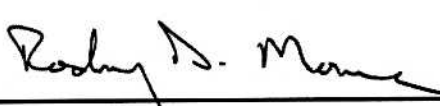




**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

**NOTE:** This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 1	Number 16	Effective Date 09/07/07	Review Date 2010
Subject <b>DISCIPLINARY PROCEDURES</b>		<input type="checkbox"/> New Order  <input checked="" type="checkbox"/> Replaces G.O. 113-1, (11/12/04) E.O. 06-02, (02/13/06)	
References VLEPSC PER.08.01a, PER.08.01b, PER.08.01c, PER.08.01d, PER.08.01e, PER.08.03c, PER.09.02a, PER.09.02c, PER.09.02d, PER.09.02a, PER.09.02b, PER.09.04a, PER.09.04b CALEA 25.1.2, 25.1.3, 26.1.4a, 26.1.4b, 26.1.4c, 26.1.4c, 26.1.5, 26.1.6, 26.1.7a, 26.1.7b, 26.1.7c, 26.1.8 VA Code 9.1-500 through 9.1-507 General Order 1-1 and 7-21 City of Richmond Administrative Regulation 4.11 City of Richmond Personnel Rules for the Classified Service Chapters V and VII			
 <hr/> <b>Chief of Police or Designee</b>		<hr/> <b>09/07/07</b> <b>Date</b>	

**I. PURPOSE**

- A. The purpose of this directive is to establish procedures for the disciplinary process *for all members* within the Police Department.
- B. This directive sets forth the rights, duties and responsibilities of all department members.

**II. POLICY**

It is the policy of the Richmond Police Department (RPD) that all employees maintain the highest degree of both professional and personal conduct and integrity toward citizens and department members in performing their duties and responsibilities. *It is the goal of the RPD to complete the disciplinary process within 120 days from the time the Department is made aware of the allegation; however, situations arise that may impact the process timeframe, hence the affected employee will be notified of any extension or delay.*

**III. ACCOUNTABILITY STATEMENT**

*All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.*

**IV. DEFINITIONS**

- A. **CORRECTIVE ACTIONS** - May include referral, counseling, training, close supervision, a special performance evaluation or transfer recommendation to Commander, Captain or Civilian Manager.
- B. **DISCIPLINARY ACTIONS** - May include a written reprimand, suspension, reduction in pay, demotion, or termination/dismissal.
- C. **DISCIPLINARY REVIEW OFFICER (DRO)** – The administrator of discipline and chair of DRB.
- D. **OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR)** – The Office within the Police Department consisting of the Internal Affairs Division and the Disciplinary Review Officer. The Officer-In-Charge of the OPR is a Major. The OPR is responsible for tracking all citizen complaints, all alleged misconduct investigated by the Internal Affairs Division, all use of force incidents, all accidents involving Police Department vehicles, and all discipline.

V. **CORRECTIVE ACTIONS**

- A. **INFORMAL COUNSEL** – A verbal statement made to employee intending to improve job performance or job related behavior and acknowledged by the employee. An informal counsel is not disciplinary action and is not grievable. (Personnel Rule 5.1)
- B. **FORMAL COUNSEL** – A verbal statement followed in written form (PD-40) and acknowledged by the employee, made to the employee intending to improve job performance or job related behavior. (Personnel Rule 5.1)
- C. **REFERRAL** – An employee's supervisor may refer an employee to Richmond Employee Assistance Program (REAP) for cause, upon review and approval of the RPD HR Division Chief.
- D. **TRAINING** – An employee may be required to attend training to correct behavior(s).

VI. **DISCIPLINARY ACTIONS**

- A. **REPRIMAND** – A written disciplinary statement (Notification of Reprimand (PD-2I)), by a supervisor made to his/her employee concerning the employee's job performance or job related behavior. Each such reprimand shall be confirmed by memorandum from the person imposing the reprimand on the employee. This memorandum shall provide reasons for the reprimand and specific examples of violations, infractions, performance issues or personal conduct. The affected employee shall receive the original of the reprimand. Supervisors shall forward copies of the reprimand to the Office of Professional Responsibility for distribution. The employee may attach written correspondence for inclusion in the record within seven (7) calendar days of receipt of a written reprimand. Reprimands are subject to the grievance process. (Personnel Rule 5.5).

