

**Please note: This is a working draft of Directive 335.00. This is proposed language and the Bureau has not implemented any changes at this time.*

335.00, Discipline Process

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

Refer:

- Portland City Code 3.20.140 Police Review Board
- City of Portland, Human Resources Administrative Rule 5.01, Discipline
- Directive 330.00, Internal Affairs, Complaint Intake, and Processing
- Directive 336.00, Police Review Board
- Directive 338.00, Discipline Guide

Definitions:

- **Case File:** Administrative package containing the originals or copies of the Internal Affairs (IA) investigation or other investigation materials for a Police Review Board case and the proposed findings.
- **Command Counseling:** A formal non-disciplinary corrective action that involves verbal counseling in response to a sustained finding for a minor policy violation. Command counselling is conducted by the Responsibility Unit (RU) manager or a designee and is documented in a memo to IA.
- **Demotion:** Reversion to a lower rank or job classification.
- **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.
- **Findings Cover Sheet:** A form attached to an administrative investigation case file by the RU Manager recommending the finding and proposed discipline (if any). This form includes sections for the appropriate Assistant Chief, Professional Standards Division (PSD) Captain, and the Independent Police Review (IPR) Director to list whether they concur or controvert the findings, whether more investigation is warranted, whether the case would benefit from a Police Review Board (PRB) hearing, and/or suggest additional recommendations (e.g., training review, policy review, supervision review).
- **Letter of Reprimand:** A disciplinary letter placed in the member's personnel file detailing a member's conduct or performance that violated one or more Bureau directives but does not involve an economic sanction such as a suspension, demotion or termination.
- **Pre-determination meeting:** A due-process meeting with the Chief of Police or the Assistant Chief to discuss the involved member's proposed discipline prior to a final disciplinary decision. This meeting is the member's opportunity to discuss the case with the Chief or Assistant Chief, and present any mitigating factors for consideration.

- Preponderance of the Evidence: The facts and circumstances indicate it is more likely than not that a violation of policy or procedure either occurred or did not occur.
- Suspension: Removal from work status, without pay, for specified period of time.
- Termination: Discharge from Police Bureau employment.

Policy:

1. The purpose of this directive is to provide guidance to members regarding the process for recommending and assigning corrective or disciplinary action when an allegation of a policy violation or misconduct against a member is sustained.
2. In order to maintain public confidence in the ability of the Police Bureau to investigate and properly address legitimate complaints concerning employee conduct and performance, a broad range of tools are available to set expectations, issue corrective action, and institute discipline. The Bureau has a responsibility to impose corrective or disciplinary action warranted by a member's violation of policy.
3. The Bureau's philosophy with respect to corrective action and discipline is the same philosophy that is applied to employees who work elsewhere in the City, which is that corrective and disciplinary action are tools available to assist supervisors in working with employees whose behavior or job performance does not meet the expectations associated with the position they hold. Corrective action or discipline can be used to correct behavior, to deter a violation of policies or procedures, and to hold employees accountable for their behavior or performance. Generally speaking, corrective action or discipline is used to gain the employee's attention, put the employee on notice of unacceptable conduct or performance, and give the employee a reasonable opportunity to correct his or her behavior. Each situation in which corrective action or discipline is considered is unique and will be considered on its own merits.
4. Before taking corrective action or disciplinary action, the Bureau will conduct an investigation to assist it in determining whether the employee, in fact, engaged in misconduct or performance that is contrary to Bureau expectations, whether the employee knew or should have known better, and if so, whether corrective or disciplinary action is appropriate and fair considering all the circumstances. The Bureau strives to ensure that its investigations are fair and thorough, with truth as its primary objective.
5. Members are subject to disciplinary action for cause or just cause. Possible disciplinary actions are identified in Human Resources Administrative Rule 5.01, Discipline, or the applicable collective bargaining agreement.
6. Counseling, instruction, and training are not considered disciplinary action.
7. Generally, discipline is progressive, beginning with a Letter of Reprimand and proceeding to suspension, demotion, or termination. Serious offenses include, but are not limited to, criminal or other unlawful acts, abuse of authority, theft, untruthfulness, excessive force, failure to follow orders, unlawful discrimination, workplace harassment, retaliation, creation of a hostile work

environment, or workplace violence and may justify suspension or termination without the necessity of prior warnings or attempts at corrective action or discipline.

