

DISCIPLINARY PROCEDURES

ADMINISTRATIVE HEARING

Purpose: The purpose of this policy is to establish procedures for formal notification and conduct of pre-disciplinary hearings.

Policy Statement: It is the policy of the North Little Rock Police Department to conduct administrative hearings in all disciplinary cases involving non-probationary members of the police department where suspension, demotion or termination is being considered.

Summary of Changes: New format.

Procedure:

1 Policy

- 1.1 The member will be notified in writing of an administrative hearing. The hearing will be set for at least 72 hours after the member has received written notification. A hearing may be rescheduled for good cause by the Chief of Police.
- 1.2 The Chief of Police, the member's Division Commander and/or designee, or any other personnel as needed by the Chief of Police to facilitate the hearing will be present during the administrative hearing.
- 1.3 The member may present evidence as a defense at the hearing including the calling of witnesses. The Chief of Police shall determine decisions regarding the relevance of such evidence.
- 1.4 The member may request additional investigation if the member believes relevant information has not been included in the investigative file. Such requests must be made in writing to the Chief of Police at least 24 hours in advance of the administrative hearing. The request must contain the specific investigative effort or action requested.

2 Receiving and Returning Documents

- 2.1 The member may request from the office of the Chief of Police copies of any or all documents to be used at the administrative hearing. In order for the member to have time to review the documents, all requests for documents should be granted in a timely manner.
- 2.2 All documents requested will be provided at no charge to the member.
- 2.3 The member will pick up the requested documents from the Professional Standards Unit and sign a receipt for them.
- 2.4 Only the member signing for the documents and/or the member's attorney will view or handle the documents.
- 2.5 The documents will not be copied.
- 2.6 The documents provided to the member are to be returned to the Professional Standards Unit for destruction once the proceedings are concluded.
- 2.7 Upon return of the documents to the Professional Standards Unit, the member will sign a return receipt.

3 Observers

- 3.1 If the member desires, a non-involved member or attorney of the member's choosing may be brought to the administrative hearing to witness the proceedings. Under special circumstances, and at the Chief's discretion non-member, non-attorney observers may be allowed if the request is made in advance of the hearing.
- 3.2 The witness will act only as an observer and will take no part in the proceedings.

4 Decisions

- 4.1 The Chief of Police will decide if a policy or rule violation has occurred and the form of disciplinary action to be taken, if any.
- 4.2 The standard of proof for administration action is preponderance of the evidence.
- 4.3 The Chief of Police will notify the member as soon as possible after the hearing of the resulting decision.
- 4.4 If non-probationary member misconduct results in a decision for dismissal from the Department, the member shall be provided the following information;
 - 4.4.1 A written statement citing the reason for dismissal; [CALEA 26.1.7a]
 - 4.4.2 The effective date of the dismissal; [CALEA 26.1.7b]
 - 4.4.3 A statement of the status of fringe and retirement benefits pursuant to the dismissal. [CALEA26.1.7c]

5 Exigent Circumstances

5.1 The Chief of Police reserves the right to terminate any employee for cause without a pre-disciplinary hearing in exigent circumstances or when the member is unable or fails to appear for the hearing.

Mike Davis
Chief of Police