- B. SUSPENSION** - *The temporary removal of an employee from duty and pay status for cause. All disciplinary suspensions are without pay and are for a specified period of time. Members shall be notified by using the Notification of Suspension less than 15 days form (PD-2E) OR Notification of Suspension more than 15 days, Demotion, Reduction-In-Pay, Termination/Dismissal, form (PD-2F), as appropriate. Suspensions are subject to the grievance process. (Personnel Rule 5.6). A suspended employee shall not accrue any vacation or sick leave for that period. (Personnel Rule 6.1 f)*
- C. DEMOTION** - *The placement of an employee in a position in a lower class for which a lower maximum rate of pay is authorized. As a disciplinary measure, the Chief of Police may recommend that an employee be demoted to a lower classification. Disciplinary demotions are subject to the grievance process. (Personnel Rule 5.8). Members shall be notified by using the Notification of Suspension more than 15 days, Demotion, Reduction-In-Pay, Termination/Dismissal, form (PD-2F).*
- D. REDUCTION IN PAY** - *The reduction of an employee's pay within the employee's assigned pay range. (Personnel Rule 5.7). Members shall be notified by using the Notification of Suspension more than 15 days, Demotion, Reduction-In-Pay, Termination/Dismissal, form (PD-2F).*
- E. TERMINATION/DISMISSAL** - *The involuntary separation of employment. Whenever an employee is dismissed, it shall be for cause. For probationary employees, the Chief of Police shall consult with the RPD Human Resources Division Chief. Once it has been determined that an employee's conduct/behavior warrants separation, the Chief of Police shall recommend to the Chief Administrative Officer (CAO) that the employee be terminated/dismissed. The employee shall be informed in writing of the charges and shall be given the opportunity for a pre-disciplinary/pre-termination conference. (Personnel Rule 5.9). Members shall be notified by using the Notification of Suspension more than 15 days, Demotion, Reduction-In-Pay, Termination/Dismissal, form (PD-2F).*

## **VII. BACKGROUND**

### **General Information:**

- A.** *At the time the member is employed and receives his/her orientation he/she shall be given a complete set of City Personnel Rules, Administrative Regulations and Departmental Orders by the Personnel and Recruitment Division and/or the Training Division. It shall be the responsibility of all members of the Department to thoroughly familiarize themselves with all policies, laws, ordinances, regulations, rules and orders governing the Department.*
- B.** *All RPD members are required to know what is expected of them and the consequences of not fulfilling those expectations.*

- C. All RPD employees *in the Classified Service* are covered under the city's disciplinary procedures, as defined in Chapter V of the City of Richmond Personnel Rules for the Classified Service and Administrative Regulation 4.11.
- D. *Although supervisors are the key to effective discipline in the Department, it is imperative that all employees, regardless of rank, always be on the alert for any evidence of unsatisfactory performance or conduct.*

## VIII. PROCEDURE

### A. *Department Generated Infractions – General*

1. *Any non-supervisor observing or becoming aware of a violation of the policies, laws, ordinances, regulations, rules and orders governing the Department shall immediately notify a supervisor.*
2. *Upon observing or becoming aware of a violation of any policy, law, ordinance, regulation, rules or order governing the Department, supervisors shall initiate an immediate preliminary investigation. They shall perform the duties and assume the obligations of their rank during the continuation of such investigation and shall cooperate fully with any other member of the Department conducting such investigation.*
3. *All disciplinary actions shall be tracked and recorded by the Office of Professional Responsibility (OPR). Copies of all disciplinary actions shall be forwarded to the OPR.*
4. *Members shall cooperate fully with any employee of the Department who is responsible for conducting an investigation.*
5. *The Disciplinary Review Officer (DRO) shall review, and recommend discipline per the Code of Conduct, Table of Penalties. The Chief of Police is the final decision maker on all discipline, and may modify a penalty at his/her sole discretion.*
6. *The time frames set out in this General Order are established to ensure supervisor accountability for prompt notification and processing of employee discipline. Failure to adhere to the timelines shall not result in discharge of an employee's intended discipline. However, failure to adhere to the timelines may result in disciplinary action against the supervisor.*
7. *Any violation of policy, on or off-duty, may result in formal discipline regardless of whether or not the violation is specifically listed on the Table of Penalties.*
8. *All Class B offenses as defined in General Order 1-1 "Code of Conduct" require notification through the chain of command to the Division Commander and at the Division Commander's discretion, the Internal Affairs Division. All Class C offenses require Internal Affairs notification through the chain of command.*

**B. Department Generated Infractions - Complaint Intake:**

*In order to more efficiently track all allegations of police misconduct or internal policy violations, the following procedures shall be followed:*