8. In all cases, the level and degree of discipline shall be in keeping with the seriousness of the offense, taking into account the circumstances relevant to the case. For less serious infractions, which warrant progressive discipline, the ultimate goal is to put the member on notice that certain conduct is unacceptable and to provide the member with a reasonable opportunity to modify his or her behavior. It is not the purpose of this directive to require some automatic progression of disciplinary measures. Rather, the circumstances of each situation are considered on a case by case basis.

Procedure:

1. Those responsible for making recommendations on findings and discipline shall refer to the discipline guide in accordance with Directive 338.00, Discipline Guide.
2. RU Manager Responsibilities.
 - 2.1. Review and consider the member's work history including aggravating and mitigating factors as set forth in the discipline guide.
 - 2.2. Review and consider the member's discipline history.
 - 2.2.1. For administrative investigations of sworn members, contact the discipline coordinator in PSD.
 - 2.2.2. For collision review board (CRB) cases, contact the CRB coordinator in PSD.
 - 2.2.3. For non-sworn members, contact the BHR business partner in PPB's personnel division.
 - 2.3. Review and consider the discipline guide in recommending corrective or disciplinary action.
 - 2.4. Make a discipline recommendation and document such on the Findings Cover Sheet and in the Corrective Action Recommendation Memorandum.
 - 2.5. Submit the entire packet to IA, including the Findings Cover Sheet and the Corrective Action Recommendation Memorandum, within seven days of receipt of the case file.
 - 2.6. RU Managers or designees are not permitted to take any corrective action and discipline prior to submitting the completed investigation to IA for further review and approval.
3. IA Captain Responsibilities.
 - 3.1. Upon receipt of the RU Manager's recommendations, the IA Captain or their designee shall as soon as practicable, send a copy of the case file, including their recommended findings and proposed discipline, to the IPR Director and the supervising Assistant Chief for a seven-day concurrent review.
 - 3.2. The IA Captain shall review the recommended findings and proposed discipline within seven days of receipt.
 - 3.2.1. The IA Captain may controvert the RU manager's recommended findings and/or proposed discipline. All controverts shall be documented in a memorandum that clearly articulates

that the reviewer wishes to controvert and provides an adequate explanation for the writer's basis for disagreeing with the recommended finding or discipline.

4. Supervising Assistant Chief Responsibilities.

4.1. The Supervising Assistant Chief shall review the recommended findings and proposed discipline and resubmit to IA within seven days of receipt.

4.1.1. The Assistant Chief may controvert the recommended findings and/or proposed discipline. All controverts shall be documented in a memorandum that clearly articulates that the reviewer wishes to controvert and provides an adequate explanation for the writer's basis for disagreeing with the recommended finding or discipline.

5. IPR Director Responsibilities.

5.1. The IPR Director will review the recommended findings and proposed discipline and resubmit to IA within seven days of receipt.

5.1.1. The IPR Director may controvert the recommended findings and/or proposed discipline. All controverts shall be documented in a memorandum that clearly articulates that the reviewer wishes to controvert and provides an adequate explanation for the writer's basis for disagreeing with the recommended finding or discipline.

6. Findings.

6.1. If a finding or proposed discipline of the RU Manager is controverted by the supervising Assistant Chief, the IPR Director, or the IA Captain, the case will be heard by the PRB in accordance with Directive 336.00, Police Review Board.

7. Command Counseling or Letter of Reprimand.

7.1. The PSD Captain shall refer all cases where proposed corrective action or discipline is less than suspension to the involved member's RU Manager to implement the corrective action or discipline.

7.2. The PSD Captain shall notify the RU Manager and the Discipline Coordinator when the case is closed and the Command Counseling or Letter of Reprimand can be issued.

7.3. The RU Manager, in consultation with the Discipline Coordinator, shall prepare the proposed corrective action or discipline and other documentation as appropriate.

7.4. The appropriate Assistant Chief shall review the RU Manager's recommended action and upon approval return the documentation to the Discipline Coordinator.

7.5. The Discipline Coordinator shall receive the documentation and coordinate corrective action or discipline with the RU Manager.

7.6. Pursuant to city code, involved members may appeal the proposed findings to the Citizen Review Committee (CRC).

7.6.1. In such cases, the Chief shall not issue proposed discipline or make recommendations until the CRC has made a final decision.

