



VILLAGE OF EAGLE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

003 – CITIZEN COMPLAINTS | PERSONNEL INVESTIGATIONS

GENERAL ORDER: 2018-02
ISSUED: October 12, 2018

EFFECTIVE: October 14, 2018

REVIEWED/APPROVED ON: October 10, 2018
BY: Assistant Chief Steven Lesniewski

ACTION: Supersedes all previous Procedures

WILEAG STANDARD(S): 1.9.1, 1.9.2, 1.9.3, 1.9.4, 1.9.5, 1.9.6

003.01 PURPOSE

The purpose of this Standard Operating Procedure is to establish a protocol regarding citizen complaints and personnel investigations. It is important to note the differences between a personnel investigation, which is an administrative inquiry, and a criminal investigation.

003.02 DEFINITIONS

A. CITIZEN COMPLAINT - FORMAL

1. A citizen complaint is an allegation of a violation of one or more of the Standards of Conduct, Core Values, Standard Operating Procedures, or a criminal allegation committed by one or more department members. A citizen complaint can be made either orally or in writing, provided that the complainant is an adult, parent or legal guardian of a juvenile complainant, attorney representing an aggrieved party, or a translator representing a non-English speaking complainant.
2. A citizen complaint shall be documented in writing on a Citizen Complaint Form by either the complainant or supervisor receiving the complaint. Subsequent investigation shall be documented on a Department Memorandum Form.

B. CITIZEN COMPLAINT – INFORMAL

1. A citizen complaint that does not rise to the level of a Formal Complaint based on circumstances that are not egregious AND where the complainant expresses no desire to file a formal complaint; or where the allegations DO NOT constitute a violation of one or more of the Standards of Conduct, Standard Operating Procedures, or a criminal allegation committed by one or more department members.

C. INTERNALLY GENERATED COMPLAINT

1. An internally generated complaint is an allegation of one or more Standards of Conduct, Core Values, or Standard Operating Procedure violation(s) committed by one or more department members. An internally generated complaint may be made by any department member. Internally generated complaints may be made either orally or in writing to a Corporal of Police or a supervisor of a higher rank, however, a complaint alleging misconduct on the part of a supervisor shall be made in writing to the Chief of Police. A complaint alleging misconduct on the part of the Chief of Police shall be made in writing to the President of the Village of Eagle. An internally generated complaint may be initiated by a supervisory member based upon personal observation of misconduct or hearsay information that alleges misconduct.
2. The initial allegation of an internally generated complaint shall be documented in writing on a Department Memorandum Form. Subsequent investigation shall be documented on a separate Department Memorandum Form.

D. PRELIMINARY INVESTIGATION

1. A preliminary investigation occurs whenever a supervisory member receives/accepts a citizen complaint, receives/accepts an internally generated complaint, or initiates an internally generated complaint. The supervisor who receives/accepts a complaint or initiates a complaint should generally conduct the preliminary investigation, prior to submitting the complaint to the Assistant Chief of Police. The preliminary investigation includes, but is not limited to: review of the complaint, obtaining supporting documents or evidence, or consulting the Assistant Chief of Police.

E. INITIATION REPORT

1. An initiation report communicates the investigating supervisor's understanding of the complaint allegation(s), the identification of the accused department member(s), and potential procedure violation(s) based upon that supervisor's initial review of the complaint and any other information provided by the preliminary investigation. An initiation report shall be documented in writing on a Department Memorandum Form

003.03 RECEIPT OF CITIZEN COMPLAINT

- A. Citizens who wish to express dissatisfaction, due to the acts or omissions of one or more department members, or due to department policies/procedures, shall be immediately referred to a supervisor. Non-supervisory members shall in no way attempt to deter a citizen from making a complaint and are prohibited from questioning citizens as to the nature of the complaint.
 1. If no supervisor is working, the police member shall; advise the complainant of same, inform them that a supervisor will contact them within 24 hours, and offer them a Citizen Complaint Form as well as the attached letter stating the procedure for filing a complaint. The member shall then make notification to the supervisor scheduled to work the next shift if within 24 hours. In the event that a supervisor is not scheduled to work within the next 24 hours, the Chief or the Assistant Chief shall be contacted.

