

MEMORANDUM OF UNDERSTANDING
Discipline Board

This Memorandum of Understanding ("MOU") is entered into by the Las Vegas Metropolitan Police Department ("Department"), and the Police Protective Association, Civilian Employees (collectively "Parties") to revise the discipline process to provide more transparency to the imposition of discipline by creating a Discipline Board and revised Matrix which will provide the employee with a better understanding of the basis of the discipline and more leeway for consideration of mitigating and aggravating factors .

The Parties agree to implement a Discipline Board for all discipline recommendations which are above a written reprimand but less than termination. The Parties also agree to implement the attached Mitigating/Aggravating Factor Matrix, (which is incorporated herein by reference), for the imposition of discipline to be imposed by the Discipline Board. Finally, the Parties agree to the revised grievance process, as stated below.

The following identifies the policy and procedure of the Discipline Board ("Board"):

- I. **Discipline Board Members:** The Board will consist of three voting members: 3 Directors or Captains over civilian bureaus.

- II. **Discipline Board Process**
 - a. **Purpose:** The Board is intended to decide discipline in cases where the recommendation from Labor Relations or the Bureau Commander is a disciplinary transfer or higher, excluding recommendations for terminations (i.e. disciplinary transfers, minor suspensions, major suspensions, or demotions). In other words, any form of discipline other than a written reprimand or recommendations for termination. Use of Force Board, Tactical Review Board, and Accident Review Board recommendations for discipline will be exempt from the Board.
 - i. **Waiver Options:** If both Labor Relations' and the Bureau Commander's recommendations for discipline are the same, the employee may accept the discipline recommendation and waive their right to the hearing. If the employee accepts the recommendation for discipline, they waive the grievance process. The employee or their representative must notify the Department within 5 calendar days of receipt of the notice of discipline that they intend to waive the hearing and agree to the discipline. The parties may agree to an extension of this notification.
 - b. **Scheduling:**
 - i. **Board Scheduling:** Directors/Bureau Commanders will be placed into groups of three (3). The groups will be placed in order. Each group will preside over the Board for a period of one (1) month. Should there be a conflict with one of the Board members an alternate will be used from the next group in line.
 - 1.) A conflict will, be when the Director/Bureau Commander is a subject or witness in the investigation, participated in the investigation, is part of the subject employee's chain-of-command, or has any other relationship with the subject employee which would create an inherent conflict.
 - ii. **Employee Scheduling:** Once a disposition is issued, it will be assigned to an analyst in Labor Relations to review. The analyst will review the case, sustained findings, the Disciplinary Decision Guide, aggravating/mitigating factors, and comparable

discipline (including comparable Supervisory Interventions). The employee's Director/Bureau Commander will also review the case, sustained findings, the Disciplinary Decision Guide, aggravating/mitigating factors, and comparable discipline (including comparable Supervisory Interventions). Based on this review, the analyst and Director/Bureau Commander will decide each of their recommendations for discipline. If either recommendation for discipline, pursuant to the revised Matrix, comparable discipline, and/or aggravating/mitigating factors is for a disciplinary transfer or higher (excluding terminations) the case will proceed to the Board. Once a case has been identified as needing to proceed to the Board, it will be assigned to the first available slot. The employee will receive at least 15 calendar days' notice. Any dispositions or recommendations which come out less than 15 calendar days in advance of the Hearing, will be scheduled for the next month's Hearing. Once the time and date have been selected, Labor Relations will e-mail the employee and their representative a written notice, along with a copy of the Investigative Report, Statement of Complaint, transcripts of any interview/s conducted by IAB, both recommendations for discipline, the comparable discipline, and any other evidence that was relied upon for the recommendation for discipline. The employee may have up to two representatives of their choosing.

