

* Overview of the Discipline Process

MINNEAPOLIS POLICE DEPARTMENT

*Presentation to the Police Conduct Oversight Commission on
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The MPD is committed to a fair and consistent discipline process that appropriately responds to complaints of misconduct, while ensuring that investigations are done in compliance with applicable labor laws and the Police Federation contract.

The MPD is dedicated to upholding a culture of public accountability, promoting individual responsibility and maintenance of the highest standards of professionalism.

The MPD Complaint Process Manual was implemented in 2008 and is intended to serve as a guide for police personnel at all levels of the organization, describing how complaints are received and investigated as well as how discipline matters are handled according to MPD policy and procedure.

Allegations of employee misconduct are divided into four categories, A-D. Facts uncovered during the investigation may raise or lower the original category level.

Category A Violation :

- * Not considered discipline
- * Precinct Level Investigation (conducted by a supervisor assigned by the Commander)
- * 1 Year Reckoning Period (from date of incident)
 - * (Period of time in which a previous infraction may be considered for increasing discipline in a current disciplinary action)

If a policy violation has occurred, the supervisor shall determine the appropriate corrective action:

- * Coaching, suggesting more appropriate behavior for handling the incident and discussing future expectations for the employee
- * Counseling
- * Training
- * Other Non-disciplinary actions which will help correct the employee's behavior.

Enhancements:

- * 2 Same or Similar A in one year equals a B
- * 3 of any type of A in one equals a B
- * There is no Appeal

* **Category B Violation:**

- * Case investigation completed by the IAU

- * 3 Year Reckoning Period (from date of incident)

* **Discipline Range:**

- * Oral or written reprimand

- * Up to 40 hours suspension

- * Training

- * Transfer

* **3 Member Panel:**

- * Inspector or Commander, and 2 Lieutenants, or a Lieutenant and the employee's Sergeant.

* **Enhancements:**

- * 2 same or similar B in 3 years equals a C

- * 3 of any type of B in three years equals a C

- * **Employee can appeal**

* **Category C Violation:**

- * Case investigation completed by the IAU
- * 5 Year Reckoning Period (from date of incident)

* **Discipline Range:**

- * Written reprimand
- * Up to 80 hours suspension
- * Demotion (Temporarily or Permanently)
- * Training
- * Transfer

* **3 Member Panel:**

- * Inspector or Commander, and 2 Lieutenants, or a Lieutenant and the employee's Sergeant.

* **Enhancements:**

- * 2 of any type of C 5 years equals a D

* **Employee can appeal**

* **Category D Violation:**

- * Case investigation completed by the IAU
- * Reckoning Period is the entire length of employment
- * **Discipline Range:**
 - * Up to 720 hours suspension
 - * Demotion
 - * Transfer
 - * Termination
- * **3 Member Panel:**
 - * A combination of Bureau Head(s) and Inspectors / Commanders
- * **Enhancements:**
 - * None
- * Employee can appeal

Policies in the MPD Policy and Procedure manual are designated with a category violation level of A-D.

- * **5-103 USE OF DISCRETION**

- * (A-D)

- * The police profession is one that requires officers to use considerable judgment and discretion in the performance of their daily duties. Officers have a large body of knowledge from Department policies and procedures, training, their own professional police experience and the experiences of their fellow officers to guide them in exercising proper judgment and discretion in situations not specifically addressed by Department rules and regulations. In addition, officers must always adhere to the following principles in the course of their employment with the Minneapolis Police Department:

- * **POLICE ACTION - LEGALLY JUSTIFIED:** Officers must act within the limits of their authority as defined by law and judicial interpretation, thereby ensuring that the constitutional rights of individuals and the public are protected.
- * **EQUALITY OF ENFORCEMENT:** Officers shall provide fair and impartial law enforcement to all citizens.
- * **LOYALTY:** Officers shall be faithful to their oath of office, strive to uphold the principles of professional police service, and advance the mission of the Department.

Discipline Matrix, established 2009

- * Designed after months of work and input from the following sources:
 - * All levels of the MPD Command staff
 - * Research into national standards and best practices from other law enforcement agencies
 - * Input from PERF (Police Executive Research Forum)

Goals:

- * Better delineate conduct categories for specific policy violations
- * Outline specific discipline ranges within those categories and for specific policy violations
- * Give notice to officers and the community of the likely sanction for a particular violation
- * Identify acceptable mitigating and aggravating circumstance requirements
- * Provide the framework for consistent discipline

The matrix may be revised and changed based upon changing values of the organization moving forward.