2. If, in the officer's opinion, the situation requires immediate supervisory notification, the Chief or the Assistant Chief may be notified.
- B. If the allegation made by the complainant qualifies as an Informal Complaint as defined in 003.02(B), a supervisor may attempt to mediate the complaint to a result which is satisfactory to all parties involved.
1. In the event the matter is resolved, the supervisor will document the mediation on a Department Memorandum Form, explaining the nature of the complaint, the steps taken to resolve the complaint, and the resolution of the complaint. The supervisor will forward the completed memorandum to the Chief of Police for review.
 - a. After review, the Chief will place the report in the appropriate personnel file.
 - b. The Chief retains the option to initiate an investigation if the facts do not support an Informal Complaint as defined in 003.02(B).
 2. Whenever a citizen communicates dissatisfaction with one or more department members, which does not rise to the level of a Formal Complaint as defined in 003.02(A), the Citizen Complaint Form shall not normally be completed. However, if a citizen is adamant that a complaint be filed, the supervisor shall document the citizen's statements on a Citizen Complaint Form and forward it to the Chief of Police along with a Department Memorandum documenting the supervisor's efforts to resolve the complaint.
 - a. If there is no evidence to support that the allegations constitute a violation of one or more of the Standards of Conduct, Core Values, Standard Operating Procedures, or a criminal allegation committed by one or more department members:
 - I. The Chief or Assistant Chief will attempt to resolve the complaint and if successful, will document the mediation on a Department Memorandum Form, explaining the nature of the complaint, the steps taken to resolve the complaint, and the resolution of the complaint.
 - II. If either the Chief or Assistant Chief is unable to resolve the complaint, the Chief will find the complaint either "Unfounded" or "Exonerated" as defined in 003.07(G)(1)(c) or (d), document same on a Department Memorandum Form, and place it with all other supporting documents in the appropriate personnel file.
- C. If the allegation made by the complainant meets the requirement of a Formal Complaint as defined in 003.02(A), a supervisor shall accept the complaint.
1. A Citizen Complaint Form may be completed by the supervisor receiving the complaint. However, at the complainant's request, the complainant may complete the form and return it to the department, either in person or by mail. The supervisor receiving the complaint should request that the complainant sign the form. A citizen's refusal to sign the Citizen Complaint Form shall not constitute a basis for refusing to accept a complaint.

2. Whenever a citizen requests a Citizen Complaint Form, the department member to whom such request is made shall provide the citizen with a Citizen Complaint Form as well as the attached letter stating the procedure for filing a complaint.
3. Citizen complaints shall be accepted from agents representing an aggrieved party. Said agents shall be limited to the following:
 - a. An attorney representing the complainant.
 - b. The parent or guardian of a minor child.
 - c. A translator representing a non-English speaking complainant.
- ❖ In other cases that do not meet the above criteria, the representative shall be given a citizen complaint form along with the attached letter stating the procedure for filing a complaint, and advised to have the proper complaining party proceed in submitting the complaint.
4. A supervisor completing or receiving a Citizen Complaint Form shall provide the complainant with a copy of the completed form, unless the complaint is received by mail. In addition, the supervisor shall provide the complainant with a copy of the letter stating the procedure for filing a complaint.
5. The supervisor providing the complainant with the copy of the Citizen Complaint Form shall also inform the complainant verbally of Wisconsin Statute §946.66(2), *"Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to a Class A forfeiture."*
6. The citizen complaint shall be treated as confidential and the contents disclosed only as necessary for investigation.
7. All citizen complaints shall be reviewed by the Chief of Police to determine if the complaint will be handled by a police sergeant or by the Assistant Chief. Complaints that are not criminal in nature, or a serious violation of Standard Operating Procedures, Core Values, or the Standards of Conduct, may be assigned to a police sergeant. Complaints that are a serious violation of Standard Operating Procedures, Core Values, or the Standards of Conduct shall be assigned to the Assistant Chief of Police. Complaints that are criminal in nature shall be referred to the Chief of Police, who will consult with the District Attorney (003.08(3)).

003.04 RECEIPT OF INTERNALLY GENERATED COMPLAINT

- A. Whenever a department member reports alleged misconduct by another department member to a supervisor, that supervisor shall document the allegation in writing on a Department Memorandum Form.
- B. The supervisor may request that the complaining member also document the matter in writing (if the complaint is made orally), however, such written documentation shall not be required unless so ordered by the Chief of Police.
- C. The internally generated complaint shall be treated as confidential and the contents disclosed only as necessary for investigation.

