Bowie Police Department - General Orders

<table>
<thead>
<tr>
<th>TITLE: DISCIPLINARY PROCESS</th>
<th>NUMBER: 322</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFFECTIVE DATE: 7/1/22</td>
<td>REVIEW DATE:</td>
</tr>
<tr>
<td>_NEW X AMENDS _ RESCINDS</td>
<td>DATE: 6/13/11;5/26/16;9/30/191/8/20</td>
</tr>
</tbody>
</table>

**AUTHORITY**

Chief John K. Nesky

**ACCREDITATIONS STANDARDS**

26.1.4, 26.1.5, 26.1.6, 26.1.7, 26.1.8

**TOTAL PAGES**

12

I. POLICY

The Bowie Police Department’s disciplinary system was developed and adopted, by regulation by the Maryland Police Training and Standards Commission, it is a model uniform disciplinary matrix for use by each law enforcement agency in the state of Maryland.

Each law enforcement agency shall adopt the uniform state disciplinary matrix. See Appendix A

The goal of the Disciplinary System is to protect the integrity of the Department.

**Members Sergeant and below who are covered by the Collective Bargaining agreement shall still maintain LEOBR rights in regards Administrative Investigations and complaints on police practice submitted by the public, until the expiration of the FOP Contract June 30, 2024.**

***Lieutenant’s and above are not covered by LEOBR as of July 1, 2022 per HB670. Complaints made by the public and Administrative Investigations on those members shall be handled as outlined in HB670. The Police Accountability Board and Police Charging Committee shall review the findings in cases and make discipline recommendations on complaints submitted by the public.**

II. PURPOSE (CALEA 26.1.5)

The Statewide

Model Disciplinary Matrix is the required framework through which all matters of discipline will be imposed as a result of a sustained disposition from an administrative investigation into an officer’s misconduct. The purpose of this Disciplinary Matrix is to apply disciplinary standards in a fair, equitable and consistent manner statewide.

III. AUTHORITY OF THE CHIEF OF POLICE (CALEA 26.1.5)

A. The Chief of Police has the authority to take disciplinary action against any employee of the Department and to delegate that authority to selected subordinates.

B. The authority to initiate or administer disciplinary action is delegated by the Chief of Police to commanders and supervisors, or those officers in the acting capacity of commanders or supervisors in accordance with the procedures set forth in this order.
C. The authority to suspend in an emergency situation is delegated to the rank of Sergeant/ or above in accordance with LEOBR and will cause an immediate notification, via the chain of command, to the Office of the Chief of Police.

D. All supervisory officers will have the authority to make recommendations of disciplinary actions to a commander or sergeant.

E. Any employee who observes unethical conduct or a violation committed by another employee regardless of rank will report the violation to the offending employee’s supervisor.

F. Only the Chief of Police or his/her designee may suspend an officer of the rank of Sergeant or above.

G. Only the Chief of Police or his/her designee has the authority to suspend any sworn officer without pay subject to the provisions of the LEOBR.

H. The Office of the Chief of Police has the authority to increase or decrease disciplinary recommendations.

I. Employee dismissals must be approved by the City Manager.

IV. COUNSELING FORMS  (CALEA 26.1.4.b)

A. The intent of the Record of Counseling form is to provide supervisors with an instrument to document positive counseling and recommended corrective actions for minor infraction. The goal of counseling is to change negative behavior before punitive discipline is necessary.

B. The form is designed for use as a management tool in those cases initiated by supervisor where counseling and corrective actions are necessary and appropriate, but for which an entry into an employee’s Personnel File is not necessary. Documented counseling is not considered discipline.

C. Instances when a supervisor may consider using the form include any Category I offense or other minor infraction not listed.

D. The form may also be used, at the discretion of the employee’s supervisor, for minor citizen generated complaints where, after initial inquiry, the supervisor determines the incident does not warrant taking formal action, yet feels the incident should be documented and the behavior corrected through a positive supervisory approach.

E. For the form to be an effective supervisory tool, the supervisor must determine, after initial inquiry (listening to the complainant, personal observations, or listening to comments from other employees, etc.), whether the incident, even if true, should be handled through the formal disciplinary process or a remedial action.

V. COMPLETION / MAINTENANCE OF THE RECORD OF COUNSELING FORMS

A. When a supervisor completes the form, it will be discussed in private with the employee who will be requested to sign it before it is placed into the employee’s file.
B. When completed, the form will consist of one original and one copy. The original should be retained by the supervisor as part of his/her supervisory file for a minimum period of one year. If the behavior that led to the counseling has not been corrected then the form may be retained longer.

1. The duplicate copy should be given to the employee.

2. No copies are to be placed in the employee’s Personnel File, and under no circumstances will the form be completed without the employee being given the opportunity to review and make written comments concerning the incident. Signing of the form is optional for the employee.

VI. TRAINING AS A SUPPLEMENT TO DISCIPLINE (CALEA 26.1.4.a)

A. Remedial Training: Because infractions are sometimes committed unintentionally due to an employee’s unfamiliarity with a Department Rule or Procedure, supervisors will strive to identify those instances when training would be more appropriate as a function of discipline than the formal placing of charges.