- 7.7. If the proposed corrective action is Command Counseling:
 - 7.7.1. The RU Manager shall meet with the member to review the incident and communicate their expectations moving forward.
 - 7.7.2. The RU Manager shall outline the expectations in the meeting with the member and document as such in a memorandum.
 - 7.7.3. The RU Manager shall forward the Command Counseling memorandum to the Discipline Coordinator.
 - 7.7.4. The Command Counseling memorandum shall not include debriefings associated with not sustained findings. Debriefings shall be documented separately in accordance with Directive 332.00, Administrative Investigations.
 - 7.8. If the proposed corrective action is a Letter of Reprimand:
 - 7.8.1. The RU Manager shall meet with the member to review the incident and communicate their expectation moving forward.
 - 7.8.2. The RU Manager shall serve the member with the letter of proposed discipline.
 - 7.8.2.1. The member can request a pre-determination meeting with their supervising Assistant Chief.
 - 7.8.2.1.1. Following the meeting, the Assistant Chief shall notify the Discipline Coordinator in writing of the final discipline to be imposed.
 - 7.8.3. The Discipline Coordinator shall coordinate with the RU Manager the service of the final Letter of Reprimand.
 - 7.9. The Discipline Coordinator shall forward a copy of the Command Counseling memorandum or the proposed and final Letters of Reprimand to the Personnel Division.
8. Discipline of Suspension Or Greater.
 - 8.1. All cases in which recommended discipline is suspension or greater will be heard by the Police Review Board. Police Review Board procedures are outlined in Directive 336.00, Police Review Board.
 - 8.2. Pursuant to city code, involved members may appeal the PRB's recommended findings to the CRC.
 - 8.2.1. In such cases, the Chief shall not issue proposed discipline or make recommendations until the CRC has made a final decision.
 - 8.3. The Discipline Coordinator forwards the PRB's recommendation memorandum to the Chief.
 - 8.4. The Chief shall provide their proposed findings to the Discipline Coordinator and to PSD.
 - 8.5. The Discipline Coordinator shall provide the letter to the RU Manager for delivery to the involved member.
 - 8.6. Upon receipt of the letter of proposed discipline, the involved member may request a pre-determination meeting with the Chief.
 - 8.6.1. The Chief shall notify the Discipline Coordinator in writing of the final discipline to be imposed following the meeting.

8.6.2. The Discipline Coordinator shall coordinate the service of the final letter of imposed discipline to the involved member with the RU Manager.

8.7. The Discipline Coordinator shall schedule the dates of the suspension with the RU Manager and shall forward the dates to the Fiscal Division.

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335.00, Discipline Process

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

Refer:

- Portland City Code 3.20.140 Police Review Board
- City of Portland, Human Resources Administrative Rule 5.01, Discipline
- Directive 330.00, Internal Affairs, Complaint Intake, and Processing
- Directive 336.00, Police Review Board
- Directive 338.00, Discipline Guide

Definitions:

- Case File: Administrative package~~A file~~ containing the originals or ~~copies of~~ the Internal Affairs (IA) investigation or other investigation materials~~all of the reports and documents~~ for a Police Review Board~~specific~~ case and the proposed findings. -
- Command Counseling: A formal non-disciplinary corrective action that involves verbal counseling in response to a sustained finding for a minor policy violation. Command counselling is conducted by the Responsibility Unit (RU) manager or a designee and is documented in a memo to IA.
- Demotion: Reversion to a lower rank or job classification.
- 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.
- ~~Due Process Hearing: A pre disciplinary meeting with the Chief of Police and the subject member to discuss the member's proposed discipline.~~
- ~~Finding: A determination of whether an allegation against a member is unfounded, exonerated, not sustained or sustained. These findings have the following meanings:~~
 - Unfounded: ~~The preponderance of evidence proves the~~The allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure.
 - ~~Exonerated: The act occurred, but was lawful and within policy.~~
 - ~~Not Sustained: The evidence was insufficient to prove a violation of policy or procedure.~~
 - ~~Sustained: The evidence was sufficient to prove a violation of policy or procedure.~~

~~A finding of unfounded is a high threshold and requires a high level of certainty that there is no factual basis for the allegation or no credible basis that the allegation could constitute a violation of policy or procedure. A finding of exonerated, not sustained, or sustained is based on a preponderance of the evidence.~~

