

# **Indianapolis Metropolitan Police Department**

## **Discipline Handbook: Conduct Principles and Disciplinary Guidelines**

**By order of the Chief of Police, these principles and guidelines shall apply to all  
violations occurring on or after January 2022**

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## **Policy Statement**

An effective discipline system is one that is fair, rational, efficient, and consistent, reflects the values of the Department, protects the rights of officers and citizens, promotes respect and trust within the Department and with the community and results in a culture of public accountability, individual responsibility and maintenance of the highest standards of professionalism.

## **Purpose**

The purpose of this Discipline Handbook: Conduct Principles and Disciplinary Guidelines is to provide sworn members of the Indianapolis Metropolitan Police Department (IMPD) with notice of the principles and guidelines which shall be employed by the Department in making disciplinary decisions. This Handbook should be reviewed and considered in conjunction with revisions to Department Rules and Regulations, all other Department policies and procedures related to discipline.

## **Definitions**

Aggravating Circumstance – Any aspect of a violation related to the facts of the incident that increases discipline to more than what is presumptively specified by the disciplinary penalty table.

Culpable Mental State – The intent of the subject officer at the time of the commission of the violation (did the officer act purposely, knowingly, recklessly, or negligently; did the officer know or should they have foreseeably known the violation of their actions.)

Disciplinary Penalty Table – A set of levels that identifies disciplinary penalty for a violation based upon the severity of the violation, the existence of an active reckoning period, and mitigating and/or aggravating circumstances. A copy of the Penalty Table is included Appendix A of this guidebook.

Discipline – For the purposes of this handbook, discipline refers to any action, formal or informal, by the chain of command in response to a violation of the IMPD Rules & Regulations (RR).

Early Intervention System - Provides a supervisory tool to monitor individual job performance. This system can be used to identify those employees in need of review and evaluation to ensure that supervisory input occurs before job stress or other contributing factors necessitate corrective or disciplinary action by the Department.

Look Back Period – The time period in which prior discipline of a similar nature can be used as an aggravating circumstance when determining the appropriate penalty for a new disciplinary action.

Member – A member shall be defined as any sworn, paid police officer of IMPD serving at the rank of captain or below.

Mentoring – The process of using specially selected and trained individuals to provide guidance, pragmatic advice, and continuing support that will help the officer in their learning and development process.

Mitigating Circumstances – Factors considered by the chain of command which may allow for a recommendation of discipline lower than the presumptive penalty.

Performance Improvement Plans – Plans submitted with the discipline Blue Team report outlining expectations for improvement of the disciplined member. This plan must be reflective of the seriousness of the infraction leading to the disciplinary action.

Presumptive Discipline – Penalties for Categories are presumed to be the appropriate outcome and shall be imposed, absent specific articulable mitigating, aggravating or special circumstances overcoming the presumption and justifying a departure from that penalty.

Reckoning Period – The interval of time following the imposition of discipline during which a further disciplinary action within that category will automatically elevate the penalty level for the purposes of assigning disciplinary penalties.

Remedial Training - Training designed to correct the behavior of personnel 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.

Special Circumstances – Any circumstance which may be used by the Command Staff to recommend a penalty not specified in the Penalty Table.

Violation – Action or inaction that is contrary to IMPD Rules and Regulations, General Orders, Division Orders, Special Orders, Procedural Notices, or Standard Operating Procedures.

## **I. The Objectives of an Effective Disciplinary System**

- A. The overall objective of this disciplinary system is to facilitate the orderly functioning and operation of IMPD; to ensure employee adherence to reasonable and acceptable standards of performance and conduct; and to provide fair and equitable consequences for failing to adhere to those standards.
- B. Police officers hold a position of trust – a trust bestowed upon them by the Department and the community and are, in large part, the community’s most visible representatives of government. Arguably more than any other representative of government, they are given enormous discretion in carrying out their duties – discretion which also carries tremendous responsibility. Officers are granted the legal authority to seize property, restrict personal freedom and use force, including deadly force, when appropriate.
- C. Because of the trust placed in them and the enormity of the discretion and authority granted to them, officers must understand the community has every right to expect and demand the highest level of accountability from the Department as well as individual officers. Officers must know that, when they engage in misconduct, they will receive fair and appropriate discipline commensurate with the level of misconduct. Discipline should not be an unexpected event but rather an anticipated consequence of inappropriate conduct.

- D. An effective system is fairly administered, reasonably consistent and based upon department-wide standards known and enforced by all members of the Department and designed to ensure timely results. This system serves the public, the officers, and the administration by uniformly reinforcing the acceptable standards of conduct and presenting a clear methodology for consequences related to a failure to abide by such standards.
- E. An effective disciplinary system results in strengthened relationships and increased levels of trust within the Department as well as with the community by ensuring both clarity in expectations and accountability for the actions of both the Department and the individual officer.

## **II. General Principles of Discipline**

- A. The discipline system must be fairly, efficiently, and consistently administered to promote and maintain a culture of public accountability, individual responsibility, and maintenance of the highest standards of professionalism.
- B. Discipline should reflect the Mission and Values of the Department and promote respect and trust within the Department and with the community.
- C. Discipline should be based upon reasonable notice of the standards by which conduct will be judged and the likely consequences of the failure to adhere to Department rules and policies.
- D. Programs and practices outside the discipline system, such as early intervention systems, Performance Improvement Plans (PIP), EAP or Office of Wellness and Professional Development and the like, which assist officers in adhering to Department standards and modifying behaviors should be promoted and utilized to their fullest extent.
- E. The investigation of allegations of misconduct must be fair, thorough, conducted with full regard for the rights of officers and designed to develop all relevant facts necessary for the fair determination of the issue in question.
- F. Truthfulness is vital to the investigation and review process and shall be expected and demanded of all subject officers, witness officers, complainants, other witnesses, and all persons involved in the investigation and review of allegations of misconduct.
- G. The determination of whether an allegation of misconduct should be sustained must be based upon the application of department-wide standards and the fair consideration of only those facts relevant to the determination.
- H. Where allegations of misconduct are sustained, disciplinary outcomes must be imposed for legitimate purposes and must reflect all facts and circumstances relevant to the determination of appropriate discipline.
- I. Timeliness is essential to the fair administration of discipline. Adherence to reasonably and contractually established timelines for the investigation and review of allegations of misconduct must be a Department priority.