B. Depending upon the nature of the infraction committed, the Department may elect to utilize training in conjunction with formal disciplinary action. Training shall not be used in lieu of discipline.

C. Training can range from a discussion held in roll-call on a particular topic to a formal course of instruction. Because supervisors work closely with their subordinates and generally know their capabilities better, supervisors are the best judge of when a subordinate would benefit from remedial training.

D. When a supervisor elects to utilize training as a supplement to discipline, the supervisor should:

1. Explain the infraction committed and the expected behavior.

2. Review the rule, policy, or procedure that was violated.

3. Consider discussing the infraction at a future roll-call (without naming the offender) if necessary.

4. Recommend the need for further or more in-depth remedial training to the appropriate Commander.

5. Document all of the above steps in a completed case file.

VII. TAKING PUNITIVE ACTIONS-PROCEDURES AND CRITERIA (CALEA 26.1.4.c)

A. The Department will accept and investigate complaints against its employees of alleged misconduct, and based upon its findings, to exonerate the innocent, establish the guilt of wrongdoers and justly determine the appropriate disciplinary actions promptly.

B. All allegations of misconduct will be formally investigated.

C. To ensure all employees of an effective administrative Disciplinary System, it will be necessary to: establish an effective review of complaints, operate an internal unit responsible for an impartial investigation when merited by the nature of the complaint; and, impanel a board to hear evidence, question witnesses, and after review of the Department’s Disciplinary Action Recommendation Guide, recommend action to the Office of the Chief of Police.
D. Throughout these procedures the rights of the individual police officer and citizens will be acknowledged and will not be compromised.

E. Where applicable, all administrative disciplinary procedures will be consistent with the provisions in the LEOBR.

VIII. REQUIRED ACTIONS BY EMPLOYEE

A. All employees of the Department will assume the obligations of their rank and perform their duties accordingly in the investigation of complaints or allegations of misconduct.

B. Employees of the Department will cooperate fully with the personnel conducting an internal investigation.

C. Command and supervisory personnel will themselves initiate investigations when the alleged violation reported or observed is within the scope of their authority. Violations outside of their authority will be reported properly to higher authority consistent with procedures herein prescribed. Refer to General Order Personnel and Administrative Complaints

D. Untruthfulness committed by any employee of the Department is a very serious transgression and any employee found guilty may be subject to dismissal, or other punishment as may be adjudged.

E. COMPLAINTS OF BRUTALITY: The Department will recognize the following categories of force when investigating complaints of alleged brutality:

1. Excessive Force: Intentional malicious, unjustified use of force resulting in injury or potential for injury.

2. Aggressive Force: Force (continued use of force) in scope, duration, or severity under circumstances when resistance has ceased.

3. Unreasonable Force: Force inappropriate to affect arrest or control situations; includes use of force when none is necessary.

IX. COURTESY COMPLAINTS

A. Courtesy complaints apply to any coarse, profane, or insolent language and/or an action performed by a Department employee, acting in their official capacity, which is offensive to contemporary community standards.

B. Abusive language, which is a serious transgression, will have harsh consequences. Abusive language i.e racial or ethnic slurs, sexual innuendos and other demeaning comments that cast a shadow of bias and/or prejudice on the Agency and the law enforcement profession.

X. COMPLAINT/INVESTIGATION PROCESS

A. Whenever a complaint is filed against a sworn member of the Department, the investigation and interrogation of the accused will be conducted in accordance with the LEOBR.

B. Complaints against civilian personnel will be investigated in a similar manner, excluding the application of the LEOBR.
C. Upon the conclusion of the investigation both the complaint and the Chief of Police will be notified of the results of the investigation. Notification to the complainant will be in writing and addressed to the complainant’s last known address.

XI. SUMMARY PUNISHMENT

A. Consistent with the provisions in the LEOBR, summary punishment may be imposed for minor violations of the Department Rules and Regulations when:

1. The facts which constitute the minor violation are not in dispute.

2. The officer waives the hearing provided under the LEOBR.

3. The officer accepts the punishment imposed by the Office of the Chief of Police.

B. Summary punishment may not exceed three days suspension without pay or a fine of $150.00

C. The offer of summary punishment will be presented to the officer in writing and they will have the option of acceptance or rejection.

D. If an officer is offered summary punishment imposed pursuant to the LEOBR and refuses, the Office of the Chief of Police may convene a one-member or more Hearing Board. The Hearing Board will have the authority to recommend the sanctions as provided by the Maryland Annotated Code for summary punishment. NOTE: This is if the accused member does not agree with the punishment offered. In cases where the charge is being disputed, a formal investigation shall be completed.

E. If a single member Hearing Board is convened, that member need not be of the same rank as the officer for whom the Hearing Board was convened.

XII. PUNISHMENT EXCEEDING SUMMARY PUNISHMENT LIMITS

If the Office of the Chief of Police decides that an appropriate punishment would exceed the limits of summary punishment, or the facts constituting the offense are in dispute, the Office of the Chief of Police will convene an Administrative Hearing Board in accordance with LEOBR to hear the complaint(s) against the officer, unless the officer accepts the punishment offered by the Office of the Chief of Police.

