
Department Incident Review Procedure

1019.1 PURPOSE AND SCOPE

The purpose of this procedure is to create a process for the review of any incident where training, tactics, equipment, resources, or practices employed by members of this department would benefit from an objective evaluation to ensure that department policy, procedures, and best practices are being applied. In addition, this procedure will identify the process for an Incident Review Board (IRB) and a suggested form of progressive discipline for incidents for which corrective measures may apply.

1019.2 PROCEDURE

Department Incident Reviews, hereinafter referred to as DIR's will be completed by the involved employee's lieutenant. If the incident involves a member of management, the incident will be reviewed by his/her supervisor or by a member of the department designated by the Division Captain or the Chief of Police if the involved employee is a Division Captain.

Incidents requiring review are:

- (a) Traffic collisions involving on duty personnel.
- (b) Traffic collisions involving off-duty personnel while using department issued, take home vehicles.
- (c) Incidents of lost or damaged department property.
- (d) Any incident where there is a determination by the Chief of Police that a review of the training, tactics, equipment, resources, or practices deployed by members of this department would benefit from a critical review to ensure best practices are being applied on a consistent basis.

Unless otherwise directed by a Division Captain, use of force incidents are not typically subjected to this procedure as they are reviewed through the Blue Team process.

When conducting a DIR, the lieutenant shall review all associated documents to include BWC video, police reports, dispatch communications, etc. The lieutenant can also call upon any department member to provide information about the incident as needed or desired.

After reviewing the incident, the lieutenant will determine if policy, procedure, and best practices were followed. The intent of this review is to determine if training, tactics, equipment, resources, or change to practices employed by members of this department should be implemented.

In the event the incident being reviewed by the lieutenant has the potential for becoming part of any discipline which may exceed the level of a written reprimand, the review shall be suspended, and an Internal Investigation shall be conducted by the Professional Standards Unit, or appropriate unit supervisor or manager.

If, an involved employee makes statements or the investigative circumstances indicate the employee may be subject to disciplinary action, the interview shall immediately be suspended for

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a sufficient period of time to ensure all applicable rights and privileges are afforded to the involved employee.

1019.3 INCIDENT REVIEW BOARD

If needed, an Incident Review Board, hereinafter referred to as the IRB, will be created and shall be staffed as follows:

- One Command officer appointed by the Chief of Police.
 - One sergeant chosen by the UCPOA.
 - One police officer agreed upon by the other forementioned board members.
 - If the incident being reviewed involved a non-sworn member of the department, a full-time non-sworn member can be added to the IRB.
 - Involved employees should not participate on the IRB conducting the incident review.
- (a) The IRB shall be chaired by the ranking member and should include at least two additional members.
 - (b) Upon referral of a matter to the board, the chairperson of the board may require any department member to appear before the board and provide information as needed.
 - (c) The chairperson of the board shall create a complete list of all persons to be interviewed during the IRB. That list shall be provided to the involved member(s), prior to the board convening.
 - (d) Member(s) of the department whose incident is subject to review may request the board to hear his/her testimony and such requests should be honored.
 - (e) In the event the incident being reviewed by the board has the potential for becoming part of any discipline which is anticipated to exceed a written reprimand, the IRB process shall be suspended. An Internal Investigation will then be conducted by the appropriate unit or manager and all applicable rights and privileges will be afforded to the involved employee.
 - (f) If, at any time during the interview process, the employee's responses have the potential to place them in jeopardy of any disciplinary action, the chairperson of the board shall immediately suspend the proceeding for a sufficient period of time to ensure all applicable rights and privileges are observed and afforded to the involved employee.
 - (g) In the event the member(s) of the department whose incident is being reviewed by the board, elects to provide an "expert" in the subject matter being reviewed, they may provide such "expert" at their own expense.
 - (h) Such "expert" shall be subject to examination of their qualifications by members of the board.
 - (i) All matters reviewed by the board shall be deemed confidential and shall not be discussed with any other member of the department unless so directed by the Chief of Police.

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1019.4 FINDINGS

A "Findings" section shall be applied only to those IRB of traffic collisions involving on-duty personnel or off-duty personnel while driving a department vehicle. In these reviews the finding shall be one of the following:

- (a) Preventable; or
- (b) Non-Preventable; or
- (c) Preventable acting within procedure.

1. For the purposes of this directive "Preventable acting within procedure" means the collision would not have occurred if not for some act or omission on the part of the department member, however, the act or omission was clearly necessitated by sound police procedure in accordance with UCPD policy.

All other reviews are intended to provide a critical analysis of performance following any other critical incident to identify potential areas for improvement in training, tactics, equipment, resources, or practices deployed by members of this department.

The board should forward its findings to the Chief of Police, via the chain of command, in writing no later than (3) three working days after the conclusion of the hearing. Findings shall be by majority vote and they shall be reported by the chairperson of the board. A minority report may be forwarded if the minority member of the board elects to do so.

1019.5 EXECUTIVE DETERMINATION

Upon receipt of the written findings from the board, the Support Services Captain will:

- (a) Examine the report.
- (b) Examine the circumstances of the incident, to include review of policy and procedure.
- (c) Review the department member's 6-month evaluation and personnel file.
- (d) Decide the ultimate action.

The below listed factors can help to determine the most appropriate level of progressive discipline. The purpose of the information listed below is intended to be a guideline based on several factors which include, but are not limited to:

- Prior incidents of similar behavior.
- The nature of the incident.
- The outcome of the incident or the outcome of the application of any of the listed actions.