- J. Discipline shall be imposed not later than sixty (60) days after the time IMPD learns of the occurrence giving rise to the discipline unless there is an investigation by Internal Affairs (IA) or a criminal investigation by the Special Investigation Unit (SIU) regarding the incident giving rise to the discipline. In instances of IA IMPD shall impose the discipline not later than thirty (30) days after the Commander of IA has completed the investigation. These deadlines will be extended by the Internal Governance Unit if either party has a reasonable need for an extension up to 30 days.
- K. All facets of the discipline process, including administration, investigation and imposition of discipline shall not discriminate against anyone on the actual or perceived basis of race, color, creed, national origin, ancestry, gender/sex (including pregnancy, childbirth, or caregiver status), sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other basis protected by Federal, State or local law or regulation.
- L. All persons involved in the administration of the discipline process have the duty to carry out their responsibilities fairly and conscientiously in accordance with Departmental procedures and policies.
- M. The administration of discipline must be based upon the fair, consistent application of disciplinary principles and guidelines and the exercise of reasonable and prudent judgment.
- N. No rule or policy shall be created, interpreted, or applied to lead to a result which is unjust, unreasonable, or unconscionable, and contrary to the goals and purposes of the Rules and Regulations.

### **III. Achieving Consistency in Discipline**

- A. To achieve consistent discipline requires the consistent application of guidelines, policies, and procedures throughout the Department and at every level of disciplinary review to:
  1. Ensure consistency in determining whether a violation of Department rules has been proven;
  2. Ensure consistency in determining a fair and reasonable disciplinary penalty if a violation has been proven; and
  3. Ensure the disciplinary penalty imposed on any subject officer is consistent with that imposed on other officers in similar circumstances.

### **IV. Practices in Support of an Effective, Efficient Disciplinary System**

- A. An effective and efficient disciplinary system requires an approach that will provide officers with fair notice and a clear understanding of the potential consequences of misconduct and that will result in fair, equal and consistent treatment of all officers. In addition, the tremendous importance of programs and practices that can make the disciplinary system more efficient and effective or that may assist officers in modifying behaviors without the imposition of disciplinary sanctions is of equal value. Among

them are mediation, early intervention systems, education and training, mentoring, and recognition of officers' positive actions on behalf of the Department and the public.

B. Early Intervention Systems

1. Identifying problem behaviors before they result in disciplinary violations is a necessary and useful tool for both officers and supervisors. An early intervention system, to correct problem behavior as soon as it is identified, needs to be outside the disciplinary process and cannot be used in a punitive manner. Early intervention has the potential of benefiting officers and supervisors and the Department.
2. The Early Intervention System (EIS) is specifically designed to give supervisors the tools necessary to assess the performance of officers and to identify when an officer requires additional training, mentoring, supervision or re-assignment.

C. Education and Training

1. All successful professional organizations recognize the importance of continuing education and training. IMPD has long embraced in-service training and education as essential to its success as an organization. By providing officers with the knowledge, skills and abilities needed to perform their duties effectively and safely, the Department will ensure its officers can provide effective, safe and ethical police services to the community.
2. Continuing education and training are intended to teach and develop new skills and knowledge, while reinforcing and strengthening knowledge and skills already learned. Officers, supervisors, and command personnel are encouraged to avail themselves of the training opportunities afforded by the Department as well as outside sources.
3. In addition, Department supervisors should always consider whether an officer needs any remedial training as the result of observations made by peer officers or supervisors or as the result of information obtained from the Early Intervention System (EIS). In cases where an officer is under investigation for misconduct or has been found to have committed misconduct, additional training, in addition to any possible imposition of discipline, should be considered. If the Department is committed to officers remaining on the job, supervisors have a responsibility to ensure the officer receives whatever additional training is necessary to ensure he or she will serve as an effective member of the law enforcement community.

D. Mentoring

1. Mentoring programs provide officers with role models who exemplify the highest level of integrity and competence. IMPD's mentoring process begins with the Field Training Officer (FTO) program for officers who have recently graduated from the police academy. Recent graduates are subject to close supervision by FTO's who have been identified as having the skills and knowledge necessary to train new officers. The Field Training program is

mandatory and may include officers who have completed the program but are temporarily reassigned for re-training.

2. IMPD recognizes mentoring can be of great value to other officers as well. An effective mentoring program would team officers who are particularly successful in certain areas with other officers who could learn from them. Supervisors and Commanders should consider the value of one-on-one mentoring as they become more familiar with the specific strengths and weaknesses of individual officers and as they conduct their regular performance evaluations. The mentoring process would be voluntary for both the involved officer and the mentor.
3. Mentoring is not discipline, nor is it part of the disciplinary process. Its effective practice has the potential of helping officers to avoid the disciplinary process.

**E. Recognition of Positive Actions**

1. The need for recognition of good work done by officers on an ongoing basis is crucial. Department and community acknowledgement of officers through the giving of honors and awards is essential to maintaining good morale within the Department and ensuring community pride and respect for its law enforcement officers.
2. Personal recognition by peer officers, supervisors, command staff, and citizens is strongly encouraged to provide balance to the necessities of the disciplinary system. To accomplish that goal the community and the Department are encouraged to give positive recognition via the Department's web site (indy.gov) and by direct communication to the Department via the Public Affairs Office.

**V. Specific Notice Regarding Practices in Support of the Disciplinary System**

- A. Practices such as early intervention, remedial training and the like are means to affect the performance and conduct of officers apart from the imposition of disciplinary penalty and to improve the efficiency and effectiveness of the disciplinary system. However, none of these is intended to relieve subject officers of responsibility for their misconduct. Therefore, if IMPD does not provide any of the above or the failure to apply any of the programs or practices to any officer or any disciplinary case, this does not create a defense to misconduct or constitute a mitigating circumstance.

**VI. Specific Notice Regarding the Ancillary Consequences of the Disciplinary System**

- A. Pursuant to Section SEC. 279-237 of the "Revised Code of the Consolidated City and County," the disciplinary actions that may be imposed on Department members are "Written Reprimand, Suspension without pay, Demotion, or Discharge," (Refer to pg. 25 of IMPD Rules and Regulations for further). As a matter of practice, the Chief of Police is responsible for other internal practices, procedures, and operational decisions within the Department, as appropriate.
- B. As a result, the Chief of Police may establish practices, make decisions, and enter orders regarding matters not directly related but ancillary to the imposition of



discipline. These can include, but are not limited to, temporary or permanent assignments, regulating on-duty responsibilities, regulating off/extra-duty employment privileges, the ordering of a psychological exam or other work-related examinations, determining necessary remedial training, or entering any other order, restriction or condition deemed appropriate under the circumstances. Therefore, the imposition of any of the above orders, conditions or restrictions may not be considered in determining whether a violation should be sustained and, if so, what the appropriate penalty should be.