- 1. A Supervisor, after observing or learning of alleged misconduct, policy violation or receiving a citizen complaint, shall notify Internal Affairs by the end of his/her Tour of Duty to obtain an IAD Control Number (if during normal business hours) for the PD-2. If after business hours, or a holiday, the supervisor shall obtain the IAD Control Number on the next business day. In cases requiring immediate notification to IAD (all Class C offenses and Class B offenses as the discretion of the Division Commander), the supervisor shall also notify the on-call IAD Detective.*
- 2. Prior to being relieved from duty, the supervisor shall fax (646-6821) and/or hand carry a copy of the preliminary report and any supporting documentation to Internal Affairs regardless of whether an IAD Control Number has or has not been obtained.*
- 3. If the misconduct or complaint is observed or received by a non-supervisory member of the Richmond Police Department, that member shall immediately notify a supervisor and prepare a written report and the above procedures shall be adhered to by the supervisor.*
- 4. Between the hours of 0800 and 1600, Monday thru Friday, an Internal Affairs Detective is available to accept complaints by calling (804)646-6816. The IAD investigator/supervisor shall log the complaint, issue an IAD Control Number.*

**C. Citizen Complaints:**

*For citizen complaints, refer to the process in General Order 7-21 "Internal Investigations, Citizen Complaints, and Integrity Tests." Citizen complaints will be designated as Service Investigations or IAD Investigations based on the severity of the alleged offense-IAD will be the determining entity.*

**D. Services Investigations:**

- 1. A Services Investigation is one where a non-Internal Affairs Division (IAD) investigator conducts an investigation of alleged violations of the Code of Conduct and/or other departmental policies, as prescribed in Chapter V of the City of Richmond Personnel Rules for the Classified Service; General Order 1-1, Code of Conduct; **General** Order 7-21, Internal Investigations, Citizen Complaints and Integrity Tests; and VA Code 9.1-501 (for sworn personnel). A Services Investigation can either be initiated by a department supervisor and/or referred by Internal Affairs Division.*
- 2. The Precinct Commander or OIC will decide who investigates the complaint.*

3. *When initiating an internal investigation not referred by Internal Affairs, supervisors will complete an Initiation of Employee Investigation (PD-2) and forward it through channels to IAD prior to the conclusion of the supervisor's end of tour of duty for the purpose of obtaining an IAD Control Number. An IAD Control Number will be assigned to the investigation.*
4. *All services investigations shall be completed in thirty (30) days. If an extension is required, it shall be requested through the Major/Executive Director of the employee's service to Internal Affairs. This request shall be completed prior to the thirty (30) day due date and shall be done by completing the Request for Extension (PD-2G). The investigative package shall also include the extension request along with the affected employee's signed notification.*
5. *A Request for Extension, (PD-2G) memorandum shall be prepared informing the affected employee of the request for extension by the investigating supervisor. The member shall sign a copy of the memorandum acknowledging receipt of the information.*
6. *The completed investigation shall be forwarded through channels to the DRO by the affected employee's OIC or Precinct Commander. The completed investigation shall include the following affirmative statements by the OIC or Precinct Commander on Completed Investigation Tracking Form (PD-2K):*
  - a. *That the investigation was completed by the assigned due date including any approved extensions;*
  - b. *That corrective action or discipline was imposed against any supervisor causing the investigation to be overdue without prior written approval and an attached copy of such action;*
  - c. *That the OIC or Precinct Commander has reviewed the report and clarified and attempted to resolve the issues;*
  - d. *That he/she concurs or does not concur with the investigative findings and/or recommendations; and,*
  - e. *If the OIC or Precinct Commander does not concur with the findings and/or recommendations, he/she shall prepare a memorandum to the Disciplinary Review Officer stating his/her differing judgments, views or opinions. The respective OIC/Precinct Commander shall attach a copy of the memorandum to the PD-2K.*
7. *All completed investigations will be forwarded by IAD to the DRO for filing and distribution of appropriate forms.*

*Distribution is as follows:*

- a. *Original – Maintained in Office of Professional Responsibility*
- b. *Copy – Affected Service OIC*