- Findings Cover Sheet: A form attached to an administrative investigation case file by the RUResponsibility Unit Manager recommending the finding and proposed discipline (if any). - This form includes sections for the appropriate Assistant Chiefassistant chief, Professional Standards Division (PSD) Captain, and the Independent Police Review (IPR)~~Division~~ Director to list whether they concur or controvert the findings, whether more investigation is warranted, whether the case would benefit from a Police Review Board (PRB) hearing, and/or suggest additional recommendations (e.g., training review, policy review, supervision review).
- Letter of Reprimand: A disciplinary letter placed in the member's personnel file detailing a member's conduct or performance that violated one or more Bureau directives but does not involve an economic sanction such as a suspension, demotion or termination.
- Pre-determination meeting: A due-process meeting with the Chief of Police or the Assistant Chief to discuss the involved member's proposed discipline prior to a final disciplinary decision. This meeting is the member's opportunity to discuss the case with the Chief or Assistant Chief, and present any mitigating factors for consideration.
- Preponderance of the Evidence: The factsFacts and circumstances indicateindicating it is more likely than not that a violation of policy or procedure either occurred or did not occur.
- ~~Subject Member: The current or former Bureau employee whose actions are under review.~~
- ~~Command Counseling: Command Counseling is non disciplinary, corrective action. It is a formal discussion with a member regarding a policy violation or misconduct that is documented in a memorandum.~~
- ~~Letter of Reprimand: A disciplinary letter placed in the member's personnel file that details a member's behavior that violated one or more Bureau policies or procedures but does not involve an economic sanction such as a suspension, demotion or discharge.~~
- Suspension: Removal from work status, without pay, for specified period of time.
- ~~Demotion: Reversion to a lower rank or job classification.~~
- ~~Discharge: Termination: Discharge from~~ of Police Bureau employment.

Policy:

1. Members are subject to disciplinary action for cause or just cause. The purpose of this directive is to provide guidance to members regarding the process for recommending and assigning corrective or disciplinary action when an allegation of a policy violation or misconduct against a member is sustained.
1. Possible disciplinary actions are identified in Human Resources Administrative Rule 5.01, Discipline, or the applicable collective bargaining agreement.

~~2.1. Generally, discipline is progressive, beginning with an oral warning or Letter of Reprimand and proceeding to suspension, demotion, or discharge.~~

~~3. Counseling, instruction, and training are not considered disciplinary action and may be used to correct minor, non-repetitive violations of policies or procedures.~~

~~4. Serious offenses include, but are not limited to, criminal or other unlawful acts, abuse of authority, theft, untruthfulness, excessive force, failure to follow orders, unlawful discrimination, workplace harassment, retaliation, hostile work environment, or workplace violence and may justify suspension or discharge without the necessity of prior warnings or attempts at corrective action or discipline.~~

~~5. In all cases, the level and degree of discipline shall be in keeping with the seriousness of the offense, taking into account the circumstances relevant to the case. For less serious infractions, which warrant progressive discipline, the ultimate goal is to put the member on notice that certain conduct is unacceptable and to provide the member with a reasonable opportunity to modify his or her behavior.~~

~~6.1. It is not the purpose of this directive to require some automatic progression of disciplinary measures. Rather, the circumstances of each situation are considered on a case by case basis.~~

Guidance for the Discipline Policy:

~~1.2.~~ In order to maintain public confidence in the ability of the Police Bureau to investigate and properly address legitimate complaints concerning employee conduct and performance, a broad range of tools are available to set expectations, issue corrective action, and institute discipline. The Bureau has a responsibility to impose corrective or disciplinary action warranted by a member's ~~misconduct or policy~~ violation of policy.

~~2.3.~~ The Bureau's philosophy with respect to corrective action and discipline is the same philosophy that is applied to employees who work elsewhere in the City, which is that corrective and disciplinary action are tools available to assist supervisors in working with employees whose behavior or job performance does not meet the expectations associated with the position they hold. Corrective action or discipline can be used to correct behavior, to deter a violation of policies or procedures, and to hold employees accountable for their behavior or performance. Generally speaking, corrective action or discipline is used to gain the employee's attention, put the employee on notice of unacceptable conduct or performance, and give the employee a reasonable opportunity to correct his or her behavior. Each situation in which corrective action or discipline is considered is unique and will be considered on its own merits.