XIII. EMERGENCY SUSPENSIONS

A. Suspensions with Pay:

1. Emergency suspensions with pay may be imposed by the Office of the Chief of Police when it appears that the action is in the best interests of the public and the Department.

2. A suspension results in the removal of police powers. The Office of the Chief of Police may reassign the officer to restricted duties.

3. Any officer so suspended for possible disciplinary actions will be entitled to a prompt hearing in accordance with LEOBR.
B. Suspensions without Pay

1. The Office of the Chief of Police may suspend an officer without pay if the officer has been charged with the commission of a felony. A suspension results in the removal of police powers.

2. An officer so suspended will be entitled to a prompt hearing.

XIV. APPEALING DISCIPLINARY ACTIONS

A. Employees have a right to appeal disciplinary actions and Hearing Board decisions. An employee waives his/her right to appeal when they accept a punishment or penalty.

B. Appeal Process for Sworn Employees:

1. An officer may refuse summary punishment offered as the result of an internal investigation by requesting a Hearing Board.

2. Pursuant to the provisions of the LEOBR, an officer may appeal a decision rendered by a Hearing Board to the Circuit Court of Prince George’s County.

3. Any party aggrieved by a decision of the Circuit Court may appeal to the Court of Special Appeals.

4. The order to appeal, jurisdiction, service of documents on the Department, notice to other parties and the information required for the petition will be enumerated in the Maryland Rules.

5. Pursuant to the Maryland Rules, appeals shall be filed within 30 days from the date of the Department’s decision regarding disciplinary action.

6. In accordance with Maryland Rules, the filing of the appeal to the Circuit Court involves filing of a memorandum with the Court that sets forth a concise statement of all issues raised on appeal and argument on each issue, including citations of legal authorities and references to pages of transcript and exhibits relied on.

7. Maryland Rules also specify that within 30 days thereafter any other party desiring to be heard, including the appropriate agency when entitled by law to be a party to the appeal, shall file an answering memorandum in the same form.

8. The appellant may file a reply memorandum within 15 days after the filing of any answering memorandum.

9. The Court shall affirm, reverse, or modify the action appealed from, remand the case to the Department for further proceedings, or dismiss the appeal pursuant to Maryland Rules.

C. Appeal Process for Non-Sworn Employees: Any regular classified city employee who has been suspended, demoted or dismissed may appeal the action in writing in accordance with The Code of the City of Bowie, Appeal Procedures.

XV. DISMISSAL OF A DEPARTMENT EMPLOYEE (CALEA 26.1.7)
A. The Department considers the dismissal of an employee as a very serious matter and before a decision is made to dismiss an employee, a careful review will be given to the facts and circumstances which result in this type of action.

B. After a Hearing Board finding of guilty and in accordance with the LEOBR, before the Chief of Police dismisses an officer, the Chief of Police will review the officer’s personnel file and permit the officer to be heard. If the Chief of Police subsequently dismisses the employee, the employee will be provided with the information described below:

1. A statement citing the reason(s) for dismissal;  (CALEA 26.1.7.a)  
2. The effective date of the dismissal;  (CALEA 26.1.7.b)  
3. A statement of fringe benefits including retirement; and,  (CALEA 26.1.7.c)  
4. A statement as to the content of the employee’s record relating to the dismissal.

C. If the Chief of Police is considering the dismissal of an officer for poor performance (non-disciplinary), before the Chief makes that recommendation, he will review the officer’s entire work history and permit the officer to be heard. The Officer is not entitled to counsel at this meeting.

XVI. MAINTENANCE OF DISCIPLINARY RECORDS  (CALEA 26.1.8)

A. Because of their sensitivity and confidentiality, all records of a disciplinary nature will be maintained in a secure file by the Internal Affairs Section.

B. The records will be maintained in the file until such time they are expunged pursuant to the provisions in LEOBR.

XVII. DISCIPLINARY ACTION RECOMMENDATION GUIDE

The guide is designed to promote equity and uniformity in levying certain disciplinary actions.

A. The Department identifies offenses in four separate categories and offers a recommended range of punishment for each category.

B. Once an investigation is complete and a punishment has been recommended, one of the following options will be approved via the chain of command, with the concurrence of the Office of the Chief of Police:

1. Accepted disciplinary action.  
2. Deviations from the recommended categories.  
3. Proposed disciplinary action on cases for which the violation is not listed in the guide.

C. When a violation is not listed, the Operations Division Commander will recommend an action based on the severity of the violation in comparison with the violations that are listed in the guide.

D. A second (or greater) category I, II or III violations of the same offense within 12 months can cause the disciplinary action recommendation to advance to the next higher category, with penalties levied from the higher category.

XVIII. CONSIDERATIONS IN PUNISHMENT
A. It is recognized that good officers make mistakes. When weighing the totality of a situation or complaint, the supervisor charged with the determining punishment should consider the officer’s motive. This agency recognizes the two following motives in determining punishment.

1. Malfeasance: misconduct or wrong doing which is malicious in nature and intent.

   Example: An officer who accepts payment from two secondary employers at the same time by submitting an erroneous pay slip to one or both employers.