**E. IAD Investigations:**

- 1. *An Internal Affairs Investigation is one conducted by an Internal Affairs Investigator and will be done in accordance with requirements outlined in General Order 7-21, Internal Investigations, Citizen Complaints and Integrity Tests.*
  - a. *All IAD investigations shall be completed in seventy-five (75) days and returned to the Chief of Police or designee (OPR Major). If an extension is required, it shall be requested through the Chief of Police or designee (OPR Major). This request shall be completed prior to the seventy-fifth (75th) day and shall be done by completing the PD-2G. The investigative package shall also include the extension request along with the affected employee's signed notification.*
  - b. *The completed investigation shall be forwarded through channels to the Chief of Police by IAD. The completed investigation shall include the following affirmative statements on a Completed Investigation Tracking Form (PD-2K):*
    - 1) *That the investigation was completed by the assigned due date including any approved extensions;*
    - 2) *That corrective action or discipline was imposed against any supervisor causing the investigation to be overdue without prior written approval and an attached copy of such action;*
    - 3) *That the OIC of IAD has reviewed the report and clarified and attempted to resolve the issues;*
    - 4) *That he/she concurs or does not concur with the investigative findings and/or recommendations; and,*
    - 5) *If the OIC of IAD does not concur with the findings and/or recommendations, he/she shall prepare a memorandum to the Chief of Police stating his/her differing judgments, views or opinions. The OIC of IAD shall attach a copy of the memorandum to the PD-2K.*

**F. Penalties:**

*The Richmond Police Department shall maintain a philosophy of progressive discipline. Disciplinary action for minor infractions is applied in several steps of increasing severity in order to afford the employee the opportunity to correct behavior or inadequate job performance with the minimum level of discipline*

*applied at each step. However, the organizational level of discipline and the progressive sanctions may be waived by the Department if the seriousness of the violation warrants. The Appointing Authority is required to consult with the RPD Human Resources Division Chief before initiating any demotion, reduction-in-pay, suspension (more than 15 days) or dismissal/termination.*

1. *No action may be taken against any member of the Department who is covered under this order, except for cause.*

a. *There are two types of actions:*

1) *Corrective actions – Referral to REAP, informal/formal counseling, training, close supervision, special performance evaluation, or transfer recommendation to Commander, Captain or Civilian Manager.*

2) *Disciplinary actions – Written reprimand, suspension, reduction in pay, demotion or termination/dismissal.*

b. *Members against whom disciplinary action is taken are entitled to protection under the City's disciplinary procedures, as defined in Chapter V of the City of Richmond Personnel rules for the classified service and Administrative Regulation 4.11.*

2. *Disciplinary Authority – A supervisor in the Department who is authorized to administer a certain action within the Chain of Command. If the supervisor is absent and has designated and authorized a subordinate to act in his or her place, the designated person may exercise the supervisor's disciplinary authority.*

3. *Any corrective action imposed within a two (2) year period shall be considered in any determination or furtherance of discipline.*

4. *The Department has adopted a Table of Penalties which contains three (3) classes of offenses (as described in the Code of Conduct). If a single investigation sustains three or more violations of the same class, the discipline recommendation will be automatically elevated to the next step within the Table of Penalties.*

5. *When considering discipline for a specific incident/offense, consideration will start at the highest class of the current sustained violation.*

G. The Disciplinary Process For *Reprimands*, Suspensions, Demotions, Terminations/*Dismissals* or Reductions-In-Pay:

1. Investigation *Track*:

a. After the investigating supervisor has conducted an investigation, the investigating supervisor will forward the case folder to the appropriate Major, *Executive Director* or designee for *concurrency/non-concurrency*.



- b. *If a reprimand is recommended, the investigating supervisor shall (after consulting with his/her Commander, Captain or Civilian Manager), serve the reprimand, Notification of Reprimand (PD-2I). The employee shall sign to acknowledge receipt of the reprimand and be given the original. The final investigative report shall be submitted through the Major or Executive Director and then to the DRO for filing and distribution with a copy of fully executed reprimand attached.*
- c. *If suspension, demotion, termination/dismissal or reduction-in-pay is recommended, the Major or Executive Director shall forward the case to the Disciplinary Review Officer (DRO) accompanied by a PD-2K. If the charged employee admits to the violation, the DRO will review the action and, using the Table of Penalties, provide notice to the employee pursuant to the procedures in Section VIII.G.2 "Notice to Employee." If the charged employee does not admit to the violation, the DRO will forward the investigation to the Disciplinary Review Board (DRB) for a determination as to whether the employee is in or out of policy by completing the Referral for Disciplinary Review Board (PD-2D).*
- d. *The Disciplinary Review Board Chair (DRO) shall complete the Disciplinary Review Board Case Disposition Form (PD-2J) and provide notice to the employee pursuant to Section VIII.G.2 "Notice to Employee."*