~~3.4.~~ Before taking corrective action or disciplinary action, the Bureau will conduct an investigation to assist it in determining whether the employee, in fact, engaged in misconduct or performance that is contrary to Bureau expectations, whether the employee knew or should have known better, and if so, whether corrective or disciplinary action is appropriate and fair considering all the circumstances. The Bureau strives to ensure that its investigations are fair and thorough, with truth as its primary objective.

~~4. In determining the appropriate level of corrective action or discipline, the totality of the circumstances surrounding the conduct or performance will be taken into account. The factors identified below are~~

~~provided as general guidance only, and are not intended to limit the Bureau or to be an all-inclusive list. Not all factors come into play in each situation, and one or more may outweigh other factors.~~

~~Appropriate Corrective Action or Discipline Factors:~~

- ~~1. Fault: This factor includes a variety of considerations, including, but not limited to, the totality of circumstances, the potential or actual harm to others or to the agency, and the seriousness of the performance deficiencies, misconduct or policy violation.~~
- ~~2. Prior Warnings: This factor takes into account what has been communicated to the employee previously about policy and performance expectations.~~
- ~~3. Members Acceptance of Responsibility: This factor takes into account the member's acknowledgement of the issue and whether the member accepts responsibly for his or her behavior and any actions they have taken to prevent future reoccurrences.~~
- ~~4. Discipline History: This factor takes into account the member's prior history of corrective action or discipline.~~
5. ~~Members are subject to disciplinary action for cause or just cause. Possible disciplinary actions are identified in Human Resources Administrative Rule 5.01, Discipline, or the applicable collective bargaining agreement.~~
6. ~~Counseling, instruction, and training are not considered disciplinary action.~~
7. ~~Generally, discipline is progressive, beginning with a Letter of Reprimand and proceeding to suspension, demotion, or termination. Serious offenses include, but are not limited to, criminal or other unlawful acts, abuse of authority, theft, untruthfulness, excessive force, failure to follow orders, unlawful discrimination, workplace harassment, retaliation, creation of a hostile work environment, or workplace violence and may justify suspension or termination without the necessity of prior warnings or attempts at corrective action or discipline.~~
8. ~~In all cases, the level and degree of discipline shall be in keeping with the seriousness of the offense, taking into account the circumstances relevant to the case. For less serious infractions, which warrant progressive discipline, the ultimate goal is to put the member on notice that certain conduct is unacceptable and to provide the member with a reasonable opportunity to modify his or her behavior. It is not the purpose of this directive to require some automatic progression of disciplinary measures. Rather, the circumstances of each situation are considered on a case by case basis.~~

Procedure:

- ~~1. Those responsible Case Review and Findings:
 - ~~1.1. When an administrative investigation is complete, Internal Affairs will send the case file to the member's Responsibility Unit Manager for review and recommended findings. Findings will be one of the following:
 - ~~1.1.1. Unfounded: The allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure. A finding of unfounded is a high threshold and requires a high level of certainty that there is no factual basis for the allegation or no credible basis that the allegation could constitute a violation of policy or procedure.~~
 - ~~1.1.2. Exonerated: The act occurred, but was lawful and within policy.~~
 - ~~1.1.3. Not Sustained: The evidence was insufficient to prove a violation of policy or procedure.~~~~~~

~~1.1.4. Sustained: The evidence was sufficient to prove a violation of policy or procedure.~~

~~1.2. Debriefings may be recommended for unfounded, exonerated, and not sustained findings when the Responsibility Unit Manager believes the subject employee would benefit from a discussion and critique of the incident.~~

~~2. Responsibility Unit Manager Responsibilities:~~

~~2.1. Upon receipt of an administrative investigation for review, within fourteen (14) days the Responsibility Unit Manager will:~~

~~2.1.1. Review the investigation,~~

~~2.1.2. Complete a findings memorandum using the Finding Template provided by Internal Affairs, recommending a finding for each allegation, listing all members who should have entries on their Internal Affairs records and articulate the rationale for each finding. The finding(s) must cite to the appropriate directive.~~

~~2.1.3. Contact the Discipline Coordinator and prepare a Discipline Recommendation Memorandum in cases where the Responsibility Unit Manager has made a recommendation to sustain any of the allegations.~~

~~2.1.4. Attach a Findings Cover Sheet listing the findings and containing any recommendation for the Police Review Board.~~

~~2.1.5. Forward the case file, recommended finding memorandum, Discipline Recommendation Memorandum, draft Letter of Reprimand, if appropriate, and Findings Cover Sheet to the appropriate assistant chief.~~