- C. Similarly, the imposition of formal disciplinary penalty may also have an impact on future status and benefits including, but not limited to, assignments, promotions, or appointments. The Chief of Police may establish policies and practices regarding any of these. These practices do not constitute the imposition of discipline and should not be regarded as a part of any disciplinary sanction. Therefore, the future impact of the imposition of disciplinary penalty may not be considered in determining whether a violation should be sustained and, if so, what the appropriate penalty should be.
- D. Finally, the imposition of disciplinary penalty will no doubt have personal and financial impact on the subject officer disciplined. Understandably, the impact will vary from officer to officer based upon his/her personal circumstances. For example, a 10-day suspension imposed on a single officer with other sources of income may have less of an impact than the same 10-day suspension imposed on a married officer with three dependents and no other source of income. Similarly, the same suspension imposed on a Captain and a patrol officer will amount to a greater loss of income to the Captain. Because of the endless variables that may exist, it should not be expected that a system of consistent discipline should reasonably take these kinds of differences into account. Therefore, these types of variables may not be considered in determining whether a violation should be sustained and, if so, what the appropriate penalty should be.
- E. In summary, officers should always bear in mind the imposition of discipline may have ancillary consequences which result from the facts and circumstances of the violation and the personal circumstances of the subject officer being disciplined. Those consequences cannot be regarded as part of the disciplinary sanction. In attempting to treat officers in a consistent manner, these ancillary consequences must not play a part in the decision of whether a violation should be sustained or what the appropriate penalty should be.

## **VII. Summary of Determinations to be Made in the Disciplinary Process**

- A. There are four basic determinations which need to be made during the disciplinary process. They include the following:
  - 1. The viability of a complaint must be assessed, and a determination made of how it will be handled.
  - 2. Where appropriate, an investigation must be conducted to determine the facts of the case, the issues in dispute and what, if any, Department rule violations should be considered.

3. Upon review of the allegation to be considered, a determination must be made as to whether there is sufficient evidence to sustain a given specification or whether some other finding should be made.
4. If an allegation is sustained, the appropriate disciplinary penalty must be determined.

#### **VIII. Determining the Facts: Statement Regarding Internal Investigations**

- A. The integrity of the internal investigation process is essential to the fair administration of discipline. No system of discipline can be effective without investigations that can be considered unbiased and trustworthy by members of the Department and the public.
- B. Investigations must be fair, thorough, timely and in accordance with accepted Department policies and procedures. Investigations must be conducted with full regard for the Officers' Bill of Rights and all other rights and respect due to fellow officers. Likewise, they must be conducted with regard for the rights and respect due to non-sworn members of the Department, all complainants and witnesses and all other members of the public.
- C. Investigations must determine all relevant facts necessary for a fair determination of the issue in question. They should not be slanted to favor any interest, affect any outcome, or shield any relevant facts from disclosure.
- D. Truthfulness is vital in an internal investigation. It must be expected and demanded. Department personnel are required to cooperate and be completely truthful or face disciplinary penalty.

#### **IX. Determining Whether a Violation Has Been Proven**

- A. Upon completion of the internal investigation, the disciplinary process requires a determination of whether the violation should be sustained, that is, whether the violation has been proven to have occurred by a preponderance of the evidence. There is a perception that there have been, historically, inconsistencies in decision-making regarding whether violations should be sustained. Because of the multiple steps of review within the department, the determination of whether a violation should be sustained must be addressed on multiple levels. Inconsistency in those determinations can create concerns about the fairness of decision-making. Such fairness can only be accomplished by department-wide consistency at every level of review. Fairness can be viewed in two ways. First, it requires Department rules, regulations, policies, and procedures be applied equally to all officers, regardless of rank. Second, it requires the same standards be used when any individual is reviewing evidence and information regarding any allegation of misconduct.
- B. To help ensure all reviewers of discipline cases at every level of IMPD are applying the same standards, the instructions detailed below (Section X.) must be followed by all persons involved in the review of allegations of misconduct and the determination of whether a violation has been proven.

#### **X. Determining Whether a Violation Has Been Proven – Instructions**

- A. In determining whether a violation of any Departmental rule, regulation, policy, procedure, or directive has been proven, the reviewer must act as a finder of fact. This process is separate and distinct from any consideration of what disciplinary sanction, if any, is appropriate if it is decided that a violation has been proven.
- B. As a finder of fact, the reviewer must rely only upon the evidence in the case, which may be reviewed in whole or in part depending upon the reviewer's assessment of the relevance or importance of evidence. Evidence can consist of witness statements, including those of subject officers, witness officers, and civilian witnesses. Evidence also includes documents, photographs, bodycam recordings, diagrams and facts which are part of the case file.
- C. As the finder of fact, the reviewer must judge the credibility of witnesses and the weight given to their statements. In doing so, he/she should take into consideration the witnesses' means of knowledge, strength of memory and opportunities for observation; the reasonableness or unreasonableness of their statements; the consistency or lack of consistency in their statements; their motives; whether their statement has been contradicted or supported by other evidence; their bias, prejudice, or interest, if any; their manner or demeanor while making statements; and all other facts and circumstances shown by the evidence which affect the credibility of the witnesses.

In considering witness credibility, the reviewer should apply the same criteria to all witnesses regardless of whether the witness is a subject officer, a witness officer, a complainant, a civilian witness, a supervisor or a command officer. The reviewer should not automatically consider any type of witness, such as a citizen or a subject/witness officer, to be more credible than another type of witness simply because a witness is or is not a police officer. Furthermore, he/she is not to afford any degree of credibility to a witness simply because of a witness' rank or grade.

There may be instances where a fact finder receives conflicting evidence and different accountings from different witnesses. This does not necessarily mean a witness is intentionally being untruthful, although it is a possibility to be considered. Discrepancies in a witness' statement or between one witness and another do not necessarily mean either witness should be discounted. Failure of recollection is common. An innocent mistake in recalling events is not uncommon. Two persons witnessing the same event may see, hear, or otherwise perceive it differently. Where such discrepancies exist, the reviewer should consider, based upon all the facts and circumstances, whether the discrepancies result from an intentional falsehood or from some other reason. Additionally, the reviewer should consider whether any discrepancy relates to a matter which is significant or insignificant to the issue to be determined.

Based on all these stated considerations and all the facts, circumstances, and evidence in the case, the reviewer may believe all, part, or none of any witness' statements. He/she may also determine what weight, if any, to give to any witness' statements.

- D. The weight or sufficiency of evidence is not necessarily determined by the number of witnesses presenting evidence in support of or against an issue. An issue should not be decided by the simple process of counting the number of witnesses on opposing sides. The test to be applied is not the number of witnesses but the convincing force of the evidence presented by the witnesses.