003.05 PRELIMINARY INVESTIGATION PROCEDURES

- A. Whenever a supervisor receives/accepts a citizen complaint or an internally generated complaint, the supervisor shall conduct a preliminary investigation as follows:
1. Interview the citizen complainant/department member to obtain enough details in which to summarize and reduce the complaint to writing.
 2. Review any reports or evidence submitted by the citizen complainant or department member.
 3. Attempt to identify citizen witnesses to the alleged misconduct.
 4. Attempt to identify department member(s) that are either witnesses to the alleged misconduct or are the target of the complaint itself.
 5. Determine if the allegation(s) is a criminal offense or a violation of Department Standard Operating Procedures, Core Values, or Standards of Conduct.
 6. If the complaint is criminal in nature, or if there is uncertainty as to the severity / nature of the alleged violation, consult the Chief of Police.
 7. Obtain relevant supporting documents or evidence (that which can assist in either proving or disproving an allegation of misconduct) such as a CAD printout, audio or video recordings, or photographs.
 8. Document the complaint in writing using the Department Memorandum Form. This documentation shall include reference to any documents or evidence obtained, any citizen and/or department member witnesses identified, and/or any department members identified as a target of the complaint.
 9. Promptly forward all documents, reports, and evidence to the Assistant Chief of Police.

003.06 STIPULATION

- A. For a non-criminal allegation(s) in which a preponderance of evidence exists, the Chief of Police may allow a member to stipulate to the allegation(s) in lieu of a personnel investigation. In such cases, the Chief or Assistant Chief will supply the member with a stipulation agreement. The member may do any of the following:
1. Stipulate to the allegation(s).
 2. Stipulate to the allegation(s) and provide a written response.
 3. Decline to stipulate to the allegation(s) and request a personnel investigation.

003.07 INVESTIGATION PROCEDURES

A. CITIZEN COMPLAINT CONTACT

1. Whenever the Chief assigns a personnel investigation to a subordinate supervisor and there is a named citizen complainant, the investigating supervisor shall contact that complainant within three days of receiving the investigation. The investigating supervisor shall provide the citizen complainant with his or her name and telephone number, and the supervisor shall document the date and time of this contact in his or her investigative summary report. The investigating supervisor shall also provide the complainant with periodic progress updates.
2. If the investigating supervisor is unable to contact the citizen complainant in the time allotted, he or she shall notify the Assistant Chief for further direction. In this circumstance, it may be necessary for the Assistant Chief to send a letter to the complainant's last known address requesting that the complainant contact the investigating supervisor.

B. INITIATION REPORT

1. The supervisor assigned to conduct a personnel investigation shall complete an initiation report, on a Department Memorandum Form, as soon after being assigned the investigation as possible. Based upon a thorough review of the investigative file, the initiation report shall contain the following three sections:
 - a. "On (date/time), I (investigating supervisor) was instructed by (initiating authority) to initiate an investigation regarding an allegation of misconduct on the part of (identify member)."
 - b. The second section shall include a concise statement of the alleged misconduct.
 - c. The third section shall state the following:

"If sustained, this allegation of misconduct is a violation of [cite the specific Standards of Conduct, Core Values, or Standard Operating Procedure, including the specific section] which states in part: [record only that portion of the Standards of Conduct or Standard Operating Procedure found to be in violation]."

- ❖ **Note: The outcome of a completed personnel investigation may differ from the violation(s) identified in the initiation report. Such differences do not make the initiation report inaccurate; therefore, investigating supervisors shall not alter the content of an initiation report.**

C. PRE-INTERVIEW PROCEDURES

1. Prior to conducting an oral interview of an accused department member, the investigating supervisor should do the following:
 - a. Review the investigative file, including any documents or evidence provided by the complaint and the preliminary investigation.
 - b. Collect and review any documentation or evidence relating to the allegation(s) that was not provided by the preliminary investigation but, nonetheless, is needed in order to conduct the investigation.
 - c. Identify and interview any citizen witness to the alleged misconduct.
 - d. Identify and interview any department members that are witnesses to the alleged misconduct and who are not a target of the investigation.
 - e. Prepare for the oral interview of the accused member(s) by formulating and drafting questions to ask the accused member(s). The investigating supervisor shall ensure that he/she is adequately prepared to conduct the oral interview in advance of actually conducting the interview.
 - f. Whenever scheduling conflicts occur between the investigating supervisor and an accused member, and in order to expedite the completion of the investigation, the investigating supervisor may with the approval of the Chief, prepare interview questions in writing and delegate the interview to another supervisor. In this instance, the investigating supervisor shall remain responsible for summarizing the interview in writing based upon a review of the audio recording.