- 1) A determination regarding the recommendation for discipline from Labor Relations and the Director/Bureau Commander must be made in a timely manner, ~~no more than 30 days, or 45 days if a pre-discipline meeting is conducted.~~
 - 2) Adjudication of Complaints (AOCs) for discipline (excluding recommendations for termination) which do not proceed to the Board, must be out for approval signatures within 15 business days of both Labor Relations' and the Director's/Bureau Commander's recommendations, the pre-disciplinary meeting or after the employee informs the Director/Bureau Commander or Labor Relations of their intent to waive the Board process, whichever is later.
 - 3) These timelines may be extended with permission from the Assistant Sheriff over the Law Enforcement Administration and Detention Group. Notice of the extension will be provided to the Association.
- c. **Proceeding:** Each hearing will be allotted a one-hour slot. The Hearing is not intended to challenge the sustained findings from Internal Affairs (that can be done during the grievance phase). The hearing is solely meant to identify aggravating and mitigating factors and to determine the level of discipline, or if no discipline is warranted. There will be no witnesses or evidence, other than what is specifically designated below. There will also be no cross-examination of any of the witnesses. The Hearing will proceed in the following order:
- i. **Employee's Director/Bureau Commander** will present their recommendations and reasoning for such discipline. The Director/Bureau Commander will answer any questions from the Board. If the recommendations for discipline from the Director/Bureau Commander and Labor Relations are the same, only Labor Relations will present. However, the Board may ask questions of the Director/Bureau Commander.
 - ii. **Labor Relations** will present their recommendation for discipline and the basis of the recommendation. Labor Relations will also answer any questions from the Board. Only one (1) representative from Labor Relations will be present unless prior approval is granted by the other party.

- iii. **Employee/Representative:** The employee's representative(s) and/or the employee will be permitted to present mitigating factors to explain why the discipline should be less or not given at all. If present, the employee will answer any questions from the Board. The employee may provide a written or oral statement whether or not they're present at the hearing.
 - iv. Board members will review the Investigative Report prior to the Hearing. The Board will ask any relevant questions. The Board should refrain from lecturing the subject employee. At the conclusion of the Hearing the Board will deliberate. The decision of the Board will be by majority vote. The Board will immediately deliver the decision, along with the reasoning for the discipline or why no discipline was given. The Board will inform the parties whether the decision was unanimous. The employee is not required to stay for the issuance of the Board's decision. The chain will decide whether option or abeyance should be given.
- d. **Conclusion of Hearing:** If discipline has been decided by the Board, Labor Relations will draft the Adjudication of Complaint and forward to all Board members for signature. This should be out for signatures within 15 business days from the Board's decision. If discipline is applied by the Board, the employee's chain will deliver the discipline and be responsible for implementation. The timeline may be extended with permission from the Assistant Sheriff over the Law Enforcement Administration and Detention Group. Notice of the extension will be provided to the Association.

- III. **Discovery:** All parties are entitled to both recommendations for discipline, the investigative report, the statement of complaint, any relevant comparable discipline comps, transcripts of any interviews conducted by IAB, the personnel file, and any other evidence relied upon for the recommendation of discipline. The recommendations, the investigative report, the transcripts, the comparable discipline, and the statement of complaint will be automatically given to the subject employee and their representative. The personnel file will only be given upon request. If either side intends to present any other document to support aggravating or mitigating factors, it must be disclosed to the other side, prior to the hearing.
- IV. **Electronic Devices:** This hearing is not permitted to be recorded in any manner. Each side may take notes. Cellular phones are not permitted to be used during the hearing. Should it be necessary to use a cellular phone, that individual will be required to step out.
- V. **Deadlines:** If the last day falls on a weekend or holiday, the deadline will run until the end of the next day which is not a Saturday, Sunday or holiday.

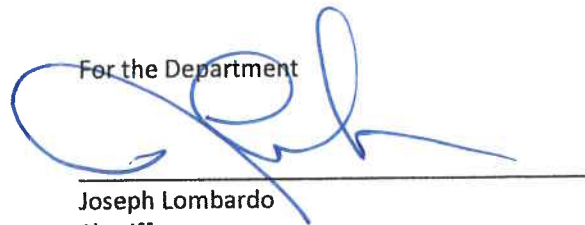
The parties agree this process will be implemented beginning with any dispositions issued on or after April 1, 2020.

For the Association



Carla Scott
President

For the Department



Joseph Lombardo
Sheriff