2. Notice to Employee (Personnel Rule 5.4a and Personnel Rule 5.5):

a. *Reprimands:*

- 1) *After consulting with his/her Commander, Captain or Civilian Manager, the investigating supervisor shall meet with the employee and serve the reprimand, Notification of Reprimand, (PD-2I). The employee shall sign to acknowledge receipt of the reprimand and be given the original copy.*
- 2) *The DRO shall ensure that the copy of the completed and signed reprimand is placed in the employee's personnel file in the Personnel and Recruitment Unit with a copy forwarded to the Department of Human Resources.*

b. *Suspensions, Demotions, Terminations/Dismissals or Reductions-In-Pay:*

- 1) *Prior to suspension, demotion, termination/dismissal or reduction in pay, the employee shall be notified in writing by the DRO of the Notification of Violation of Rules/Pre-Disciplinary Conference, (PD-2B) of the reasons for the*

specific charges, violations, or infractions and of the impending pre-disciplinary conference.

- 2) The **DRO** shall schedule the pre-disciplinary conference *per Personnel Rule 5.4a*. The employee shall have a minimum of seven (7) calendar days to prepare for the pre-disciplinary conference.
- 3) *The Major/Executive Director* shall ensure that the **Notification of Violation of Rules/Pre-Disciplinary Conference, (PD-2B)** is delivered to the employee. A supervisor *shall* personally serve the notice on the employee and have the employee sign for receipt. The signed **PD-2B** shall be returned to the **Major/Executive Director** who shall forward a copy to the **DRO**.
- 4) Pre-Disciplinary Conference (Personnel Rule 5.4b):
  - a) *The Pre-Disciplinary Conference is an opportunity for the affected employee to appear before the DRO in cases involving suspension, demotion, reduction-in-pay or termination/dismissal to respond to the charges and proposed discipline.*
  - b) *During the conference, the employee shall be given an opportunity to respond to the specific charges, violations, or infractions that form the grounds for the proposed disciplinary action as stated in the written notice previously provided to the employee.*
  - c) *The affected employee can submit statements, other supporting documents and/or present witnesses from persons having knowledge of the facts and circumstances.*
  - d) *A Human Resources Representative will attend pre-disciplinary conferences involving demotion, termination/dismissal or reduction in pay, and may attend pre-disciplinary conferences for suspensions when requested, to provide policy interpretation and assistance during the conference, but they will not be considered representatives of either party.*
- 5) Record of Action (Personnel Rule 5.4d):
  - a) Following a pre-disciplinary conference for suspension, *demotion, termination/dismissal or reduction-in-pay*, the **DRO** or *designee* shall prepare and sign a record of the pre-disciplinary conference by completing the Pre-Disciplinary Conference – Record of Action Form (PD-2C).

- b) *The Pre-Disciplinary Conference – Record of Action Form (PD-2C) shall include the DRO's recommendation of discipline to be imposed, to the Chief of Police.*
  - c) Within seven (7) calendar days of the pre-disciplinary conference, the Record of Action (PD-2C) must be personally delivered to the employee and a copy forwarded to the Chief of Police or designee.
  - d) *Upon receipt of the Pre-Disciplinary Conference – Record of Action Form (PD-2C), the employee may submit within seven (7) calendar days written correspondence for review by the Chief of Police, through the DRO.*
  - e) *The Chief of Police will consider the employee's written correspondence prior to his determination of final discipline.*
- 6) Notification of Disciplinary Action:
- a) Suspensions Fifteen (15) Days *Or Less*:  
  
For a suspension fifteen (15) days *or less*, the *DRO* shall ensure that the *Notification of Suspension less than 15 Days, (PD-2E)* is served on the employee simultaneously with the Record of Action.
  - b) Suspensions *More* Than Fifteen (15) Days, Demotions, Terminations/*Dismissals* or Reductions-In-Pay:
    - (1) For suspensions *more* than fifteen (15) days, demotion, termination/*dismissal* or reduction-in-pay, the Chief of Police may recommend action but the final decision must be made by the *Chief Administrative Officer (CAO)*.
    - (2) For *suspensions more than fifteen (15) days*, demotions, terminations/*dismissals* or reductions in pay, the *DRO in consultation with the RPD Human Resources Division Chief* shall prepare the requisite memorandum for the Police Chief's signature and the approval of the *Chief Administrative Officer*.
    - (3) Once the Chief of Police has signed the memorandum, the *DRO shall deliver the memorandum to the RPD Human Resources Division Chief. The RPD Human Resources*

*Division Chief* shall ensure that the memorandum is delivered to the *Chief Administrative Officer* and shall monitor the status of the memorandum.