D. INFORMING THE MEMBER PROCEDURES

1. If a department member is under investigation for an alleged violation of the Standards of Conduct, Core Values, or Standard Operating Procedure and is subject to an interview for any reason, which could lead to disciplinary action, demotion, or discharge from the Village of Eagle Police Department, such interview need comply with the following requirements:
 - a. The supervisor assigned to conduct a personnel investigation shall, prior to obtaining any information from an accused member (the target of the investigation), inform the accused member in a timely manner that the matter is a personnel investigation, not a criminal investigation, or a claim/lawsuit investigation.
 - b. If there is any possibility that the matter being investigated could result in a criminal proceeding, the investigating supervisor shall advise the accused member that: "This is a personnel investigation. The answers you give and the fruits thereof cannot be used against you in any criminal proceeding."

- c. Prior to conducting an interview that requires an accused member to provide oral statements, the investigating supervisor shall document the following on the PI-1 Form:
- i. The department member under investigation shall be informed of the nature of the investigation prior to any interview by including a brief synopsis of the allegation(s).
 - ii. Enough information shall be included so that the member is able to prepare for the interview.
 - iii. Prior to any interview, the investigating supervisor shall advise the member that: "The refusal to respond during this interview, or any response which is untruthful, can result in suspension or discharge from the Village of Eagle Police Department."
 - iv. The investigating supervisor shall record on the PI-1 Form, the date, time, and location that the oral interview will take place. Although not required, interviews should be scheduled at least seven days after informing the member of the interview to provide the member with an opportunity to obtain appropriate representation for the interview. The member may request an earlier interview and has the option to waive representation.
 - v. Whenever a department member chooses to participate in an interview, either without representation present or less than seven days in advance of when the PI-1 was issued, the investigating supervisor and member need verbally confirm such agreement at the start of the recorded interview.
 - vi. If, for any reason, a scheduled PI-1 interview has to be rescheduled to a different time or date, it is not necessary to re-issue a PI-1. The investigating supervisor shall note the revised schedule on the original PI-1 and place his/her initials next to the revision. Further, the rescheduled interview shall take place as soon as practicable, provided the accused member has a reasonable opportunity to obtain the presence of and/or to consult with a representative of his/her choice before and/or during the interview.
 - vii. The supervisor shall request that the department member sign the PI-1 report. If the member refuses to sign the PI-1, the supervisor shall place the word "refused" on the signature line.
 - viii. The original PI-1 shall become a part of the investigative file. A copy shall be given to the department member.
 - ix. A PI-1 shall be issued for each subsequent oral statement obtained from the same member.

❖ ***Note: This provision does not apply to interviews that are related to an incident involving death or great bodily harm or where the Chief of Police determines that exigent circumstances require an immediate interview.***

E. PI-1 INTERVIEW PROCEDURES (OBTAINING ORAL STATEMENTS)

1. Unless otherwise directed by the Chief or Assistant Chief, oral statements shall be obtained from department members who are subject to personnel investigations.
2. The following procedures shall be followed when oral statements are obtained:
 - a. An accused department member may have a representative of his/her choice present during an interview.
 - b. The supervisor conducting the interview shall make an audio recording of the interview utilizing a digital audio recorder provided by the department.
 - c. Only one supervisor should conduct the interview. A second supervisor shall be present at all times during the interview, however only the interviewing supervisor should speak during the recorded portion(s) of the interview.
 - d. While recording is in progress, any communication between the supervisors should be made in writing. Likewise, any communication between the accused member and his/her representative should be made in writing.
 - e. The supervisor conducting the interview shall inform the accused member that the statement is being recorded and the digital audio recorder shall be in plain view.
 - f. The supervisor conducting the interview should follow the outline of the Guidelines for Oral Interviews, a copy of which is attached as an addendum to this SOP.