- E. The reviewer must review the policy, procedure, rule and regulation, SOP's, general order(s), or directive alleged to be violated and apply it to the facts as he/she determines them. The reviewer must do so without regard for whether he/she personally agrees with the policy, procedure, rule, regulation, or directive or whether he/she believes it should be amended or repealed.
- F. The Department always bears the burden of proving a violation has been committed by an subject officer. In determining whether there is sufficient evidence to establish that a violation has occurred, the reviewer must apply the standard of proof known as the preponderance of the evidence. To prove something by a preponderance of the evidence means to prove it is more likely than not. Therefore, the Department has the burden of proving the evidence establishes it is more likely than not the alleged violation was committed, and the subject officer committed it.
- G. In determining whether the burden of proof of preponderance of the evidence has been met, reasonable care and caution should be used to consider all the evidence in the case and the weight the evidence should be afforded. The quantum of evidence that constitutes a preponderance must be sufficient to lead to the reasonable conclusion the subject officer committed the violation which is being considered. A suspicion, belief or opinion not supported by the weight of the evidence is not sufficient.
- H. A finding of whether a violation has or has not been proven by a preponderance of the evidence must be based on a fair and rational consideration of all the evidence and only the evidence in the case. The finding must not be based on or be influenced by any of the following:
1. Guesses or speculation;
  2. Facts not contained in the investigative file;
  3. Sympathy, bias, or prejudice for or against the subject officer, any witness, any other person involved, the Department or its administration, or any other person or entity having an interest in the case;
  4. The reviewer's personal assessment of the subject officer's reputation, work history or discipline history, where such evidence is not a part of the investigative file or is not relevant to the determination of whether there is sufficient evidence to sustain the violation currently being considered;
  5. The rank of the subject officer unless rank is an element of the alleged violation;
  6. The anticipated or perceived effect which the finding may have on the subject officer, such as the penalty that might be imposed or the effect that the finding may have on areas outside of the discipline system but within the discretion of the Chief of Police such as off/extra-duty employment, assignment, appointment, promotion, or the like; or
  7. The anticipated or perceived effect which the finding may have on any witness or other involved person, the Department, or its administration, the public or public opinion, or any other person or entity having an interest in the case.

- I. If the evidence fails to establish, by a preponderance, the subject officer has committed the violation in question or if the evidence is so balanced that a preponderance cannot be determined, the allegation must not be sustained. If the evidence does establish by a preponderance that the subject officer committed the violation in question, then the allegation must be sustained.
  
- J. After reviewing all the evidence, the reviewer must make one and only one of the following findings for each of the allegations considered:
  - 1. **Unfounded:** The investigation indicates the subject officer's alleged actions relating to the Department policy, procedure, rule, regulation, or directive in question did not occur.
  - 2. **Exonerated:** The investigation indicates the alleged actions of the subject officer were within the policies, procedures, rules, regulations, and directives of the department.
  - 3. **Not Sustained:** There was insufficient evidence to either prove or disprove the allegation.
  - 4. **Sustained:** The subject officer's actions were found, by a preponderance of the evidence, to have been in violation of the Department policy, procedure, rule, regulation, or directive in question.
  
- K. Each specification of an alleged violation should be considered separately, and a separate decision reached as to whether there is a preponderance of evidence establishing that the alleged violation occurred. The sustaining of any one allegation does not compel the sustaining of other allegations.

#### **XI. Determining Appropriate Discipline – The Goals and Purposes of Disciplinary Penalty**

- A. Discipline that is to be considered fair and rational should be imposed for legitimate purposes reasonably related to the misconduct being addressed. This is a concept that must be consistently applied throughout the Department. The purposes of discipline must also be understood by all members of the Department, as well as the community if they are to trust that discipline is being justly administered.
  
- B. The purposes to be achieved by the imposition of discipline in any case are properly dependent on all the facts and circumstances of the case. Those purposes may vary based upon a consideration of numerous factors including, but not limited to, the nature and seriousness of the misconduct, the circumstances under which the misconduct was committed, the harm or prejudice arising from the misconduct, and the existence of any relevant mitigating or aggravating circumstances.
  
- C. Among the primary purposes of disciplinary outcomes are the following:
  - 1. To modify/correct the conduct of the disciplined officer
  - 2. To deter future misconduct by the disciplined officer

3. To impose an appropriate penalty on the disciplined officer, considering the nature and seriousness of the misconduct, any mitigating or aggravating circumstances, and the officer's disciplinary and work history
  4. To address/reflect the harm or risk of harm arising from the misconduct and the effects of the misconduct both inside and outside of the Department
- D. In addition, the imposition of appropriate discipline will also serve to help accomplish other goals of the discipline system to include:
1. Ensuring the orderly functioning and operation of the Department and adherence to its established standards of conduct
  2. Reinforcing Department values
  3. Reinforcing training
  4. Effectively managing risk and potential civil liability for officers, the Department, and the City
  5. Establishing trust in and respect for the discipline system and the Department, both internally and in the community
- E. It is important for all members of the Department and the public to understand that the goals and purposes of the discipline system are different from those of the criminal justice and civil law systems. Those systems are administered under separate rules and principles and provide for sanctions which are different from the discipline system.
1. While some of the factors taken into consideration in the civil and criminal systems may overlap with factors considered in the discipline system, it must be remembered that the purposes of disciplinary penalty are different from the purposes of civil and criminal law sanctions. Disciplinary penalties are not intended to function as damages which may be available to an aggrieved party under the civil law. Similarly, disciplinary penalties are not intended to function as sentences or punishment which may be available under the criminal law for officer misconduct that rises to the level of a provable criminal offense. It is not the function of the prosecutor's office, through the criminal justice system, to enforce the rules, regulations, and policies of the police department. Nor is it necessary that an officer be criminally convicted for the Department to discipline the subject officer for misconduct which is prohibited by law.
  2. As noted previously, the imposition of appropriate discipline is designed to accomplish, among other things, the orderly functioning and operation of the Department and ensure adherence to established standards of conduct. The responsibility for accomplishing this goal rests with the Chief of Police through a properly functioning, fair and effective discipline system.

## **XII. The Disciplinary Process**

- A. The disciplinary process and the related paperwork will initiate through the subject officer's chain of command. The frontline supervisors, especially sergeants, are encouraged to begin the process. There are exceptions, which will be discussed below.
- B. Once the Sergeant (or other initiating supervisor) has decided to proceed with discipline, a Blue Team entry will be used to document the narrative of the discipline, the violations, and the recommendations. Depending on the command, the Sergeant should speak to the subject officer and present his/her finding and recommendations. If the Chain of Command chooses, the Sergeant could route the Blue Team to the subject officer, so she/he can put their narrative in for consideration as the discipline progresses. The subject officer will send the Blue Team back to the Sergeant, so it can be forwarded to the Lieutenant.
- C. In a typical disciplinary process, the disciplinary paperwork will progress to the subject officer's Commander. At this level, the Commander should present the subject officer with the current disciplinary recommendation in person. After this meeting, the Commander will route the Blue Team to the subject officer, so the subject officer can indicate whether to have a BOC hearing or not. If it has not already occurred, this may be the opportunity for the subject officer to add her/his account. In some Units, the Captain will be the point at which this happens.
- D. The Commander will submit the Blue Team to IAPro. The Internal Governance Project Assistant will route the Blue Team to the respective Deputy Chief and Assistant Chief for his/her recommendations. The subject officer will be notified via email or inter-department of amended discipline recommendations. This will allow the subject officer to decide whether to request a Board of Captains hearing.
- E. The exceptions would be if the discipline is initiated by a person of higher rank than the first line supervisor or if the discipline is initiated by a supervisor outside the chain of command. For discipline initiated outside the chain of command, the subject officer's Commander should be notified as soon as practical.