2. Misfeasance: misconduct or wrong doing with no malicious intent.

B. Shift/Unit/Squad Supervisors are reminded that progressive discipline is the best method in the building blocks for future and more severe discipline. A Squad/Unit Supervisor should ensure that previous incidents of misconduct are well documented in the form of counseling and mandatory training as a firm foundation for future action. This does not preclude a Shift/Unit Supervisor from moving directly into the Disciplinary Action Guide when circumstance dictates a stronger countermeasure for misconduct.

XIX. DISCIPLINARY ACTION GUIDE

   See Appendix A

XX. DEVIATION FROM PRESCRIBED DISPOSITION

   A member who recommends a disciplinary action other than those proscribed for the sustained violation shall document the aggravating or mitigating factors that justify the deviation.

XXI. TRAFFIC CAMERA DISCIPLINARY GUIDELINES

   The City of Bowie Police Department has established a traffic camera disciplinary guideline. These guidelines are designed to promote safe driving and to protect our officers (both sworn and civilian) and the citizens of this city. Although the Department does not place a speed restriction on employees when they are responding priority, it is vital that they arrive safely at the scene of an incident in order to render assistance. As a result, employees (both sworn and civilian) shall exercise due care and operate their vehicles in a reasonable manner.

   The discipline for these violations may include:
   - Paying the civil fine
   - Departmental fines
   - Removal from the personal car program.

XXII. EVALUATING DISCIPLINE SEVERITY

   See Appendix A
STATEWIDE POLICE DISCIPLINARY MATRIX

Matrix Sub Committee

June 9, 2022

Approved on 6/9/22

Final Document – PTSC APPROVED
PURPOSE

Contained in this document is the Maryland Statewide Model Disciplinary Matrix required by the Maryland Police Accountability Act of 2021 (Public Safety Article, 3-105, Annotated Code of Maryland). The Statewide Model Disciplinary Matrix is the required framework through which all matters of discipline will be imposed as a result of a sustained disposition from an administrative investigation into an officer’s misconduct. The purpose of this Disciplinary Matrix is to apply disciplinary standards in a fair, equitable and consistent manner statewide.

GENERAL PROVISIONS

In order to protect the collective integrity of a law enforcement agency, all matters that may result in discipline shall be imposed pursuant to the Disciplinary Matrix as responsive measures to an officer’s sustained violation of an agency’s policy or other police misconduct. Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline.

Discipline is imposed for first violations and may follow a progressive course for repeat or increasingly serious offenses. This Disciplinary Matrix, and the imposition of discipline, shall not be based on the member’s race, religion, gender expression, gender identity, sex assigned at birth, sexual orientation, national origin, age, ethnicity, or familial relationships. Furthermore, the imposition of discipline shall not be influenced by the high or low profile nature of the incident.

The Matrix includes a breakdown of six (6) different categories of violations, labeled A through F, with A as the lowest level of discipline and F as the highest. Each category is defined, along with example violations. Three penalty levels are included in each category which are based on the number of similar violations in a specified period of time. A disciplinary range is then used for assessing the recommended discipline. Based on aggravating and/or mitigating factors the disciplinary range can increase or decrease upon review of the totality of the circumstances surrounding the sustained violation.

DEFINITIONS
Aggravating Factors — Conditions or events related to the violation that increase the seriousness of the violation and may increase the degree of penalty as specified in the Matrix below. Examples of aggravating factors include, but are not limited to, the following:

- The officer’s prior disciplinary history
- The officer’s prior negative work history, including non-disciplinary corrective action
- The officer’s rank
- The violation was committed willfully or for personal gain
- The officer’s efforts to conceal the violation, or to be untruthful or dishonest
- The officer’s failure to cooperate with the investigation into the alleged misconduct
- The violation was retaliatory in nature
- The violation or behavior was motivated by bias against a member or group of a protected class under the State’s hate crimes law, (Public Safety Article, §10-304, Annotated Code of Maryland).
- The officer’s expressed unwillingness to comply with policy, tactics, or performance standards
- The impact of the violation on the community or the department’s ability to carry out its mission
- The degree to which the violation caused or could have caused the loss of life or injury, and
- The degree to which the violation caused loss or damage to public or private property.

Note: Some aggravating factors may in themselves constitute additional violations of policy associated with separate, higher, ranges of discipline. For example, “efforts to conceal” even a minor violation may themselves constitute separate ethics/honesty violations subject to a higher range of discipline (e.g., lying or destroying/falsifying evidence to conceal a minor violation).

Disciplinary Matrix — a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct. (Public Safety Article, §3-101, Annotated Code of Maryland).

Formal Written Counseling (FWC) – A form of counseling given to employees who have violated an agency’s policy. Formal Written Counseling, the least severe form of disciplinary action, serves as a warning for violations. Further violations of same or similar conduct may result in more severe discipline. A copy of the formal written counseling shall be placed in the officer’s disciplinary file.

Letter of Reprimand (LOR) – A formal letter to an officer from the agency which details the officer’s wrongful actions and states their actions have been deemed inappropriate or unacceptable. Further violations of same or similar conduct may result in more severe discipline. A copy of this letter shall be placed in the officer’s disciplinary file.

