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MAYOR

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FREDERICK DAVIE
CHAIR

A Framework for Discipline Recommendations: August 2018 Board Meeting

Discipline Recommendation Framework

Goal & Description:

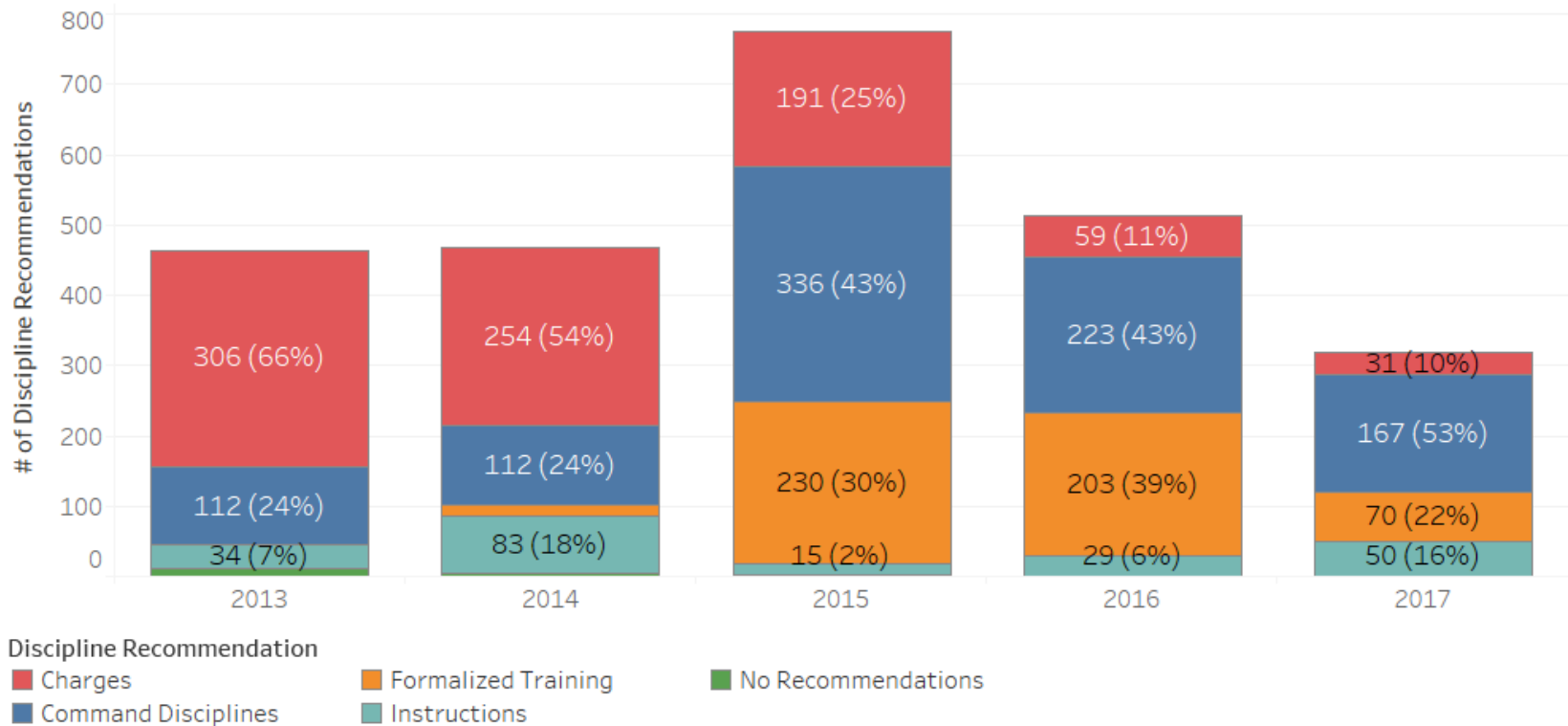
- Consistent and fair discipline recommendations for both civilians and MOS
- Non-binding guidelines to build consistent consensus and analyze discipline recommendations

Status

- Update: six months into pilot program

Discipline Recommendation Variation as a Board

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



Substantiated Allegation Type



Substantiated Allegation Disciplinary Framework

Substantiated Allegation Type

No

Yes

MOS History

No

Yes

Case Totality
(Discretion)