❖ ***Ensure that the accused member adequately answers each question asked. For example, a supervisor may ask a member a question; however the member's response may not actually provide the information sought by the question. It is incumbent upon the supervisor to repeat or, in the case of a misunderstanding of the original question, to rephrase until the member adequately answers question.***

❖ ***A PI-1 interview relates to a personnel investigation dealing with alleged violation(s) of Standards of Conduct or Standard Operating Procedure. These matters are not of a criminal nature; therefore, investigating supervisors shall not advise members of their constitutional (Miranda) rights.***

F. INVESTIGATOR'S SUMMARY REPORT

1. The investigating supervisor shall prepare a summary Department Memorandum Form. Upon conclusion of the investigation, the investigating supervisor shall prepare a detailed summary of the investigation, which shall include the following sections:

- a. The initiating section shall be formatted to state the following: *“On (date), I (primary investigator) was instructed by (initiating authority) to investigate an allegation(s) of misconduct on the part of (department member), of the Village of Eagle Police Department.”*
- b. The allegation section shall include a concise statement describing the allegation of misconduct, including the date, time and location of the offense.
- c. The investigation section shall include a detailed, sequential/chronological narrative that summarizes the investigation. As part of an investigative summary, all information contained within this section must be supported by other documents/evidence within the investigative file. For example, if in the summary report, an investigator references a statement made by a witness when interviewed, then a detailed narrative of that interview should be contained within the investigative file under a separate report. Additionally, if an investigator makes reference to facts contained in a document (such as a CAD print-out, official report, etc.), then that document or a copy of that document should be included within the investigative file. Interviews obtained pursuant to a PI-1 do not need to be reduced to writing on a report other than the investigator’s summary report since the audio recording serves as evidence of the information obtained from the interview.

❖ Note: Avoid using such general terms as subdued, restrained, placed under control and make every effort to refrain from expressing personal opinions.

G. COMMANDING OFFICER’S SUMMARY REPORT

1. Upon completion of a personnel investigation on any member subordinate to the rank of Assistant Chief, the Assistant Chief shall submit a Commanding Officer’s Summary report on a Department Memorandum Form. The Commanding Officer’s Summary Report shall, if applicable, cite Standards of Conduct, Core Values, or Standard Operating Procedure violations with a brief statement on how the member violated each Standard of Conduct section, Core Value, or Standard Operating Procedure. Commanding officers shall state their conclusion(s) at the end of their summary with any one or combination of the following dispositions:
 - a. **Sustained:** There is sufficient evidence to prove either the allegation(s) made in the complaint, or the allegation(s) identified through subsequent investigation. If sustained, the Standards of Conduct and/or Standard Operating Procedure violation shall be cited.
 - b. **Not Sustained:** There is insufficient evidence either to prove or disprove the allegation(s).
 - c. **Exonerated:** The incident as alleged occurred, however the department member’s actions were lawful/proper.
 - d. **Unfounded:** The allegation(s) is false or not factual.

❖ Note: A combination of dispositions may be used when multiple allegations exist within the same complaint.

003.08 CHIEF OF POLICE RESPONSIBILITIES

1. The Chief of Police shall make, or cause to make diligent inquiry into every complaint of misconduct on the part of a department member coming to his or her attention.
2. The Chief of Police may request that another agency conduct an internal investigation in circumstances where he or she believes a conflict of interest exists.
3. In the event that the allegation is criminal in nature, the Chief of Police shall:
 - a. Request the Wisconsin Department of Criminal Investigations (DCI) conduct the criminal investigation.
 - b. Notify the District Attorney of such facts.
 - c. Request that another police agency conduct the internal investigation and further request that that agency follow SOP 003 when conducting said investigation.
4. The Chief of Police shall conduct a review of all personnel investigations after the completion of the investigation.
5. If the Chief of Police suspects that a complaint, of any nature, may result in civil action, the Chief shall notify or cause to be notified, the Village President, the Village Attorney, and the Village liability insurance carrier.
6. The Chief of Police or his or her designee shall be responsible for notifying ~~the~~ affected department member(s) and citizen complainant(s), the disposition of personnel investigations. Notification letters and memos shall be made a part of the investigative file.
7. Upon the completion of a personnel investigation of a Department Member, if the Chief or Assistant Chief finds that the complaint is **sustained**, the Chief of Police shall:
 - a. Prepare a written summary of the facts and findings of the Personnel Investigation, citing the specific Standard of Conduct, Core Value, or Standard Operating Procedure violated (charges).
 - i. Request the member sign the original document acknowledging receipt of charges.
 - ii. Serve a copy to the affected member(s).
 - iii. Advise the member that he or she may respond to charges, in writing, within seven days of service of the charges. The member is not required to respond to charges.
 - iv. Provide a copy to each member of the Police and Licensing Committee, pursuant to Wisconsin Statute §62.13(5), and within 24 hours of service to the member.