~~2.1.6. An exception to the fourteen (14) day time limit may be granted by the Professional Standards Division Captain. Any exception shall be documented in writing and submitted, along with the findings memorandum to Internal Affairs.~~

~~2.1.7. Responsibility Unit Managers may recommend a bifurcation of the findings that were not part of the complainant's allegation(s), but were uncovered during the administrative investigation. If the bifurcated findings consist of minor policy violations or quality of service, they need not be sustained as part of that investigation, but may be handled as a debriefing. If the new findings are more serious, the Responsibility Unit Manager may send the case back for additional investigation, if necessary, or make a recommendation on the new finding.~~

~~2.1.8.1. Before making recommendations on findings and discipline shall a corrective action or disciplinary recommendation, the Responsibility Unit Manager will refer to the discipline guide in accordance with Directive 338.00, and follow the Discipline Guide.~~

2. RU Manager Responsibilities.

2.1. Review and consider the member's work history including aggravating and mitigating factors as set forth in the discipline guide.

2.2. Review and consider the member's discipline history.

2.2.1. For administrative investigations of sworn members, contact the discipline coordinator in PSD.

2.2.2. For collision review board (CRB) cases, contact the CRB coordinator in PSD.

2.2.3. For non-sworn members, contact the BHR business partner in PPB's personnel division.

2.3. Review and consider the discipline guide in recommending corrective or disciplinary action.

2.4. Make a discipline recommendation and document such on the Findings Cover Sheet and in the Corrective Action Recommendation Memorandum.

2.5. Submit the entire packet to IA, including the Findings Cover Sheet and the Corrective Action Recommendation Memorandum, within seven days of receipt of the case file.

2.6. RU Managers or designees are not permitted to take any corrective action and discipline prior to submitting the completed investigation to IA for further review and approval.

3. IA Captain -Assistant Chief Responsibilities.:

~~3.1. Upon Within seven (7) days of the receipt of the RU Responsibility Unit Manager's recommendations, the IA appropriate assistant chief or his or her designee will:~~

~~3.1.1. Review the Responsibility Unit Manager's recommendations for findings, corrective action, or discipline if any, before discussing the recommendation with the Responsibility Unit Manager as appropriate. The Responsibility Unit Manager retains the right to stand on his or her recommendation.~~

~~3.1.2. Decide whether to concur or controvert the proposed findings and document this decision on the Findings Cover Sheet.~~

~~3.1.3. Return the case file to the Professional Standards Division Captain or their designee shall as, soon as practicable, send-~~

~~4. Professional Standards Division Captain Responsibilities:~~

~~4.1. Within seven (7) days of receipt of the Responsibility Unit Manager's recommendations, the Professional Standards Division Captain or his or her designee will:~~

~~4.1.1.3.1. Send a copy of the case file, including their recommended findings and proposed discipline, to the IPR to the Independent Police Review Division Director and the supervising Assistant Chief for a seven-day concurrent for his or her review.~~

3.2. The IA Captain shall review the recommended findings and proposed discipline within seven days of receipt.

3.2.1. The IA Captain may controvert the RU manager's recommended findings and/or proposed discipline. All controverts shall be documented in a memorandum that clearly articulates that the reviewer wishes to controvert and provides an adequate explanation for the writer's basis for disagreeing with the recommended finding or discipline.

4. Supervising Assistant Chief Responsibilities.

4.1. The Supervising Assistant Chief shall review the recommended findings and proposed discipline and resubmit to IA within seven days of receipt.

4.1.1. The Assistant Chief may controvert the recommended findings and/or proposed discipline. All controverts shall be documented in a memorandum that clearly articulates that the reviewer wishes to controvert and provides an adequate explanation for the writer's basis for disagreeing with the recommended finding or discipline.

~~4.1.2. IPR Review the Responsibility Unit Manager's recommendations for findings and corrective action, if any, before discussing the recommendation with the Responsibility Unit Manager as appropriate. The Responsibility Unit Manager retains the right to stand on his or her recommendation.~~

~~4.1.3. Complete the Findings Cover Sheet.~~

5. ~~Independent Police Review Division~~ Director Responsibilities.:

~~5.1. The IPR~~ Within seven (7) days of receipt of the ~~Responsibility Unit Manager's~~ recommendations, the ~~Independent Police Review Division~~ Director or his or her designee will review the recommended :

~~5.1.1. Review the Responsibility Unit Manager's recommendations for findings and proposed , corrective action, or discipline and resubmit, if any.~~

~~5.1.2.5.1. Complete the Findings Cover Sheet and return it to IA within seven days of receipt.~~ the Professional Standards Division Captain.