### **XIII. Development of the Discipline Categories**

- A. The discipline categories were designed through extensive input from officers, supervisors, legal advisors, executive staff, Fraternal Order of Police, and the Civilian Police Merit Board.
- B. The categories were designed to accomplish the following goals:
  1. Define conduct categories and set discipline levels;
  2. Identify, to the extent possible, what rules and regulations fall into each conduct category;
  3. Identify penalties that would be appropriate for each conduct category and discipline level, while recognizing that all situations are not alike and some flexibility is required;
  4. Identify a fair and reasonable presumptive penalty for each discipline level;

5. Provide fair and reasonable ranges of penalties at each discipline level in the event there are compelling mitigating and/or aggravating circumstances to be considered;
  6. Provide notice to officers and the community of the likely penalty for a violation unless the facts and circumstances justify a different result; and
  7. Provide a framework for consistent discipline based upon Department established standards applicable to all members of the Department.
- C. In defining categories of conduct, deciding what rules and regulations should be placed in each category, and determining reasonable presumptive, mitigated, and aggravated penalties, consideration was given to the nature and seriousness of the conduct proscribed by each Rule and Regulation; how the violation of the Rule and Regulation impacts the operations, mission, values and professional image of the Department; the potential or actual harm, injury or prejudice arising from the violation; and the purposes and goals of disciplinary outcomes. Consideration was also given to prior similar discipline cases, how the Department had previously handled them and the range of disciplinary sanctions which had been previously imposed.

#### **XIV. Categories of Conduct**

- A. There are six categories. Categories range from the least serious to most serious. The categories are defined by the nature of the conduct and the harm/impact on the Department and community resulting from the conduct.
- B. The six categories are:
  1. Category A – Conduct that has a minimal negative impact on the operations or professional image of the Department.
  2. Category B – Conduct that has more than minimal negative impact on the operations or professional image of the Department; or that negatively impacts relationships with other officers, agencies, or the public.
  3. Category C – Conduct that has a pronounced negative impact on the operations or professional image of the Department, or on relationships with other officers, agencies, or the public.
  4. Category D – Conduct that is substantially contrary to the values of the Department or that substantially interferes with its mission, operations, or professional image, or that involves a demonstrable serious risk to officer or public safety.
  5. Category E – Conduct that involves the serious abuse or misuse of authority, unethical behavior, or an act that results in an actual serious and adverse impact on officer or public safety, or to the professionalism of the department.
  6. Category F – Any Felony Violation of Law; Violation of rule or policy so far removed from normal and acceptable professional practice or societal expectations that it egregiously violates the public trust, the oath of office, or the chief's ability to maintain good order and discipline to the point of



presumptively rendering the member unfit for continued employment with the department; or involves any act which demonstrates a serious lack of integrity, ethics or character related to an officers fitness to hold the position of police officer; or involves any conduct which constitutes the failure to adhere to contractual conditions of employment or requirement of certification mandated by law.

- C. Appendix B defines all categories. The appendix also provides examples of the Rules and Regulations that may be applicable for discipline within each category. Additionally, reckoning periods, look back periods and discipline levels are outlined.

## **XV. Assigning Conduct Categories to Specific Rules and Regulations**

- A. Although the pre-determined categories will likely cover much of disciplinary violations, several issues of importance are here noted:
  - 1. A limited number of Rules and Regulations could fit into any or all the conduct categories based upon the nature of the conduct being addressed. An example is RR-VII.A. Members shall perform duties in satisfactory manner and standards of efficiency. Anyone reviewing such a case will need to analyze the factors noted below (Section XV.) and consider the various facts present to determine the most appropriate conduct category.
  - 2. Certain Rules and Regulations could fit more than one but not all conduct categories. An example of this is RR-VI.H. Members shall not mistreat persons who are in their custody. Any violation of that Rule has been determined to be at least a Conduct Category C but could fall into a higher category based upon the facts and circumstances of the violation. Anyone reviewing such a case will need to analyze the various factors noted below (Section XV.) to determine whether the violation should fall into a category higher than C.
- B. No attempt has been made to categorize all sources of allegations of alleged misconduct such as General Orders, other policies and procedures, directives, special orders, training bulletins, or the like. As a general practice, violations of any of these are usually alleged as a violation of RR-I.A. Obey all orders and RR-I.B. Members off duty, suspension, on leave shall conform to Department rules and regulations as if they were not off duty, on suspension, or on leave, which then references the General Order, directive, policy, etc. violated. Again, anyone reviewing misconduct based upon any of these will have to analyze the conduct based upon the factors outlined below (Section XV.) to determine the appropriate conduct category.

## **XVI. Determining Appropriate Conduct Categories – Analysis**

- A. Situations will arise where personnel charged with the responsibility of recommending or ordering disciplinary sanctions will have to determine the appropriate Conduct Category into which the misconduct falls and whether the alleged misconduct satisfies the definition of a category. This is a necessary first step in determining the appropriate sanction. In analyzing the misconduct, the following questions, among others, should be considered:
  - 1. What is the general nature of the misconduct?

2. How does the misconduct relate to the mission, vision, and values of the Department, including the Law Enforcement Code of Ethics?
  3. How does the misconduct impact the operations and image of the Department and its relationship with other agencies or the community?
  4. What is the actual and demonstrable harm or risk of harm involved?
  5. Does the misconduct involve an actual and demonstrable impact on officer or public safety, or a demonstrable serious risk to officer or public safety?
  6. Did the violation result in actual injury to an officer or a member of the public? If so, what is the extent of the injury?
  7. Does the misconduct involve unethical behavior or a serious abuse or misuse of authority?
  8. Did the misconduct foreseeably result in death or serious bodily injury?
  9. Does the misconduct constitute a failure to adhere to any contractual condition of employment or requirement of certification mandated by law?
  10. Is there a Rule and Regulation which has a pre-determined conduct category which addresses similar misconduct that gives any guidance?
  11. Has there been a previous case decided after the implementation of this Discipline Handbook that gives guidance to the appropriateness of the conduct category to be chosen?
- B. In determining the conduct category, the reviewer must continually bear in mind this analysis focuses on the nature of the misconduct and how it conforms to the specific definitions of conduct categories already established. It is not the analysis of mitigating and aggravating circumstances which determines penalties within a given conduct category.
- C. In determining the conduct category, the definition of the category and the analysis described in this section should control the determination of what category applies to the violation in question. No attempt should be made to fit a violation unjustifiably or unreasonably into a conduct category based upon the desire to reach or avoid a certain discipline level or a certain penalty.