Loss of Leave (LOL) – Removal of leave from officer’s accrued leave total (vacation, personal). Loss of leave shall be determined in hours.

Loss of Pay (LOP) – Suspension from duty without pay.

Level (One) – Penalty level for first offense violation.

Level (Two) – Penalty level for second offense of similar conduct.

Level (Three) – Penalty level for third offense or more of similar conduct.
Mediation – A process in which parties in a dispute work with one or more impartial mediators who assist the parties in reaching a voluntary agreement for the resolution of a minor dispute or conflict.

Mitigating Factors – Conditions or events that relate to the violation, but do not excuse or justify the violation, that are considered in deciding the degree of penalty. Examples of mitigating factors include, but are not limited to, the following:

- The officer’s actions are attributable to selfless concern for the well-being of others
- The officer’s lack of disciplinary history
- The officer’s complimentary work history
- The officer’s prior positive work history
- The violation was the inadvertent result of reasonable, otherwise compliant performance
- The officer’s prompt acceptance of responsibility for the conduct and willingness to be held accountable
- The officer’s commission of the violation at the direction of a superior (who might also be subject to separate discipline)
- Unusually serious workplace tensions / stressors, and
- The violation is attributable to limitations beyond the control of the officer that are caused by legally protected physical or mental disabilities and/or conditions.

Penalty Days – The forfeiture of vacation days and/or the imposition of suspension without pay for a specified period of time. The decision to suspend, deduct vacation days, or impose a combination of both, is based upon the severity of the misconduct along with any relevant aggravating and mitigating factors. The local ACC and/or Agency Head shall define a “day” as a specified number of hours depending on the officer’s schedule and/or unit within the agency.


Remedial Training – Training designed to correct the behavior of officers who have failed to perform their duties with the skill, knowledge and/or ability expected and/or required of them, or have otherwise demonstrated a need for additional training.

PROCEDURES

Violation Categories – The Matrix includes six (6) categories. Each offense is categorized by a letter (A-F) that represents the severity of the offenses in that category. Category A is the lowest level of discipline and Category F is the highest level. Each category is defined along with a list of example misconduct violations that fit into that category.

Special Circumstance Categories – Special circumstance categories are specific violations with their own disciplinary ranges.

Factors Influencing Discipline – Mitigating and aggravating factors surrounding a violation may increase or decrease the discipline. Those factors will be considered within the disciplinary range for a specific category.

Multiple Count Adjustments – Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the
same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline. The most serious offense is used as a starting point within a violation category. The other offenses determine whether and how much to increase the discipline within the selected violation category.

**Prior Disciplinary Record - Same Category** – The Matrix incorporates an officer’s prior sustained disciplinary record in determining discipline for a new violation. In each category, there are three penalty levels based on the number of misconduct violations within a specified period of time. Three or more sustained violations in the same category and specified time period will progress to the next higher offense category noted in the Matrix.

**Determining Discipline** – In determining discipline, there must first be an agency policy violation or other police misconduct. Once a violation has been identified, review the violation examples found in the Matrix and select the appropriate offense category. If the specific policy/procedure violation is not listed, review the violation category definition, along with similar example violations and select the most appropriate category. Next, determine if the offense is a first offense or repeat offense and select the appropriate level. The disciplinary section is located to the right of the category definition and level. Each chart includes an acceptable disciplinary range for applicable violations. In addition to the severity of the conduct, mitigating or aggravating factors should be considered prior to making a final determination of discipline. The range of discipline includes formal written counseling (least severe), reprimands, penalty days, and termination (most severe).

**Additional Corrective Measures** – Notwithstanding the penalties in the Matrix, an officer may be referred to counseling, an employee assistance program, training, restitution and/or a demotion. Demotions can be considered for Category D and E violations. Additionally, suspension or removal from a take-home car program and suspension or removal from secondary employment are also options for an ACC to consider. These options may also be imposed by police management, independent of the Local Administrative Charging Committee, consistent with management rights and/or agency policy.

**Violations that Fall into Multiple Violation Categories** – Some violations can fall into multiple categories depending on the severity of the violation. For example, penalties for body-worn camera related violations, insubordination, and harassment may carry more or less severe penalties, depending on which category most accurately fits the member’s actions.

**Notes:**

- PAB/ACCs and Agencies may only deviate from the use of the Matrix when required to do so by court order, consent decree or any other superseding legal authority. The Matrix does not impact police management rights to maintain the order and manage the affairs of an agency in all aspects including, but not limited to, establishing standards of service, transfer or assignment of employees, establishing standards for performance and conduct, and maintaining control and regulation of the use of government equipment and/or property.
- Agencies that operate a formal mediation program are not impacted by this process since it occurs prior to an investigation and is mutually agreed to by both the complainant and officer.
Note: An agency policy violation must first be identified prior to selecting a Violation Category. If the specific policy/procedure violation is not listed in the examples, review the violation category definition, along with similar violations and select the most appropriate category.