- (4) For a suspension of more than fifteen (15) days, demotion, termination/*dismissal* or reduction-in-pay, the Major or *Executive Director* shall ensure that the *Notification of Suspension more than 15 days, Demotion, Reduction-In-Pay, Termination/Dismissal, (PD-2F)* is served on the employee separately from the Record of Action (as these disciplinary actions are only final after the Police Chief's recommendation is approved by the *Chief Administrative Officer*). The *DRO* shall ensure that a copy of the *PD-2F* is forwarded to the *Office of Professional Responsibility*.

7) Payroll Documents:

Suspensions, *Demotions, Terminations/dismissals and Reductions-in-Pay:*

- a) The *DRO* shall ensure that a *PD-2E or PD-2F (as appropriate)* is compiled stating the start and end dates and times of the *disciplinary action*.
- b) The Major or *Executive Director* shall ensure that the *PD-2E or PD-2F (as appropriate)* is served on the employee and signed for by the employee.
- c) The *DRO* shall ensure that copies are delivered *for distribution*.
- d) *The RPD Human Resources Division Chief shall ensure that when an employee has been terminated, the employee is provided with information regarding the status of fringe and retirement benefits.*

H. *Employee Status Pending Disciplinary Review:*

*Pending the resolution of a disciplinary review, the Chief of Police may place the employee on leave without pay if:*

1. *The employee's presence is determined to be a threat to the City, his supervisor or fellow employees.*
2. *The employee is alleged to be in violation of the City's Substance Abuse Policy.*

3. *There are allegations of workplace violence or unlawful harassment.*
4. *There are allegations of theft, fraud, or embezzlement of City property or services (this shall include property leased to the City or otherwise in the possession of the City).*
5. *The employee is charged with a misdemeanor or felony involving possession of marijuana or any controlled substance.*
6. *In other pending disciplinary actions, the Chief of Police may place the employee on leave without pay but may also choose to place the employee on leave with pay or allow the employee to remain in his current position or a modified position.*
7. *The Chief of Police may, at his discretion, immediately suspend the employee if his continued presence may be a substantial threat to the welfare of the City or to his supervisors or fellow employees.*
8. *A suspension without pay shall automatically cause a withdrawal of a sworn member's police powers.*

NOTE: Immediate suspension is authorized per Section 5.4(c) of the City's Personnel Rules for The Classified Service, *City Administrative Regulation 4.16* and in VA Code Section 9.1-505 (for sworn officers).

I. Grievance Procedures:

1. For detailed information pertaining to the City's grievance procedure, refer to the City of Richmond Personnel Rules, Section VII. The Human Resources Division Chief shall coordinate all grievance procedures for Richmond Police Department employees.
2. Maintenance and Control of Grievance Documentation:
  - a. All grievances resolved at the Department level shall be maintained in the employee's department personnel file.
  - b. All grievances resolved at the City level shall be maintained by the City of Richmond's Department of Human Resources.
3. *The RPD Human Resources Division Chief, in conjunction with the City of Richmond's Human Resources Department, will conduct an annual analysis of filed grievances and report the findings to the Chief of Police. A copy of the annual analysis will be forwarded to the Planning Division for accreditation compliance.*

J. Panel Hearing (Sworn Employees only):

1. Sworn employees are entitled *under* VA Code Sections 9.1-500 through 9.1-507 (Law-Enforcement Officers Procedural Guarantees Act) *to have a hearing* if they are:

- a. Charged with violating the Code of Conduct policy and/or other departmental policies, which could lead to dismissal, demotion, suspension *or transfer* for punitive reasons.
  - b. The employee may elect to proceed in accordance with either the City's grievance procedure or the Law-Enforcement Officers Procedural Guarantee Act which entitles an employee to a panel hearing. In no case shall a sworn employee be entitled to both a panel hearing and a grievance hearing.
2. If the sworn employee elects to have a panel hearing, the following applies:
- a. The department shall *set* the panel hearing *within* fourteen (14) calendar days following the date of the subject employee's request, unless the subject employee and the department mutually agree to a later date. *This only requires the scheduling of the hearing, not the hearing itself. The hearing shall be held within a reasonable amount of time.*
  - b. The Panel will consist of one member from within the Department at least of equal rank of the employee, but no more than two ranks above, as designated by the Chief of Police, or designee; one Panel member selected by the employee; and one member agreed upon by both the Departmental and Employee selected panel members.
  - c. The Chief of Police shall select a member of the department to present the Department's case. If an attorney represents the sworn employee, a member of the City Attorney's Office *or attorney assigned to the Department's Office of General Counsel* shall be present at the Hearing to assist the Department.
  - d. The employee may represent him/herself at the panel hearing, or the employee may select a member of the Department or an attorney, at no expense to the City.
  - e. The Department and the employee have the opportunity to present evidence and examine and cross-examine witnesses at the panel hearing, in accordance with guidelines established for the conduct of panel hearings.
  - f. The panel shall forward its recommendations and the reasons therefore, in writing on Recommendation of Administrative Panel Form *(PD-2H)*, to the *DRO* and to the affected employee or his/her attorney and the Chief of Police. Such recommendations shall be advisory only, but shall be accorded significant weight by the Chief.