Not all policy violations are listed in the discipline matrix. Common or clearly identifiable forms of misconduct are outlined.

A-Violations (Coaching Documents) are not considered discipline and are not listed in the discipline matrix.

A Category level range is provided as a recommendation to determine the appropriate level of the violation.

A range of discipline is also provided for:

A baseline recommendation for the appropriate amount of discipline that may be imposed is noted on the matrix along with recommendations for imposing discipline when Mitigating or Aggravating circumstances are present.

As has always been past practice, the Chief of Police or their designee retains the right to vary from this matrix as circumstances warrant.

Mitigating and Aggravating Circumstances may include:

- * Commendations received by the officer for outstanding performance and service to the community / department
- * Prior Discipline
- * Seniority - experience
- * Rank - higher rank may be held to a higher standard
- * Circumstances of the incident - was employee acting in the best interests of the community / department
- * Culpability - intentional actions, reckless disregard or negligence.
- * Employee Attitude - accept responsibility for actions
- * Performance Evaluations
- * Training - need for policy review
- * Liability - to the City

Minneapolis Police Department

Discipline Matrix

Rev: August 2012

Code of Ethics		Range	Mitigating	Baseline	Aggravating
5-102	Criminal activity: Any felony crime, domestic assault, sex crimes, narcotics, steroids, interfere with 911 call, theft, discharge weapon or repeat DWI.	D		Termination	
5-102	Criminal activity: Gross misdemeanor or misdemeanor (other than those listed in other categories)	C	10 hours	30 hours	Termination
5-102	Identify self as officer with intent to gain special consideration	C-D	10 hours	40 hours	Termination
5-102	Misuse of police powers: search warrants, administrative subpoenas, credit checks, etc	D		Termination	
5-102, 3-800	Working off-duty while still on city time	D		Termination	
4-501	Access confidential records (DVS, NCIC, etc.) not related to assigned job duties/no official law enforcement purpose-no known personal gain	C	WR	10	20
4-501	Access confidential records (DVS, NCIC, etc.) not related to assigned job duties/no official law enforcement purpose-for personal gain	D	10	40	Termination
Code of Conduct/Professional Code of Conduct		Range	Mitigating	Baseline	Aggravating
5-105.10	Unprofessional conduct, indecorous language (not protected class)	B	WR	10 hours	20 hours
5-106, 3-302	Remain on duty until relieved; put self on detail without supervisor permission	B	WR	10 hours	20 hours
5-105.18	Association with known criminals	C	20 hours	40 hours	50 hours
5-105.2, 5-106.1	Failure to take appropriate police action	B-D	WR	40 hours	Termination
5-105.15	Language: biased based on protected class	D	30 hours	40 hours	Termination
5-105.20	Possession of duty weapon or other firearm while consuming alcohol, no criminal action	D	20 hours	40 hours	50 hours
5-105, 5-102	Referral to outside business with personal benefit to employee	D		Termination	
5-101.02	Failure to meet minimum job qualifications (some discretion on OFP with Lautenberg Amendment)	D		Termination	
Reports		Range	Mitigating	Baseline	Aggravating
5-307	Failure of supervisors to complete force review report in compliance with policy when the subject of forces incurs any injury at the level of substantial bodily injury or greater.	B-C	WR	10 hours	20 hours
5-308	Failure to report use of force in CAPRS	B-D	WR	40 hours	Termination
5-308	Failure to notify supervisor of use of force resulting in injury	B-C	WR	20 Hours	40 Hours
News Media		Range	Mitigating	Baseline	Aggravating
6-202	Responsibility of MPD employees regarding news media	B-D	10 hours	20 hours	Termination

Processing B-D Policy Violations

Step 1 - Assembling the Discipline Panel and Review of the Administrative Case

For B and C - level violations:

- * Panel Chair is the Precinct Inspector or Unit Commander
- * Two Lieutenants or a Lieutenant and the employee's Sergeant
- * At least one member of the discipline panel should be the employee's supervisor when possible.

For D - level violations:

- * Panel Chair is a Deputy Chief or Inspector
- * Combination of any 3 Deputy Chiefs, Inspectors or Commanders
- * Should include the accused employee's division or precinct Commander when possible.

FOR BOTH TYPES

- * A date is set for the panel to convene and discuss the case together.
- * All members of the panel will review the case prior to the meeting.