**VIOLATION CATEGORY – A**

<table>
<thead>
<tr>
<th>Categories and Descriptions</th>
<th>Level</th>
<th>Disciplinary Range</th>
<th>Mitigating Factors</th>
<th>Aggravating Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category A:</strong> Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.</td>
<td><strong>ONE:</strong> 1&lt;sup&gt;st&lt;/sup&gt; Violation</td>
<td>Formal Written Counseling</td>
<td></td>
<td>Letter of Reprimand</td>
</tr>
<tr>
<td></td>
<td><strong>TWO:</strong> 2&lt;sup&gt;nd&lt;/sup&gt; Violation in 24 Months</td>
<td>Formal Written Counseling</td>
<td></td>
<td>Up to 1 Day Loss of Leave or Loss of Pay</td>
</tr>
<tr>
<td></td>
<td><strong>THREE:</strong> 3&lt;sup&gt;rd&lt;/sup&gt; Violation in 24 Months</td>
<td>GO TO CATEGORY B LEVEL 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Policy Violation Examples for Category A**

*Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.*

- Violation associated with improper attire and grooming (uniformed/non-uniformed)
- Late for duty assignment
- Failure to properly care for agency vehicle, including but not limited to vehicle inspection and maintenance care
- Failure of officer to provide identification when required
- Failure to comply with traffic stop procedures
- Loss of agency property (excluding weapon and radio)
- Parking Violations
VIOLATION CATEGORY – B

<table>
<thead>
<tr>
<th>Categories and Descriptions</th>
<th>Level</th>
<th>Disciplinary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category B: Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.</td>
<td>ONE: 1st Violation</td>
<td>Letter of Reprimand → Up to 2 Days Loss of Leave or Loss of Pay</td>
</tr>
<tr>
<td></td>
<td>TWO: 2nd Violation in 36 Months</td>
<td>1 Day Loss of Leave or Loss of Pay → Up to 3 Days Loss of Leave or Loss of Pay</td>
</tr>
<tr>
<td></td>
<td>THREE: 3rd Violation in 36 Months</td>
<td>GO TO CATEGORY C LEVEL 1</td>
</tr>
</tbody>
</table>

Violation Examples for Category B

Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.

- Rude, discourteous actions towards the public or other employees to include profanity and/or obscene gestures.
- Failure to furnish name, ID number, and assignment
- Officer using their official status, name, or photograph to endorse any product or service connected with law enforcement for personal gain without permission from agency
- Failure to remain alert and awake on duty
- Failure to notify supervisor of the suspension, revocation, or cancellation of driver’s license
- Unauthorized use or wearing agency issued equipment (or use of agency insignia) while working secondary employment
- Failure to make required inspection of agency vehicle for weapons/contraband prior to and after transporting a prisoner
- Operating an agency vehicle beyond jurisdictional boundaries without authorization
- Altering or modifying agency equipment without approval
- Operating an agency vehicle while on sick leave, light duty status, or suspension without authorization
- Failure to submit required report
- Failure to conduct preliminary and follow-up investigation/reporting
- Improper use of Internet or other communications equipment
- Working secondary employment without approval
- Violation of social media policy
- Failure to accept a complaint against an officer
- Failure to obey traffic laws –minor, while operating an agency vehicle
VIOLATION CATEGORY – C

### Categories and Descriptions

**Category C:** Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.

### Level Mitigating Factors → Aggravating Factors

<table>
<thead>
<tr>
<th>Level</th>
<th>Disciplinary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>ONE: 1st Violation</td>
<td>2 Days Loss of Leave or Loss of Pay</td>
</tr>
<tr>
<td>TWO: 2nd Violation in 48 Months</td>
<td>3 Days Loss of Pay or 3 Days Loss of Leave</td>
</tr>
<tr>
<td>THREE: 3rd Violation in 48 Months</td>
<td>GO TO CATEGORY D LEVEL 1</td>
</tr>
</tbody>
</table>

### Violation Examples for Category C

**Note:** The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.

- Failure to notify or report to duty assignment – Absent without leave (AWOL)
- Failure to notify agency that officer has become subject of a criminal investigation
- Failure to properly secure a firearm
- Unauthorized/careless use/handling/display of a weapon
- Carrying an unauthorized firearm, ECD or other weapon in a vehicle or on the officer’s person, on or off duty
- Discharging of firearm in violation of policy – no injury
- Failure to properly search a prisoner incident to arrest
- Improper release/escape of a prisoner (no criminal intent)
- Unnecessary force/excessive force resulting in unknown injury or minor injury
- Failure to document or investigate a physical use of force
- Engaged in secondary employment while on sick leave
- Unauthorized vehicle pursuit—no injury
- Dissemination of confidential information related to a criminal investigation, Criminal Justice Information System (CJIS) or Motor Vehicle Administration (MVA) to unauthorized persons
# VIOLATION CATEGORY – D

<table>
<thead>
<tr>
<th>Categories and Descriptions</th>
<th>Level</th>
<th>Disciplinary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Mitigating Factors</td>
</tr>
<tr>
<td>Category D: <strong>Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 Days Loss of Pay or 5 Days Loss of Leave</td>
</tr>
<tr>
<td></td>
<td>TWO: 2nd Violation in 60 Months</td>
<td>10 Days Loss of Pay</td>
</tr>
<tr>
<td></td>
<td>THREE: 3rd Violation in 60 Months</td>
<td>GO TO CATEGORY E LEVEL 1</td>
</tr>
</tbody>
</table>