A

B

Charges

CDB
CDA
Training
Instructions

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

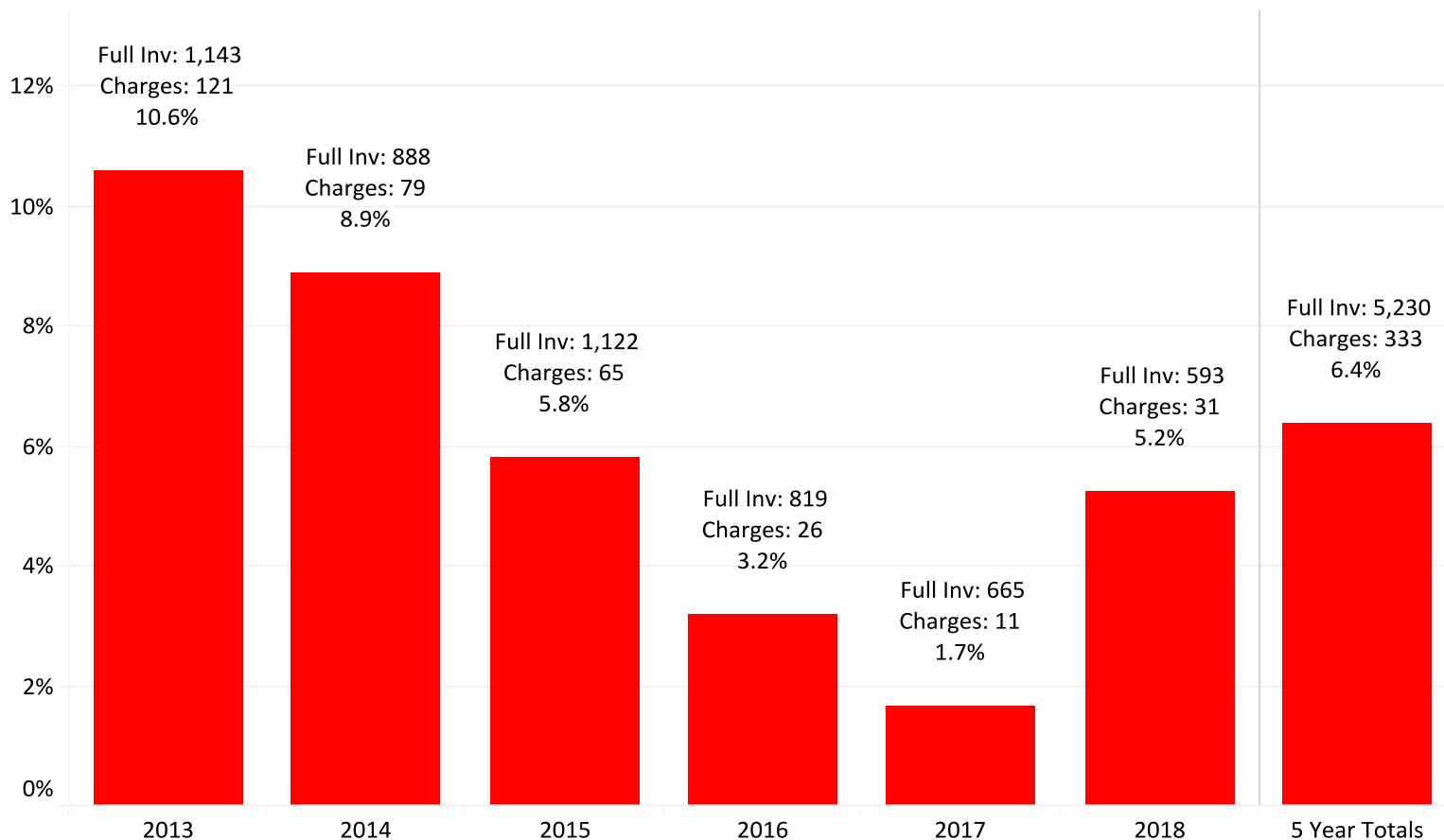
- PG Section 221 – Use of Force – Force is evaluated based on both the type of force used OR the type of injury sustained. Force **WITH** Injury triggers additional reporting requirements by MOS and supervisors.