## **IX. ROLES AND ACCOUNTABILITY**

### ***A. Non-Supervisory Employees:***

*Upon observing or becoming aware of a violation of the policies, laws, ordinances, regulations, rules and orders governing the Department, immediately notify a supervisor and prepare a written report.*

**B. Supervisors:**

- 1. Upon observing or becoming aware of a violation of Departmental regulations, supervisors shall initiate an immediate preliminary investigation and thereafter shall perform the duties and assume the obligations of his/her rank during the continuation of such investigation. All members shall cooperate fully with any other member of the Department conducting such investigation.*
- 2. Notify, through channels, the Division Commander and Internal Affairs (if so ordered by Division Commander) of all Class B offenses.*
- 3. Notify, through channels, IAD of all Class C offenses.*
- 4. If the violation is such that it requires more than corrective action or informal counsel, the supervisor will begin a formal investigation or initiate the disciplinary process by filling out the Initiation of Employee Investigation, (PD-2) and forwarding it to both IAD and through the chain of command.*
- 5. All investigations shall be reported through channels to the appropriate level of authority within the timeline as identified in this order for final disposition.*
- 6. For reprimands, consult with the Captain, Commander or Civilian Manager AND the DRO before serving the reprimand via the PD-2I.*
- 7. Supervisors shall ensure that the employee serve the suspension time within 30 days of notice.*

**C. Commanding Officers:**

- 1. Shall investigate or have investigated by supervisors of their commands all violations of regulations governing members of their commands.*
- 2. All investigations shall be reported through channels to the appropriate level of authority within the timeline as identified in this order for final disposition.*
- 3. Ensure that the OIC or Precinct Commander has reviewed the report, clarified and attempted to resolve the issues.*
- 4. Ensure that the investigation was completed by the assigned due date including any approved extension, if not, ensure proper discipline.*

**D. Office of Professional Responsibility:**

1. *Track all citizen complaints.*
2. *Track all misconduct investigated by the Internal Affairs Division.*
3. *Track all Use of Force incidents.*
4. *Track all accidents involving Police Department vehicles.*
5. *Track all civil actions filed against the Department.*
6. *Track all disciplinary actions.*
7. *Serves as the central repository of all disciplinary actions and internal investigations where discipline is recommended.*
8. *Ensure that all investigations are completed within 75 days of all complaints of misconduct unless an extension is granted by the Chief of Police or designee (the DRO).*

**E. *Disciplinary Review Officer (DRO):***

1. *Review investigative reports and recommendations which are forwarded from the appropriate Major or Civilian Equivalent.*
2. *Ensure that the specific charges and reason for the disciplinary action is appropriate.*
3. *Depending on the employee's acknowledgement of the commission of the alleged violation(s), recommend discipline or that the case be forwarded to the Disciplinary Review Board as appropriate.*
4. *Review all Internal Review Board findings and provide notice to the employees. Apply table of penalties and forward recommendations to the Chief.*
5. *Conduct a pre-disciplinary conference with the affected employee.*
6. *Prepare and sign the Pre-Disciplinary Conference-Record of Action (PD-2C) and ensure notice to the employee, as provided in this policy.*
7. *Ensure all appropriate notifications to employees as provided in this policy.*
8. *Ensure that the Human Resources Chief or a representative from the Office of General Counsel attend pre-disciplinary conferences as requested.*
9. *Provide staff assistance to disciplinary review panels, and Commanders/Directors as appropriate.*
10. *In consultation with the Richmond Police Department Human Resources Division Chief, prepare memorandums to the Chief Administrative Officer*



*in cases of suspensions more than 15 days, demotions, terminations/dismissals, and reductions in pay.*

11. *Ensure that when an investigation reveals possible training issues, these issues will be forwarded to the OIC of the Training Academy.*
12. *Ensure that remedial training is established and completed within a designated time.*
13. *Serve as the chair of the Disciplinary Review Board.*
14. *Ensure that a PD-2E or PD-2F (as appropriate) is compiled stating the start and end dates and times of the suspension and delivered to the Office of Professional Responsibility.*
15. *Disseminate copies of all necessary forms pursuant to the particular form's distribution/dissemination list.*