## **XVII. Description of Penalty Table**

- A. The disciplinary system has two primary tables: The Penalty Table (Appendix A) and the Category, Violations and Discipline Level Assignments Table (Appendix B).
- B. The Penalty Table identifies:
  1. Seven Discipline Levels (1–7), ranging from least serious to most serious; and

2. The penalties associated with that discipline level, with specification of the presumptive penalty and the mitigated and aggravated penalty ranges.
- C. The Categories, Violations and Discipline Level Assignments Table identifies:
1. The definitions of each Conduct Category (A through F);
  2. Example violations in the form of Rules and Regulations that are found within each of these conduct categories; and
  3. The discipline level assigned to each conduct category based, in part, on the number of offenses of an equal category that have occurred during the specific time periods assigned to that conduct category. This table also shows how the discipline level (levels 1-7) increases by one level for each repeated violation of an equal conduct category during the specified reckoning period.

#### **XVIII. Establishing Presumptive Penalties**

- A. The Penalty Table (Appendix A) identifies a presumptive penalty for each discipline level. The presumptive penalty is tied to the discipline level but will increase if an subject officer has prior sustained violations of the same conduct category within the specified reckoning period. Only prior sustained violations occurring within the specified reckoning period will be considered in the determination of whether the discipline level must be increased.
- B. To achieve consistency, presumptive penalties are presumed to be the reasonable and appropriate penalties to be given. Only when mitigating or aggravating circumstances are established may a departure from the presumptive penalty be justified. Even then, the penalty will remain within the penalty ranges established for the established discipline level unless special circumstances, as explained below (Section XXV.), exist. The factors or circumstances relied upon to find mitigation, aggravation, or special circumstances, must be articulated and in the Blue Team submission.
- C. A presumptive penalty has been established for each conduct category and each discipline level, except for Category F. The presumptive penalties for categories are presumed to be the appropriate sanction and shall be imposed, absent specific articulable mitigating, aggravating or special circumstances overcoming the presumption and justifying a departure from that penalty.

#### **XIX. Considering Prior Violations Which Shall Increase Discipline Levels**

- A. Prior violations of an equal conduct category raise discipline levels when subsequent violations are committed before the expiration of the reckoning periods below. This is set out in the Category, Violations (Appendix B). All prior violations of an equal conduct category committed before the date the Chief of Police imposes discipline for the current violation may be considered to raise disciplinary levels unless the reckoning period has been exceeded. The reckoning periods are as follows:
1. Violations of rules falling into Category A have a reckoning period of 6 months
  2. Violations of rules falling into Category B have a reckoning period of 12 months

3. Violations of rules falling into Category C have a reckoning period of 18 months
  4. Violations of rules falling into Category D have a reckoning period of 24 months
  5. Violations of rules falling into Categories E have a reckoning period of 30 months
  6. Violations of rules falling into Categories F have a reckoning period of 36 months
- B. To determine prior violations which will increase the discipline level, multiple rule violations arising from a single prior incident shall be considered as only one prior violation. The highest conduct category of this prior violation shall be used to determine whether the current discipline level must be increased.
- C. The use of prior sustained violations involving an equal conduct category within the specified reckoning period to increase the discipline level is intended as a form of progressive discipline. These prior violations operate to increase the discipline level and the corresponding presumptive penalty. This increase in discipline is automatic. Prior violations that result in an increase in the discipline level are not to be considered as aggravating circumstances or circumstances as explained below (Section XIX.).

**XX. Consideration of Mitigating and Aggravating Circumstances**

- A. The presumptive penalty assigned to each discipline level may be increased or decreased, based upon mitigating or aggravating circumstances. The reviewer must consider all the circumstances of a case to determine whether the mitigated penalty, the presumptive penalty or the aggravated penalty should be imposed.
- B. In determining mitigating and aggravating circumstances, the reviewer may look to the misconduct itself, the history of the officer involved in the misconduct within the look back period or any other circumstance that might justify a departure from the presumptive penalty. As noted elsewhere in this Handbook, it would be impossible to pre-determine all the factors that might be considered mitigating or aggravating in a case. However, facts and circumstances that may impact procedural processes only, such as factors which might contribute to delays in the timeliness of the investigative or review process of a case, shall not be considered in determining mitigation or aggravation of disciplinary sanctions.
- C. The mitigating and aggravating circumstances considered must be documented in the Blue Team submission.
- D. In determining mitigating and aggravating circumstances, care should be used to ensure that a potentially mitigating or aggravating factor has not already been taken into consideration in the definition of the specific conduct category into which the violation falls or the definition/elements of the specific violation which has been sustained.
- E. Mitigating circumstances may justify a penalty less than the presumptive. However, the presence of mitigating circumstances does not automatically require the imposition of a penalty in the mitigated range. In addition, the presence of mitigating circumstances

cannot support a penalty less than the mitigated range for that discipline level unless there are specified special circumstances as described below (Section XXV.).

- F. Mitigating circumstances may include, but are not limited to:
1. Willingness to accept responsibility and acknowledge wrong- doing;
  2. Circumstances under which the rule was violated;
  3. The intent of the subject officer at the time of the commission of the violation (did the officer act purposely, knowingly, recklessly, or negligently; did the officer know or should they have foreseeably known the violation of their actions.) The allegations may be sustained against the subject officer of the commission of the violation, but the punishment can be mitigated given the surrounding circumstances at the time of the event.;
- G. The above examples are intended only as a guide in determining mitigating circumstances. It is impossible to list all the circumstances which might be considered mitigating in a case. The question any reviewer should contemplate is: Are there any factors not already taken into consideration in the conduct category or the definition of the specific violation that might justify decreasing the disciplinary sanction below the presumptive penalty?
- H. Aggravating circumstances may justify a greater penalty than the presumptive. However, the presence of aggravating circumstances does not automatically require the imposition of a penalty in the aggravated range. In addition, the presence of aggravating circumstances cannot support a penalty that exceeds the aggravated range for that discipline level, unless there are specified special circumstances, as described below (Section XXV.).
- I. Aggravating circumstances may include, but are not limited to:
1. Injury or harm to a member of the public or an officer;
  2. Endangerment to a member of the public or an officer;
  3. The existence of an actual and demonstrable legal or financial risk to the Department or the City (including, but not limited to, cases involving allegations of civil rights violations, unlawful search and seizure, excessive use of force or unlawful detention or arrest);
  4. The supervisor or command rank of the officer who committed the violation on duty (See XX. below);
  5. The officer's prior disciplinary history if committed within the category look back period (See XXI. below);
  6. Actual and demonstrable prejudice to the department;
  7. Jeopardizing the department's mission and/or relationship with other agencies;

8. Damage to city or private property;
9. A criminal conviction of the involved officer arising out of the underlying event;
10. Dishonesty on the part of the officer;
11. Prejudicial conduct regarding race, color, creed, national origin, ancestry, gender/sex (including pregnancy, childbirth, or caregiver status), sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other protected classifications;
12. Harassment or retaliatory conduct;
13. The intent of the subject officer at the time of the commission of the violation (did the officer act purposely, knowingly, recklessly, or negligently; did the officer know or should they have foreseeably known the violation of their actions.) The allegations against the subject officer may be sustained, but the punishment can be aggravated given the surrounding circumstances at the time of the event.;

- J. The above potential aggravators are intended as a guide only. It is impossible to list all the circumstances which might be considered aggravating in a case. The question any reviewer should contemplate is: Are there any factors that have not already been taken into consideration in the conduct category or the definition of the specific violation that might justify increasing the disciplinary sanction above the presumptive penalty?