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



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

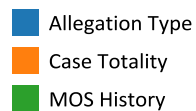
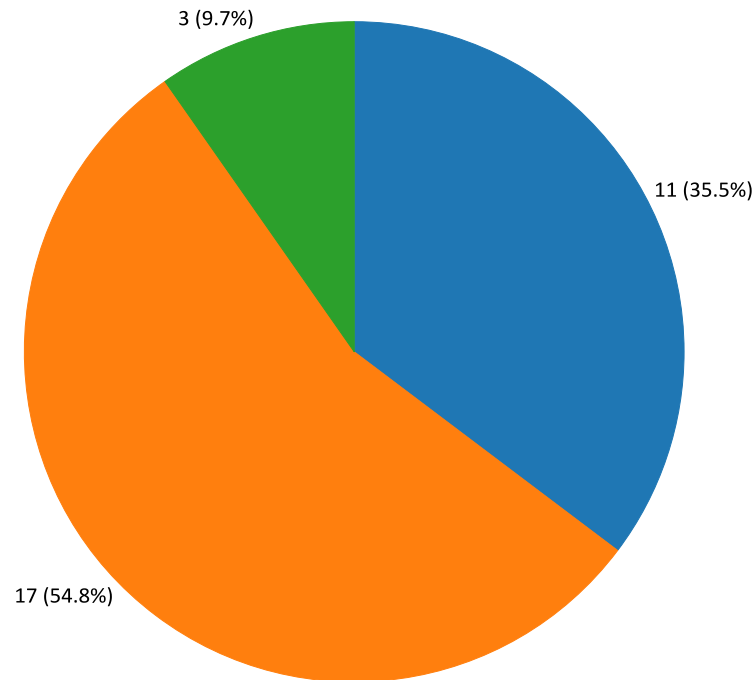
- 3 cases
- Some common examples
 - MOS had been subbed for same conduct previously
 - MOS had already received lower levels of discipline for the same conduct from previous complaints.

Case Totality

- 17 Cases
- Some Common Examples
 - MOS escalates situation
 - Video discredits/contradicts MOS
 - Senior Officer engages in egregious conduct / sets bad example

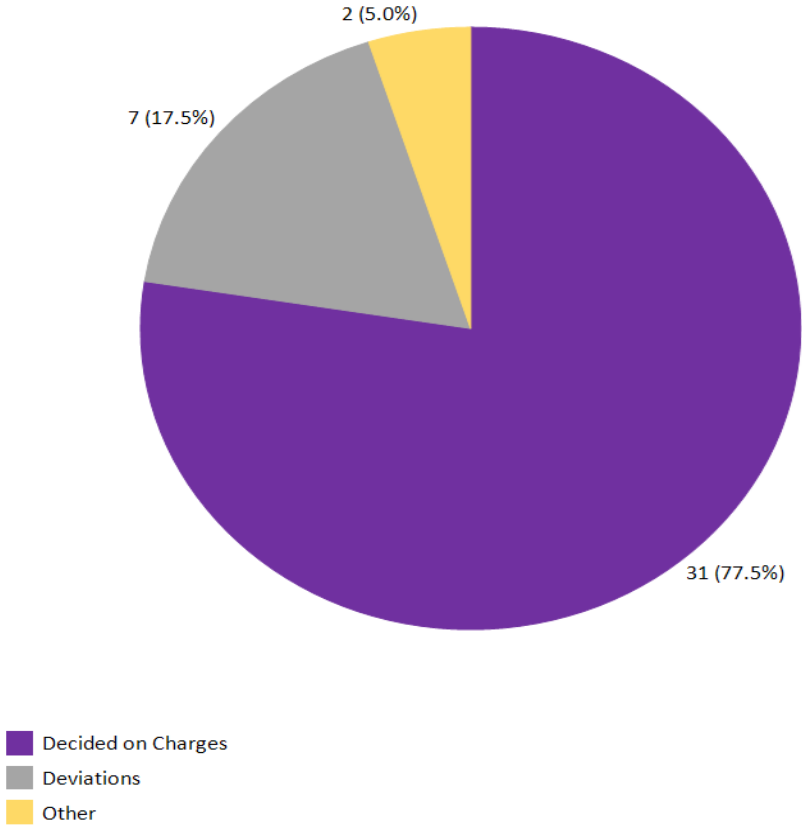
Pilot Program Numbers January 2018-June 2018

Discipline Framework Dimension Case Was Decided On



Pilot Program Numbers January 2018-June 2018

Other Notable Metrics



The End

Questions?