- v. Place the original, signed document in the investigative file.
- b. On the eighth day following service of charges, or upon receipt of the member's response to charges, impose the appropriate action(s) (discipline (up to suspension), training, counseling, etc.), pursuant to Wisconsin Statute §62.13.
 - i. Give consideration to the member's experience level, whether the member violated the policy(s) intentionally or unintentionally, the member's employment record, to include prior violations of the same nature, and the degree of harm caused by the policy violation(s).
- c. Prepare a written General Order, listing the sustained complaint and related charges as well as discipline imposed.
 - i. Include a copy for the investigative file.
 - ii. Provide a copy to the affected member as referenced in SOP 003.08(5)(d).
 - iii. Provide a copy to each member of the Police and Licensing Committee pursuant to Wisconsin Statute §62.13(5).
- d. Not less than seven days and not more than 10 days after providing the affected member(s) with the written summary of facts as referenced in 003.08(5)(b), along with the Assistant Chief of Police, conduct a Discipline Review Meeting with the affected member(s).
 - i. Serve the affected member with a copy of the General Order as referenced in SOP 003.08(5)(c).
 - ii. Ensure the member understands the specific infraction to the Department's Standards of Conduct, Core Values, or Standard Operating Procedure violated, including the reason, scope, and effective date of the discipline.
 - iii. Advise the member of his or her appeal and/or hearing rights (SOP 003.09).
 - iv. Explain to the member the principles of progressive discipline and that any future infractions, whether related to the current infraction or not, may result in a more severe penalty.
 - v. Require the member to review the specific sections of the Standards of Conduct, Core Values, or Standard Operating Procedure violated.
 - vi. Request the member sign the investigative file copy of the general order, to ensure their understanding of the infraction(s).

- e. If the Chief of Police deems that the warranted discipline rises to the level of reduction in rank or dismissal from the department, the Chief shall submit a written request, for a Police and Licensing Committee Hearing, along with the written summary of the facts and findings of the Personnel Investigation submitted as referenced in SOP 003.08(a)(iii).
- 8. The Chief of Police shall cause a review of personnel investigations every six months to identify patterns of allegations concerning members of the department.
 - a. If a pattern of allegations has been identified:
 - i. The Chief and the Assistant Chief will review the identified pattern of allegations with the member and determine if training or further action is required to address the pattern of allegations.
 - ii. The Chief or Assistant Chief shall document the course of action deemed appropriate to address the pattern of allegations on a Department Memorandum Form and place the original in the member's personnel file. A copy of the memorandum will be provided to the member.
 - iii. The Chief and the Assistant Chief will review with the member every three months for a period of one year, thereafter, to measure the members' performance with the course of action deemed appropriate to address the pattern of allegations.

003.09 MEMBER RIGHTS

- 1. The member is entitled to an impartial decision maker.
- 2. The member is entitled to notice of charges that have been made, or will be made, as well as actions that will or may be taken against them.
- 3. The member is entitled to appeal a suspension imposed by the Chief as a result of an investigation as outlined in this SOP and may request a hearing before the Police and Licensing Committee pursuant to Wisconsin Statute §62.13(5).
 - a. The committee will determine if "Just cause" exists to substantiate the discipline by applying the following standards:
 - i. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
 - ii. Whether the rule or order that the subordinate allegedly violated is reasonable.
 - iii. Whether the chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.

- iv. Whether the chief's effort, to discover if the subordinate actually violated the rule or order, was fair and objective.
 - v. Whether the chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
 - vi. Whether the chief is applying the rule or order fairly and without discrimination against the subordinate.
 - vii. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the chief's department.
- 4. The member is entitled to representation.
 - 5. The member is entitled to confront and cross examine his or her accusers.
 - 6. The member is entitled to present evidence and argue his or her view of the facts.



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