~~5.1.1. The IPR Director may controvert the recommended findings and/or proposed discipline. All controverts shall be documented in a memorandum that clearly articulates that the reviewer wishes to controvert and provides an adequate explanation for the writer's basis for disagreeing with the recommended finding or discipline.~~

6. Findings.:

6.1. If a finding or proposed discipline of the ~~RU~~Responsibility Unit Manager is controverted by the supervising Assistant Chief, the IPR Director, or the IA Captain, the case will be heard by the ~~PRB~~Police Review Board in accordance with Directive 336.00, Police Review Board.

7. Command Counseling or Letter of Reprimand.

The PSD Captain shall refer

~~6.2. If the finding is other than sustained, the Professional Standards Division Captain or designee will close the case by preparing a disposition letter to the complainant and the subject member, which the Independent Police Review Division will review before mailing.~~

~~6.3. If the finding is sustained, further procedure will depend on the level of discipline recommended.~~

~~7. Corrective Action or Discipline Less Than Suspension:~~

~~7.1. Professional Standards Division Captain Responsibilities:~~

~~7.1.1.7.1. Refer~~ all cases where proposed corrective action or discipline is less than suspension to the involvedsubject member's ~~RU~~Responsibility Unit Manager to implement the corrective action or discipline.

~~7.1.2. Keep original copies of all case files.~~

~~7.1.3. Provide Corrective Action Coordinator with a copy of the Internal Affairs case file to coordinate with subject member's Responsibility Unit Manager to implement the corrective action or discipline.~~

~~7.2. Responsibility Unit Manager and Appropriate Assistant Chief Responsibilities:~~

~~7.2. The PSD Captain shall notify the RU Manager and the Discipline Coordinator when the case is closed and the Command Counseling or Letter of Reprimand can be issued.~~

~~7.2.1.7.3. The RU~~Responsibility Unit Manager, in consultation with the Discipline Coordinator, ~~shall~~will prepare the proposed corrective action or discipline and other documentation as appropriate.

~~7.2.2.7.4.~~ The appropriate ~~Assistant Chief shall~~~~assistant chief will~~ review the ~~RU~~~~Responsibility Unit~~ Manager's recommended action and upon approval return the documentation to the Discipline Coordinator, ~~so he or she may coordinate all corrective action or discipline with the Responsibility Unit Manager.~~

~~7.5.~~ The ~~Discipline Coordinator shall receive the documentation and coordinate corrective action or discipline with the RU~~~~Responsibility Unit~~ Manager.

~~7.6.~~ Pursuant to city code, involved members may appeal the proposed findings to the ~~Citizen Review Committee (CRC).~~

~~7.6.1.~~ In such cases, the Chief shall not issue proposed discipline or make recommendations until the CRC has made a final decision.

~~7.7.~~ If the proposed corrective action is Command Counseling:

~~7.7.1.~~ The RU Manager shall ~~will~~ meet with the member ~~to~~~~and~~ review the incident ~~and~~ communicate their expectations moving forward.

~~7.7.2.~~ The ~~RU.~~~~If the Responsibility Unit Manager is imposing Command Counseling, the~~ ~~Responsibility Unit~~ Manager shall ~~will~~ outline the expectations in the meeting with the member ~~and~~ document as such in a memorandum.

~~7.7.3.~~ The ~~RU.~~~~If the Responsibility Unit Manager shall forward the Command Counseling memorandum to the Discipline Coordinator.~~

~~7.7.4.~~ The Command Counseling memorandum shall not include debriefings associated with not sustained findings. Debriefings shall be documented separately in accordance with Directive 332.00, Administrative Investigations.

~~7.8.~~ If the proposed corrective action is ~~proposing~~ a Letter of Reprimand:

~~7.8.1.~~ The ~~RU,~~~~the Responsibility Unit~~ Manager shall meet with the member to review the incident and communicate their expectation moving forward.

