Unit.~~

~~2.6.4. Ensure that performance investigations are completed within sixty (60) days after assignment.~~

~~2.6.5. Ensure that performance investigations are conducted in a manner consistent with all applicable law and bargaining agreements.~~

~~2.6.6. Review all completed performance investigations originating within his or her division.~~

~~2.6.7. Send completed investigation, including investigative report, all interview recordings, transcripts, and exhibits to Internal Affairs, for approval.~~

~~2.6.8. Internal Affairs will provide a copy of the investigation and related documents to Independent Police Review for review and approval.~~

~~2.6.9. Once approved, the investigation will be returned to the Responsibility Unit Manager for recommended findings.~~

~~2.6.10. The Responsibility Unit Manager or designee, who is not the investigating supervisor, shall make a recommended finding on each allegation investigated.~~

~~2.6.11. Recommended findings shall then be submitted, through channels, to the Captain of the Professional Standards Division or designee, the appropriate assistant chief, and the Independent Police Review Division, in accordance with procedures outlined in Directive 332.00, Administrative Investigations.~~

~~2.6.12. The Responsibility Unit Manager or the applicable assistant chief may not take any action on recommended findings, corrective action, or discipline prior to formal approval and notification from the Professional Standards Division.~~

~~3. Investigating Supervisor Responsibilities:~~

~~3.1. Performance Deficiency Investigations will be conducted by the Investigating Supervisor in accordance with procedures outlined in Directive 332.00, Administrative Investigations.~~

~~4. Captain of the Professional Standards Division Responsibilities or Designee:~~

~~4.1. Review cases with Responsibility Unit Manager to determine the appropriate course of action (e.g. Performance Deficiency Investigation, Administrative Investigation, Service Improvement Opportunity, etc.).~~

~~4.2. Issue tracking numbers and track cases to ensure adherence with procedures and timelines.~~

~~4.2.1.~~

~~4.3. Notify case the Independent Police Review Division of the investigation.~~

~~4.4. Review investigations for completeness and accuracy.~~

~~4.5. Review findings and recommended discipline for performance cases.~~

~~4.6. Forward the investigation, findings, and recommended discipline to the Independent Police Review Division for review, in accordance with City Code 3.21.120(F).~~

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| 4.7.6.1. Maintain performance investigation files in accordance with records-retention policies.
Performance investigation files may be purged according to the schedule detailed in Directive 332.00, Administrative Investigations.

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