It is important to note that the Support Services Captain or his/her designee may determine the starting point of this progressive discipline scale based on the following:

- (a) The severity of the incident.
- (b) The nature of the incident.

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- (c) Prior incidents which appear to show a pattern of similar behavior.

After reviewing the findings, the Support Services Captain or his/her designee can decide to use the following actions. Some considerations are listed for each action:

(a) **No further action needed:**

1. This determination can be made if the matter reviewed was non-preventable and;
2. A review of the department member's 6-month evaluation and personnel file **does not** contain any other incident findings which could constitute a pattern of similar behavior or necessitate additional training or documentation.

(b) **Notes and Observations or Record of Discussion:**

1. This documentation is not considered discipline and can be used anytime additional documentation is warranted. For example, if a matter was reviewed was deemed preventable and/or;
2. A review of the department member's 6-month evaluation and personnel files **does not** contain any other documented patterns of similar behavior.

(c) **Training Recommended:**

1. This determination can be made if the matter reviewed was preventable and;
2. Anytime the department feels additional training will benefit the employee's performance.
3. In some cases, additional training is recommended when a review of the department member's 6-month evaluation and personnel files have record of a least (1) one other preventable incident finding, which is similar in nature.

(d) **Written Reprimand:**

1. This determination can be made when matters reviewed were deemed preventable and/or;
2. The magnitude of the incident warrants the first level of written discipline, and/or;
3. A review of the department member's 6-month evaluation and personnel file has evidence of other preventable incident findings, which are similar in nature.
4. Generally, the incidents (or similar incidents/performance) should not be more than (24) twenty-four months apart from each other, unless a pattern or practice is identified.
5. Absent some other justification, a written reprimand will remain in the department member's personnel file for a period of no less than (2) two years.
6. A written reprimand is a type of discipline which could result in the dismissal, demotion, suspension, reduction in salary, or transfer for the purpose of punishment. Other than acknowledging receipt of a written reprimand, members are permitted to have a representative of their choice present with them anytime they are required to provide a statement or to ensure all applicable rights and privileges of the member are afforded.

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(e) **Performance Improvement Program (PIP):**

1. A PIP is not considered discipline but is commonly used in conjunction with other disciplinary actions.
2. A PIP can be utilized anytime a supervisor/manager identifies an employee's performance does not meeting standards and requires improvement.
3. In some instances, a review of the department member's 6-month evaluation and personnel file exhibits a clear pattern of poor performance or behavior, and where a PIP might be considered to correct performance or behavioral issues.
4. Typically, the department member's direct supervisor is assigned to create the PIP.
5. The PIP will be designed to:
 - (a) Identify the department member's deficiency.
 - (b) Provide training, resources, and assistance to the member.
 - (c) Set attainable goals and expectations.
 - (d) Provide a mechanism for feedback from the assigned supervisor and;
 - (e) Will have an end date of no less than (6) six months after being issued.
6. A Performance Improvement Program (PIP) is not considered a type of discipline, but it is commonly used in conjunction with other disciplinary actions to improve employee performance or behavior. As a result, a PIP documents performance, which could result in the dismissal, demotion, suspension, reduction in salary, or transfer for the purpose of punishment. Therefore, the member shall be permitted to have a representative of their choice review any notices or findings associated with a PIP to ensure all applicable rights and privileges of the member are observed and afforded.

(f) **Disciplinary Transfer:**

1. A Disciplinary Transfer from a specialized unit (Traffic, SSU, Investigations, etc.) or Department unit (Records, Property, Personnel and Training, etc.) can be recommended if the department member has been afforded one or more of the above listed courses of action and/or;
2. Has shown an inability to perform at the standards required and expectations set by the unit supervisor.
3. A Disciplinary Transfer is a type of discipline which could result in the dismissal, demotion, suspension, or reduction in salary. Therefore, the member shall be permitted to have a representative of their choice present to ensure all applicable rights and privileges of the person being transferred are observed and afforded to them.

- (g) ***Note:** Non-disciplinary Departmental transfers can still occur at the discretion of the Chief of Police, based on staffing and other organizational needs.

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(h) **Disciplinary Suspension:**

1. A Disciplinary Suspension can be recommended if the department member has been afforded one or more of the above listed courses of action and/or;
2. Has continued the identified behavior without improvement and/or;.
3. The severity of the performance or behavior warrants suspension.
4. A Disciplinary Suspension is a type of discipline which could result in the dismissal, demotion, or reduction in salary. Therefore, the member shall be permitted to have a representative of their choice present to ensure all applicable rights and privileges of the person being suspended are observed and afforded to them at all times.

(i) **Termination:**

1. Termination can be recommended at any time for the following:
 - (a) The nature of the incident.
 - (b) The severity of the incident.
 - (c) The department member has been afforded one or more of the above listed courses of action and/or;
2. All other means of progressive discipline have been employed fairly and mindfully and/or;
3. The employee is on probation and continued employment poses a risk to the Department/City, and/or;
4. The member has continued the identified behavior without improvement and/or the behavior has become worse.
5. If a recommendation of termination is made, the member shall be permitted to have a representative of their choice present to ensure all applicable rights and privileges of the member are observed and afforded to them at all times.

1019.6 REVISIONS

Adopted Procedure: September 21, 2021

Revised: February 3, 2022