Processing B-D Policy Violations:

Step 2 - Reaching a Preliminary Finding

- * After reviewing the evidence, the panel may:
 - * Ask the case investigator to conduct further investigation
 - * Decide there is enough evidence to make a preliminary finding for each allegation against each officer:
 - * Sustained, Not Sustained, Exonerate, Unfounded, Exceptionally Cleared or Policy Failure
- * Standard of Proof required to sustain an allegation is the Preponderance of evidence.

Defined:

- * **Not Sustained:** There was insufficient evidence to either prove or disprove the allegation.
- * **Sustained:** The subject officer's actions were found, by a preponderance of the evidence, to have been in violation of the Department Policy, procedure, rule, regulation, or directive in question.
- * **Unfounded:** The investigation indicates that the subject officer's alleged actions relating to the Department policy, procedure, rule, regulation or directive in question did not occur.
- * **Exonerated:** The investigation indicates that the alleged actions of the subject officer were within the policies, procedures, rules, regulations and directives of the Department.
- * **Policy Failure:** The actions of the officer were inappropriate but the conduct is not prohibited.

Processing B-D Policy Violations:

Step 3 - Documenting the Findings and the Loudermill Hearing.

- * Two Scenarios:

- * 1 - Panel recommends Not Sustained finding:

- * Compose a Case Finding memo and forward case to their Bureau Head and Assistant Chief for final determination.

Processing B-D Policy Violations:

Step 3 - Documenting the Findings and the Loudermill Hearing.

Two Scenarios:

- * 2 - Panel makes a preliminary finding that allegations should be sustained.
 - * Compose a Loudermill Hearing notification letter to the accused employee.
 - * Inform the employee of the allegations that are being recommended to be sustained

Processing B-D Policy Violations:

Step 4 - The Loudermill Hearing.

- * Employee or Union Representative receives a copy of the investigative case for review prior to the hearing.
- * Purpose of the hearing is to allow the accused employee and their representative an opportunity to respond to the sustained charges by offering any mitigating circumstances which should be considered by the discipline panel prior to its final recommendation to the Chief of Police.
- * The role of the panel is simply to listen to what the officer has to say about the charges.

Processing B-D Policy Violations:

Step 4 - The Loudermill Hearing (continued):

- *The panel will then discuss the information presented to determine if any changes in the recommendation are appropriate.
- *Once a decision is reached, the panel chair notifies the employee of the discipline they are recommending and advises the employee that it is a recommendation; the Chief of Police will make the final decision on discipline imposed.

Processing B-D Policy Violations:

Step 5 - Documenting the Findings and Returning the Sustained Case.

- * The panel chair will complete:
 - * Compose a Case Finding Memo and forward the case to their Bureau Head and Assistant Chief for final determination.
 - * If the policy violation being considered is a D level violation, the Case Finding Memo shall be addressed to the Assistant Chief and Chief.

Processing B-D Policy Violations:

Step 5 - Documenting the Findings and Returning the Sustained Case.

* Case Finding Memo:

- * A memo written by the Discipline Panel Chair stating the panel's finding and reasons for the finding which includes:
 - * Pertinent statements made by the accused employee and / or their representative during the Loudermill hearing.
 - * A recommendation of corrective / disciplinary measures to resolve the problem and prevent recurrence and reasons for the recommendation.

* Processing B-D Policy Violations:

* Step 6 - Bureau Head Review.

- * If the Bureau Head agrees with the panel findings and sanctions, they forward the case to the Assistant Chief.
- * In all cases, the Chief of Police may review and make a final determination or delegate this authority at their discretion to the Assistant Chief or a Deputy Chief.
- * Once the case has been signed off by the Chief or their designee, the accused employee(s) will be notified of the outcome and discipline imposed.
- * The case outcome suspension / demotion / termination letters will be placed into an employee's personnel file.
- * The case will remain in the custody of the Internal Affairs Unit in accordance with record retention laws.

Cases received from the Office of Police Conduct Review:

- *The case is forwarded from the OPCR to the Chief's office for review of determination, discipline, and any necessary hearings.
- *The Chief's office will have 45 days to make a decision on determination and any associated discipline.

*Step 7 - Appeal Process and Public Information:

- * If an accused employee disputes the results of an IAU investigation, the employ may exercise their appeal rights in accordance with the applicable collective bargaining agreement or the Minneapolis Civil Service Commission.
- * Cases remain Non-Public information unless the following occurs:
 - * The case is Sustained, it has reached the end of the appellate process and discipline was imposed.

Questions?