*Note: Demotion and/or reduction in rank can also be considered as a part of the disciplinary penalty for Category D*

## Violation Examples for Category D

*Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.*

- Reporting to work with a measurable amount of alcohol in system, (no requirement to be legally intoxicated)
- Failure to provide and/or request needed medical assistance (includes individuals not in custody)
- Failure to notify agency that officer has been charged with a civil or criminal violation, whether by arrest or criminal summons.
- Unauthorized vehicle pursuit– with injury
- Failure to report a firearm or less lethal weapon discharge (includes accidental discharges)
- Failure to report an agency collision
### VIOLATION CATEGORY – E

<table>
<thead>
<tr>
<th>Categories and Descriptions</th>
<th>Level</th>
<th>Disciplinary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Level</td>
<td>Mitigating Factors</td>
</tr>
<tr>
<td><strong>Category E:</strong> Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.</td>
<td>ONE: 1st Violation</td>
<td>15 Days Loss of Pay</td>
</tr>
<tr>
<td></td>
<td>TWO: 2nd Violation in 60 Months</td>
<td>15 Days Loss of Pay</td>
</tr>
<tr>
<td></td>
<td>THREE: 3rd Violation in 60 Months</td>
<td>GO TO CATEGORY F LEVEL 1</td>
</tr>
</tbody>
</table>

**Note:** Demotion and/or reduction in rank can also be considered as a part of the disciplinary penalty for Category E

### Violation Examples for Category E

Using official position to avoid consequences of criminal laws and/or incarcerable traffic violations.

Unnecessary force/excessive force resulting in serious injury

Failure to report a use of force

Engaging in acts of retaliation

Discharging of firearm resulting in injury or death, non-criminal intent

Obstructing or hindering a criminal investigation

Obstructing or hindering internal affairs or an administrative investigation

Affiliation with any person or organization known to be involved in criminal activity
### VIOLATION CATEGORY – F

<table>
<thead>
<tr>
<th>Categories and Descriptions</th>
<th>Level</th>
<th>Disciplinary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category F:</strong> Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency’s mission, vision and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics or character related to an employee’s fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. § 922(g) (Lautenberg) violations.</td>
<td><strong>ONE: ANY VIOLATION</strong></td>
<td><strong>TERMINATION</strong></td>
</tr>
</tbody>
</table>

### Violation Examples for Category F

*Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.*

- Truthfulness: Intentionally making any verbal or written false statement during an official investigation or on any official agency document.
- Enforcement and/or detention of individuals based on discriminatory practices
- Engaging in sexual behavior on duty
- Engaging in sexual behavior in an agency vehicle or facility, on or off duty
- Intentional malicious and unjustified use of force resulting in serious bodily injury or death
- Intentional erasing video footage and/or audio transmissions from digital video camera equipment (BWC/In-Car Camera)
- Converting property/evidence for personal use
- Performing secondary employment while on-duty
- Improper use of controlled dangerous substance (CDS), narcotic, or hallucinogen
- Tampering or manufacturing of evidence
- Knowingly participating or joining an organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.
# SPECIAL CIRCUMSTANCE VIOLATIONS

<table>
<thead>
<tr>
<th>Categories and Descriptions</th>
<th>Level</th>
<th>Disciplinary Range</th>
<th>Mitigating Factors</th>
<th>Aggravating Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRIVING UNDER THE INFLUENCE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category 1: Any off-duty driving under the influence of alcohol and/or drugs which would constitute a violation of law.</td>
<td>ONE: 1st Violation</td>
<td>15 Days Loss of Pay</td>
<td>→</td>
<td>TERMINATION*</td>
</tr>
<tr>
<td></td>
<td>TWO: 2nd Violation</td>
<td>30 Days Loss of Pay</td>
<td>→</td>
<td>TERMINATION*</td>
</tr>
<tr>
<td></td>
<td>THREE: 3rd Violation</td>
<td></td>
<td></td>
<td>TERMINATION*</td>
</tr>
<tr>
<td>Category 1a: Any on-duty or off-duty in a departmental vehicle driving under the influence of alcohol and/or drugs which would constitute a violation of law.</td>
<td>ONE: 1st Violation</td>
<td></td>
<td></td>
<td>TERMINATION*</td>
</tr>
</tbody>
</table>

*Unless prohibited by Executive Order or Government Policy

<table>
<thead>
<tr>
<th>Categories and Descriptions</th>
<th>Level</th>
<th>Disciplinary Range</th>
<th>Mitigating Factors</th>
<th>Aggravating Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>FAILURE TO APPEAR FOR COURT/MVA HEARINGS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category 2: Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category also includes MVA hearings.</td>
<td>ONE: 2 violations in 1 year</td>
<td>Formal Written Counseling</td>
<td>→</td>
<td>Formal Written Counseling</td>
</tr>
<tr>
<td></td>
<td>TWO: 2 additional violations in 2 years</td>
<td>Formal Written Counseling</td>
<td>→</td>
<td>Up to 2 Days Loss of Leave or Loss of Pay</td>
</tr>
</tbody>
</table>