**F. Majors/Executive Director:**

1. *Ensure that all Services investigations are completed within 30 days of all complaints of misconduct unless an extension is granted by the DRO.*
2. *Review and if necessary, return all investigations for clarity or additional information.*
3. *Within 15 days of the Chief's approval of the suspension, the employee shall be notified and advised of the date(s) of the suspension.*
4. *Where required by this policy, ensure proper notifications to employees.*
5. *Ensure that when an investigation reveals possible training issues, these issues will be forwarded to the OIC of the Training Academy.*

**G. Internal Affairs Division:**

*The Internal Affairs Division shall be responsible for the investigation of the following types of cases:*

1. *Investigate formal complaints by citizens against Department personnel except those forwarded for Services investigations.*
2. *Investigate allegations against Department personnel involving the commission of a criminal offense, gross misconduct or negligence to duty.*
3. *Assign an IAD Control Number to all internal investigations.*
4. *Ensure that complaints are logged and field supervisors are instructed when to hand carry relevant documents to IAD.*
5. *Ensure that when an investigation reveals possible training issues, these issues will be forwarded to the OIC of the Training Academy.*

**H. Office of the General Counsel:**

- 1. Consult with the Human Resources RPD Division Chief as needed regarding disciplinary procedures.*
- 2. Assist the DRO.*
- 3. Attend Panel Hearings.*

**I. RPD Human Resources Division Chief:**

- 1. Attend the pre-disciplinary conferences as needed.*
- 2. Ensure that a copy of all disciplinary action is forwarded to the City's Department of Human Resources for placement in the member's personnel file.*
- 3. Assist the DRO.*
- 4. Coordinate with the DRO on all disciplinary action that requires the City Administration approval.*
- 5. Ensure that when an employee has been terminated, the employee is provided with information regarding the status of fringe and retirement benefits.*
- 6. Shall be responsible for the coordination of all grievance procedures.*
- 7. Will conduct an annual analysis of filed grievances and report the findings.*

**J. OIC, Training Academy:**

- 1. The OIC, after reviewing any identified training issues with the appropriate training coordinator, shall be responsible for coordinating any remedial or additional training deemed necessary.*
- 2. Upon completion of the training, a letter indicating the training received and the completion of that training will be placed in the officer's training file at the Academy. Additionally, a copy of the letter will be sent to the DRO.*
- 3. Ensure that the training is completed within the time frame established by the DRO.*

**K. Chief of Police:**

- 1. Recommend, when appropriate, termination/dismissal to the Chief Administrative Officer.*

2. *Consult with the Department's Human Resources Division Chief before initiating any demotion, reduction in pay, suspension (more than 15 days) or dismissal/termination.*
3. *Consider the individual employee's written correspondence prior to final determination of discipline.*
4. *Place employees on leave, when warranted pursuant to Section VIII.H of this policy.*
5. *For panel hearings, select certain panel members and the case presenter for the Department, and determine ultimate discipline to be imposed.*

**L. *Time Frames:***

1. *Services Investigations 30 days/Internal Affairs Investigations 75 days.*
  - a. *DRO: 45 days*
  - b. *Hearing and disposition 14 days*
  - c. *Pre-disciplinary conference: 7 days for employee notification*
  - d. *Record of Action: 7 days for disposition*
  - e. *Employee submission of written correspondence to the Chief of Police if desired 7 days*
  - f. *Executive Director/Major: 5 days*
  - g. *Notification to employee of Chief's final determination.*

**X. FORMS**

- A. *PD-2, Initiation of Employee Investigation*
- B. *PD-2A, Notification to Employee of Investigation*
- C. *PD-2B, Notification of Violation of Rules/Pre-Disciplinary Conference*
- D. *PD-2C, Pre-Disciplinary Conference – Record of Action*
- E. *PD-2D, Referral for Disciplinary Review Board*
- F. *PD-2E, Notification of Suspension less than 15 Days*
- G. *PD-2F, Notification of Suspension more than 15 days, Demotion, Reduction-In-Pay, Termination/Dismissal*
- H. *PD-2G, Request for Extension*
- I. *PD-2H, Recommendation of Administrative Panel*

- J. PD-2I, Notification of Reprimand*
- K. PD-2J, Disciplinary Review Board Case Disposition Form*
- L. PD-2K, Completed Investigation Tracking Form*
- M. PD-40, Formal Counsel*
- N. City of Richmond Grievance Form*