~~7.2.3.7.8.2.~~ The RU Manager shall ~~serve~~~~will impose the corrective action or discipline by~~ serving the member with the letter ~~of proposed discipline.~~

~~7.2.4.7.8.2.1.~~ ~~The~~ ~~If the discipline is a Letter of Reprimand, the~~ member can request a ~~pre-~~ ~~determination~~ meeting with their supervising Assistant Chief. ~~his or her assistant chief.~~

~~7.2.5.~~ ~~Following the meeting, the Assistant Chief shall notify the~~ ~~The Responsibility Unit~~ ~~Manager will forward the Discipline Memorandum to the Discipline Coordinator, who will forward it to the appropriate assistant chief.~~

~~7.8.2.1.1.~~ ~~The~~ ~~Discipline Coordinator~~ in writing of the final discipline to be imposed.

~~7.8.3.~~ The Discipline Coordinator shall coordinate with the RU Manager the service of the final Letter of Reprimand.

~~7.2.6.7.9.~~ The Discipline Coordinator shall ~~will~~ forward a copy of the ~~Command Counseling memorandum~~ ~~corrective action or~~ ~~the proposed and final Letters of Reprimand~~~~discipline taken~~ to the Personnel Division.

8. Discipline of Suspension Or Greater.:-

8.1. All cases in which recommended discipline is suspension or greater will be heard by the Police Review Board. ~~The Police Review Board Facilitator will draft a recommendation for findings and~~

~~discipline to the Chief.~~ Police Review Board procedures are outlined in Directive 336.00, Police Review Board.

~~8.2. Pursuant to city code, involved members may appeal the PRB's recommended findings to the CRC.~~

~~8.2. In such Professional Standards Division Captain Responsibilities:~~

~~8.2.1. Refer all cases, the Chief shall not issue where proposed discipline or make recommendations until the CRC has made a final decision.~~

~~8.2.1-8.3. The Discipline is suspension or greater, or any of the findings are controverted, to the Police Review Board Coordinator forwards the PRB's recommendation memorandum to the Chief to schedule a Police Review Board hearing.~~

~~8.2.2. The Chief shall provide their proposed findings to File original copies of all case files.~~

~~8.4. At the Discipline Coordinator and to PSD.~~

~~8.5. The Discipline Coordinator shall provide conclusion of the Police Review Board hearing, draft a letter to the RU Manager for delivery to the involved member.~~

~~8.6. Upon receipt of complainant explaining the disposition of each applicable allegation in the complaint and submit the letter of proposed discipline, the involved member may request a pre-determination meeting with the Chief.~~

~~8.6.1. The Chief shall notify the Discipline Coordinator in writing of the final discipline to Independent Police Review to be imposed following mailed to the meeting.~~

~~8.2.3. The Discipline Coordinator shall coordinate the service of the final complainant. This letter of imposed will not contain information about the discipline imposed.~~

~~8.3. Discipline Coordinator Responsibilities:~~

~~8.3.1. Notify the subject member, at least fourteen (14) days in advance, when the case is set for a Police Review Board hearing and allow the member to review the case file, including findings.~~

~~8.4. Subject Member Responsibilities:~~

~~8.4.1. In cases to be heard by the Police Review Board, members subjected to the involved proposed discipline may review the case file prior to the hearing.~~

~~8.4.2. Members may be accompanied by a bargaining unit attorney or a bargaining unit representative during case file review and the Police Review Board hearing.~~

~~8.4.3. In cases where the Police Review Board recommends a member be disciplined, the member may request a due process hearing with the Chief of Police prior to the Chief's final decision. This hearing is the member's opportunity to discuss the case with the RU Chief, as well as any mitigating factors the member wishes to present. The member's Responsibility Unit Manager and bargaining unit representative may also address the Chief during the due process hearing.~~

~~8.5. Chief of Police Responsibilities:~~

~~8.5.1. Review and evaluate the Police Review Board's recommended findings and recommendations for corrective action or discipline, if any.~~

~~8.5.2. A due process hearing will be held after an appeal is resolved by the Citizen Review Committee.~~

~~8.5.3. Determine the appropriate course of corrective action or discipline. In cases where the recommended discipline is demotion or discharge, make a discipline recommendation to the Commissioner in Charge.~~

~~9. Debriefings:~~

~~9.1.8.6.2. In cases where the final disposition recommends a debriefing, the subject member's Responsibility Unit Manager will conduct the debriefing and document it in a memorandum to the Professional Standards Division Captain.~~

8.7. The Discipline Coordinator shall schedule the dates of the suspension with the RU Manager and shall forward the dates to the Fiscal Division.