*Resets 1 calendar year from the date of the first violation.
## DEPARTMENTAL COLLISIONS

<table>
<thead>
<tr>
<th>Categories and Descriptions</th>
<th>Level</th>
<th>Disciplinary Range Mitigating Factors</th>
<th>Aggravating Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DEPARTMENTAL COLLISIONS</strong></td>
<td>ONE: 1st Violation up to 12 months</td>
<td>Formal Written Counseling</td>
<td>Letter of Reprimand</td>
</tr>
<tr>
<td><strong>Category 1: Minor Damage(^1) to Police Vehicle and/or Other Property or Vehicle</strong></td>
<td>TWO: 2nd Violation within 0-24 months</td>
<td>Formal Written Counseling</td>
<td>Up to 2 Days Loss of Leave or Loss of Pay</td>
</tr>
<tr>
<td></td>
<td>THREE(^2): 3rd or more Violation within 0-36 months</td>
<td>Letter of Reprimand</td>
<td>Up to 5 Days Loss of Leave or Loss of Pay</td>
</tr>
<tr>
<td><strong>Category 2: Major Damage to Police Vehicle and/or Other Property or Vehicle</strong></td>
<td>ONE: 1st Violation up to 12 months</td>
<td>Formal Written Counseling</td>
<td>Up to 1 Day Loss of Leave or Loss of Pay</td>
</tr>
<tr>
<td></td>
<td>TWO: 2nd Violation within 0-24 months</td>
<td>Letter of Reprimand</td>
<td>Up to 3 Days Loss of Leave or Loss of Pay</td>
</tr>
<tr>
<td></td>
<td>THREE(^2): 3rd or more Violation within 0-36 months</td>
<td>Letter of Reprimand</td>
<td>Up to 10 Days Loss of Leave or Loss of Pay</td>
</tr>
<tr>
<td><strong>Category 3: Injury to Law Enforcement Personnel and/or Civilian</strong></td>
<td>ONE: 1st Violation up to 12 months</td>
<td>Formal Written Counseling</td>
<td>Up to 2 Days Loss of Leave or Loss of Pay</td>
</tr>
<tr>
<td></td>
<td>TWO: 2nd Violation within 0-24 months</td>
<td>Letter of Reprimand</td>
<td>Up to 5 Days Loss of Leave or Loss of Pay</td>
</tr>
<tr>
<td></td>
<td>THREE(^2): 3rd or more Violation within 0-36 months</td>
<td>Letter of Reprimand</td>
<td>Up to 14 Days Loss of Leave or Loss of Pay</td>
</tr>
</tbody>
</table>

\(^1\)Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).

\(^2\)Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.

If gross negligence or reckless operation of a police vehicle is involved in any collision that results in serious injury or death the disciplinary range will increase up to and including termination.
VIOLATION EXAMPLES THAT MAY FALL INTO MULTIPLE VIOLATION CATEGORIES DEPENDING ON THE FACTS OF A CASE

The policy violation examples set forth in this document are not intended to serve as an exhaustive list of prohibitions on officer conduct and activities. Rather, they are intended to be a sampling of policy violations that exist in the majority of law enforcement agencies. Examples of misconduct have been provided in each policy violation category to serve as a guide in determining discipline for officers found to have violated an agency’s policy or general orders/procedures. However, while policy examples outlining acceptable and unacceptable conduct for officers is necessary, not every situation can or will be covered explicitly. Below is a listing of policy conduct violations commonly found in law enforcement policies that may not fall into one specific violation category, but may warrant a higher or lower level of discipline based on the severity of the misconduct.

**ABUSE OF POSITION:** Officers conduct, whether on or off duty, where their authority or position is used for financial gain, obtain or grant privileges or favors, avoid consequences of illegal acts for themselves or others, or to barter, solicit or accept any good or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.

**BWC/IN CAR VIDEO/VIDEO RECORDER EQUIPMENT VIOLATIONS**

**CONDUCT UNBECOMING:** Officer conduct, whether on or off duty, that casts doubt on their integrity, honesty, moral judgment, or character; brings discredit to an agency; or impairs the agency’s efficient and effective operation.

**CUSTODIAL RELATED VIOLATIONS (ABUSE, SECURING, TRANSPORTATION, MEDICAL CARE)**

**DISCRIMINATION AND/OR HARASSMENT TOWARD AN INDIVIDUAL BASED ON RACIAL, RELIGIOUS, ETHNIC, OR OTHER GROUPS OR CLASSES OF INDIVIDUALS PROTECTED BY LAW**

**DUTY TO INTERVENE/FAILURE TO DEESCALATE**

**FAILURE OF SUPERVISOR TO PROPERLY MANAGE PERSONNEL AND/OR FOLLOW SUPERVISORY POLICY**
RESPONSIBILITIES

INSUBORDINATION: Willful failure of an officer to obey a supervisor’s lawful orders.

VIOLATIONS OF FEDERAL, STATE OR LOCAL LAW

WORKPLACE VIOLENCE: Any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs in the workplace or arises out of the employment relationship.