A Framework for Discipline Recommendations:
August 2018 Board Meeting
Discipline Recommendation Framework

Goal & Description:

• Consistent and fair discipline recommendations for both civilians and MOS
• Non-binding guidelines to build consistent consensus and analyze discipline recommendations

Status

• Update: six months into pilot program
Discipline Recommendation Variation as a Board

Number of Substantiated Allegation Discipline Recommendations (2013 - October, 2017)

- **2013**: 306 (66%) Charges, 112 (24%) Command Disciplines, 34 (7%) Formalized Training, 83 (18%) Instructions, 15 (2%) No Recommendations
- **2014**: 254 (54%) Charges, 112 (24%) Command Disciplines, 83 (18%) Formalized Training, 34 (7%) Instructions, 15 (2%) No Recommendations
- **2015**: 336 (43%) Charges, 230 (30%) Command Disciplines, 15 (2%) Formalized Training, 29 (6%) Instructions, 15 (2%) No Recommendations
- **2016**: 223 (43%) Charges, 203 (39%) Command Disciplines, 15 (2%) Formalized Training, 29 (6%) Instructions, 15 (2%) No Recommendations
- **2017**: 167 (53%) Charges, 70 (22%) Command Disciplines, 15 (2%) Formalized Training, 50 (16%) Instructions, 15 (2%) No Recommendations
1. Chokehold
   • PG Section 221-01: Members SHALL NOT use a chokehold.

2. Strip Search
   • State and Federal courts have both noted that a strip search is “an invasion of personal rights of the first magnitude.” *

3. Warrantless Entry
   • Fourth Amendment clearly defines the unambiguous physical dimensions of an individual's home: "The right of the people to be secure in their . . . houses . . . shall not be violated." *

4. Offensive Language
   • PG Section 203-10: Offensive Language is Prohibited Conduct and it never serves an official law enforcement function.

5. Excessive Force with Serious Injury
   • PG Section 221 – Use of Force – Force is evaluated based on both the type of force used OR the type of injury sustained. Force WITH Injury triggers additional reporting requirements by MOS and supervisors.

6. Sexual Misconduct
   • Fundamental abuse of authority based on the authoritative power inherent in law enforcement, especially when officer is armed.
Annual Variation in Charges Recommendations Compared with Five Year Average

Substantiated: Charges as % of Full Investigations
Complaints Closed January-June, 2013-2018

- **2013**: Full Inv: 1,143, Charges: 121, 10.6%
- **2014**: Full Inv: 888, Charges: 79, 8.9%
- **2015**: Full Inv: 1,122, Charges: 65, 5.8%
- **2016**: Full Inv: 819, Charges: 26, 3.2%
- **2017**: Full Inv: 665, Charges: 11, 1.7%
- **2018**: Full Inv: 593, Charges: 31, 5.2%
- **5 Year Totals**: Full Inv: 5,230, Charges: 333, 6.4%
Substantiated Allegation Type

- **Chokehold**
  - 3 cases
  - No hesitation, No deviation

- **Strip Search**
  - 2 cases
  - 1 deviation (Panel believed facts of this situation were unique)

- **Warrantless Entry**
  - 5 cases
  - 4 hesitations
  - 2 deviations (Confusion about who gave entry order / wellness check)

- **Offensive Language**
  - 3 cases
  - 1 Flipped from Sub to Unsub
  - 1 hesitation
  - 2 deviations (MOS didn’t use the words, just responded back to CW / implication of offensive language)

- **Force with Serious Injury**
  - 4 cases
  - 1 case flipped from Unsub to Sub
  - No hesitation / No deviation

- **Sexual Misconduct**
  - 2 cases
  - 1 case flipped from Sub to Unsub
  - 1 deviation (CW made an inappropriate remark to MOS who responded in kind)
MOS History

• 3 cases
• Some common examples
  – MOS had been subbed for same conduct previously
  – MOS had already received lower levels of discipline for the same conduct from previous complaints.
Case Totality

- 17 Cases
- Some Common Examples
  - MOS escalates situation
  - Video discredits/contradicts MOS
  - Senior Officer engages in egregious conduct / sets bad example
Pilot Program Numbers
January 2018-June 2018

Discipline Framework Dimension Case Was Decided On

- Allegation Type: 11 (35.5%)
- Case Totality: 17 (54.8%)
- MOS History: 3 (9.7%)
Pilot Program Numbers
January 2018-June 2018

Other Notable Metrics

- 31 (77.5%)
- 7 (17.5%)
- 2 (5.0%)

Legend:
- Decided on Charges
- Deviations
- Other
The End

Questions?