## **XXI. Rank as an Aggravating Circumstance**

- A. The rank of an officer is not used in any determination if a violation should be sustained, unless that rank is an element of the violation alleged. The rank would be an element of the violation if it is committed while engaged in the duties related to the rank. This would be implicit if the person committing the violation serves in any type of supervisory role. If the person committing the violation holds a supervisory rank but commits the violation while not engaged in a supervisory role, such as during Off/Extra-Duty Employment, the rank would not be a determining factor.
- B. However, the supervisor/command rank of a subject officer who committed a violation may be considered a factor in aggravation which may warrant a penalty higher than the presumptive penalty for that violation. It is appropriate for the Department to have higher expectations for supervisors and command officers than subordinate officers. Further, it is appropriate for the Department to expect that a supervisor or command officer should exercise even greater restraint and circumspection than a subordinate officer. Supervisors are expected to lead by example. They are responsible for holding others accountable and should likewise be accountable.
- C. Nevertheless, the rank of an officer, like other arguably aggravating circumstances, must be weighed in relation to all other factors to determine its significance. It shall not be regarded as an automatic aggravator. The question any reviewer must consider is whether the rank of the officer sufficiently justifies any increase in the disciplinary penalty over that which would be imposed on a non-supervising for similar misconduct,

recognizing that the goal of this discipline system is to treat all officers, regardless of rank, similarly.

## **XXII. Prior Disciplinary History as an Aggravating Circumstance**

- A. An subject officer's prior disciplinary history within the look back period not already used to increase the discipline level may be considered in determining whether the disciplinary penalty should be increased from the presumptive penalty to the aggravated range.
- B. As with any other potentially aggravating factor, the reviewer must determine the weight or significance of the history. Factors which may be considered in the weighing process include, but are not limited to:
  - 1. The nature and seriousness of any prior violation;
  - 2. The number of prior violations;
  - 3. The length of time between prior violations and the current case;
  - 4. The relationship between any prior violation and the present misconduct;
  - 5. Whether the prior history demonstrates a continuation or pattern of the same or similar misconduct; and
  - 6. Whether the prior history demonstrates continuous misconduct, even if minor, evidencing a failure to conform to rules or to correct said behavior.

## **XXIII. Weighing Mitigating and Aggravating Circumstances**

- A. The presence of possible mitigating or aggravating circumstances does not lead automatically to the conclusion that a departure from the presumptive penalty is justified. The factors must be weighed against each other and against the misconduct in question. The presence of one or more mitigating circumstances along with one or more aggravating circumstances may well justify the imposition of the presumptive penalty.
- B. The concept of weighing means determining how significant or insignificant the factors are when compared to each other and to the misconduct in question. This is not a simple process of counting the number of mitigating circumstances or the number of aggravating circumstances. Nor is it an attempt to assign a certain numerical weight to each factor considered. It is a determination of whether the factors justify a decrease or increase in the presumptive penalty.
- C. In this weighing process, consideration must be given to the nature and gravity of the misconduct, the harm, injury or prejudice arising from the misconduct, the impact of the misconduct on Department values, and the specific purposes of discipline to be achieved in the case.
- D. As a rule, the absence of any mitigating circumstances should not be considered aggravating. Likewise, the absence of any aggravating circumstances should not be considered mitigating.

- E. The reviewer's consideration of mitigating or aggravating circumstances and their relative significance or insignificance must be documented in the Blue Team submission.

**XXIV. Explanation for Definitive Ranges of Mitigated/Aggravated Penalties**

- A. In this discipline system, repeated emphasis has been placed on the need to achieve consistency and for all officers to have a clear understanding of the consequences of their misconduct and the likely sanction for that misconduct.
- B. The creation of a disciplinary penalty table which clearly defines the discipline that will result from specific misconduct has been shown to have a positive impact on establishing and maintaining consistency, and reasonably managing supervisor discretion. Additionally, a genuinely positive impact on officers can result from a clear understanding of the potential consequences of misconduct and demonstrable consistency in the penalties given to all officers, regardless of rank, for that misconduct.
- C. It is important that officers and citizens can feel confident that they know the likely disciplinary outcomes of a sustained violation. As a result, the penalty table has been intentionally created with definitive presumptive penalties. By the same token, it is also important that the penalty table incorporate some flexibility to account for unexpected considerations. For these reasons, the penalty table allows for definitive mitigated and aggravated ranges of penalties to better ensure consistency among all officers similarly situated yet allows for varying degrees of mitigation and aggravation within a set range. Therefore, if the determination is made that the conduct violation is either appropriately mitigated or aggravated, the reviewer can recommend a mitigated or aggravated penalty within the ranges prescribed.

**XXV. Policy of Maximum Suspension of 42 Days**

- A. The disciplinary penalty table allows for maximum recommendation of 42 days suspension in cases where lengthy suspension as opposed to termination is considered the appropriate penalty.
- B. The 42-day maximum only indicates the maximum days which may be recommended outside of any special circumstances.

**XXVI. Special Circumstances**

- A. The Special Circumstances discussed in this section may only be invoked by the Chief of Police, Command Staff and/or the Board of Captains (BOC). Except for the Chief of Police, these constitute recommendations with the final authority resting with the Chief of Police.
- B. Any discipline system can only be designed to address a high percentage of cases, and on limited occasions there will be special circumstances which would justify a penalty less than or greater than that allowed. The authority to impose penalties not prescribed in the penalty table is within the sound discretion of the Chief of Police. The Chief may determine going outside the penalty table is reasonable and necessary to avoid injustice. A properly functioning discipline system cannot be so rigidly applied as to mandate a certain penalty or limit a certain penalty where doing so would lead to an unjust result or fail to reflect the totality of the circumstances.



