

## PROFESSIONAL STANDARDS BUREAU

### **NOTICE** 1.13

May 4, 2022

**TO:** All Department Personnel

**FROM:** Commanding Officer, Professional Standards Bureau

**SUBJECT:** WRITTEN ADMINISTRATIVE APPEAL PILOT PROGRAM - REVISED

To increase efficiencies and provide the option to more employees, the Department is revising the Paper Administrative Appeal pilot program. The revised pilot provides appellants an opportunity to appeal the Department's position through a streamlined process, which may now be mutually selected during any point of a pending administrative appeal. This Notice revises the pilot program and details the modified procedure, which will be evaluated for effectiveness at the end of a new one-year period.

The Memorandum of Understanding (MOU) No. 24, Section 9.0 defines the purpose and current procedures for administrative appeals for the following:

- Discipline of 22 days or less, including paper penalties and Not Resolved Findings, involving tenured employees;
- Categorical use of force adjudications resulting in administrative disapproval;
- Non-categorical use of force adjudications resulting in administrative disapproval; and,
- Vehicular pursuit adjudications resulting in administrative disapproval.

#### Paper Administrative Appeal

The written, or "paper," administrative appeal process is optional; the Department and/or appellant may decline in favor of a traditional in-person hearing.

When an appellant opts for an administrative appeal, the Department shall ensure the appellant has a copy of the investigation, addenda, and any additional exhibits the Department intends to introduce ("investigative record"). The Department and appellant will select a hearing examiner for the written appeal process and establish an opening submission deadline for the Department no sooner than 30 days from hearing examiner selection.

By the opening submission deadline, the Department Advocate will serve the Department's written position to the appellant or appellant's representative. Service may be in-person or electronically by email, provided that confirmation of receipt is obtained.

The appellant, on their own or through their representative, shall have 14 days from the date of service to provide a response in writing, if desired, to address the content of the Department's written statement. The response shall be served on the Department advocate in-person or electronically by email.

Upon receipt of the appellant's response, the Department Advocate may submit a reply statement within 14 days. Should the Department Advocate choose to submit a reply to the appellant's response, the Department Advocate will be limited to addressing only the content in the appellant's response; the Department Advocate shall not introduce new evidence or raise additional arguments.

At the conclusion of the 14-day period for the Department's reply, the Department Advocate shall submit the investigative record, a copy of their opening submission, the appellant's response (if applicable), and the Department's reply (if applicable) to the hearing examiner. The Department Advocate will also serve a copy of the Department's reply (if applicable) to the appellant or appellant's representative.

The hearing examiner shall weigh the evidence and submit their decision in writing within 30 days to the Department Advocate. The Department Advocate will submit a copy of this decision to the appellant or appellant's representative and will present the original to the Chief of Police for adoption or rejection. This portion of the process, as detailed in MOU Articles 9.6 and 9.7, remains unchanged.

All other relevant administrative appeal procedures specified in the MOU still apply.

**Note:** The procedures and pilot program described in this Notice are available to administrative appeals. For purposes of determining the one-year pilot period, the date of request for the written appeal option shall be controlling; the written appeal need not be fully completed.

Questions about this Notice should be directed to Advocate Section, Professional Standards Bureau, at (213) 996-2704.



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APPROVED:



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