- C. These issues will generally arise in the following situations:
1. Cases involving extraordinary mitigation,
  2. Cases involving extraordinary aggravation,
  3. Cases involving the questions of demotion, or
  4. Cases involving termination where termination is not the presumptive or aggravated penalty indicated by the penalty table.
- D. Extraordinary Mitigation Circumstances
1. If the BOC, a member of the Command Staff, or the Chief of Police believe the facts and circumstances of a case warrant a penalty less than the mitigated penalty allowed for in the penalty table, a lesser penalty may be recommended.
  2. To recommend a penalty less than the mitigated penalty established in the penalty table, it must be concluded that the penalty table fails to appropriately address the conduct, issues specific to the case, or issues specific to the subject officer such as his/her performance, disciplinary history, etc. This could include a factor in mitigation so extraordinary the mitigated penalty called for in the penalty table would be unjust or would not reflect the totality of the circumstances.
  3. The reasons for departing downward from the minimum penalty called for in the penalty table as well as the basis for determining the penalty must be documented and explained.
- E. Extraordinary Aggravation Circumstances
1. If the BOC, a member of the Command Staff, or the Chief of Police believe the facts and circumstances surrounding a case warrant a penalty greater than allowed for in the penalty table, the following are available:
    - a. Suspension of up to 6 months (180 days);
    - b. Demotion; or
    - c. Termination, regardless of whether termination is the presumptive or aggravated penalty specified in the penalty for the current violation.
  2. To recommend or impose a penalty greater than the maximum penalty called for in the penalty table, it must be concluded that the penalty table fails to appropriately address the conduct or the subject officer specific to the case. This could include a factor in aggravation that is so extraordinary that the maximum penalty called for in the penalty table would be inadequate to affect the purposes of discipline or to reflect the gravity of the circumstances even if the maximum penalty were to be imposed.

3. The reasons for departing upward from the maximum penalty called for in the penalty table as well as the basis for determining the penalty must be documented and explained in the Blue Team submission.
4. Listed below are factors to consider in determining whether extraordinary aggravation exists that would warrant the imposition of discipline over and above what is anticipated by the penalty table and could result in a penalty up to and including termination, even above and beyond the presumptive or aggravated penalty range of the penalty for the current violation. These factors include, but are not limited to:
  - a. Commission of a series of acts which constitute a course of conduct characterized by a continued inability or unwillingness on the part of the subject officer to conform to expected standards of conduct;
  - b. Commission of an act or acts which clearly cause a continuing, disruptive effect on the efficient and/or safe operations of the Department or clearly constitute a substantial risk to public safety;
  - c. Commission of an act or acts which call into serious question the officer's trustworthiness and/or integrity which interfere with the continued performance of his or her assigned duties and responsibilities, or demonstrate a serious lack of the ethics, character or judgment necessary to hold the position of police officer;
  - d. Creation of a serious legal or financial risk for the Department or the city arising from the misconduct of an officer or the retention of the subject officer.

F. Demotion

1. Recommendation of demotion of an officer may occur if, after considering all the facts and circumstances surrounding an incident, it is determined that a supervisor or command officer lacks the ability, willingness, or worthiness to perform in the current rank. Demotion reflects the determination that an officer has demonstrated by his/her misconduct that he/she is unfit to fulfill the responsibilities and duties required for his or her current position at the specific rank.
2. The importance of the ability to lead by example, to possess and exhibit integrity, and to perform the duties and responsibilities of the rank in a credible and professional manner cannot be minimized. Supervisors and command officers must maintain a culture in which subordinate officers willingly uphold the Mission and Values and willingly comply with General Order and Rules and Regulations.

G. Termination

1. It must be universally recognized certain acts of misconduct are so serious that the appropriate penalty is a recommendation of discharge. This may result from the severity of the act or acts or from the damage the misconduct causes to the

Department or public. In other circumstances, discharge may be an option when there have been repeated acts of misconduct. Repeated misconduct may result in termination when it is clear lesser corrective or punitive actions are not likely to be effective or would only serve to depreciate the seriousness of the offense. Repeated acts of misconduct may also result in termination where the pattern of conduct gives rise to a demonstrable concern of future civil liability on the part of the Department or the city.

2. Discharge, while a disciplinary option to be used only after careful deliberation, provides a necessary management tool for dealing with the most serious acts of officer misconduct. Certain acts of misconduct are so egregious that discharge is necessary. Discharge may be necessary to both punish the subject officer and protect the public and the Department from the possibility of future egregious misconduct. In the same vein, certain acts of misconduct require the penalty of discharge because they are indicative of the subject officer's inability to continue serving in a position of trust. Discharge may also be necessary because the commission of certain acts of misconduct has caused such damage to the Department that the continuation of employment would prevent the Department from effectively performing its mission in the community, or the retention of the subject officer would constitute deliberate indifference to the duty of the Department to protect the public.
3. The factors listed in the Extraordinary Aggravation (Section XXV.D.) apply equally to the issue of whether discharge may be appropriate.

#### H. Use of Prior Disciplinary History with respect to Special Circumstances

1. The entirety of an subject officer's prior disciplinary history may be considered in determining whether special circumstances exist justifying a penalty more than allowed under the penalty table up to and including demotion or termination.
2. This may include viewing the history beyond reckoning and look back periods.

#### I. Special Circumstances Relating to Progressive Discipline

1. The disciplinary system is intended to be a progressive discipline system in which officers, who engage in multiple incidents of misconduct, are subject to increased disciplinary sanctions. Additionally, rules violations resulting from more egregious misconduct should yield more severe disciplinary sanctions than rules violations resulting from less egregious misconduct. However, if a subject officer has multiple, prior, sustained violations for Rules and Regulations with Conduct Categories less than or equal to the Conduct Category for the current violation, application of the current sustained Rule and Regulations can, in some circumstances, result in a lower disciplinary sanction than if a Rule and Regulations with a lower Conduct Category had been sustained.
2. To assure the imposition of an appropriate disciplinary sanction, whenever application of the current sustained Rule and Regulation would result in a lower disciplinary sanction than application of an Rule and Regulation with a lower Conduct Category (had the lower RR been sustained), the Chief of Police (or

their designees) should determine Special Circumstances exist which require a penalty that results in appropriate progressive discipline. Under such circumstance, the Chief should impose a penalty equal to or greater than the penalty resulting from application of the Rule and Regulation with the lower Conduct Category.

#### **XXVII. Assessing all Circumstances for Consideration in the Application of Special Circumstances**

- A. In assessing the seriousness of any conduct/violation, a reviewer should carefully consider the following questions:
  - 1. What is the purpose of the rule or policy which forbids the conduct?
  - 2. What is the harm against which the rule or policy is intended to guard?
  - 3. What is the overall effect of the misconduct on the goals, values, operation, image, or professional standards of the Department?
- B. When assessing the harm or risk of harm which arises from a violation harm is not limited to physical injury. The term harm is intended to apply to any demonstrable wrong, prejudice, damage, injury, or negative effect/impact which arises from the violation.
- C. In certain instances, conduct is categorized based, in part, upon the foreseeable harm or injury which arises from the conduct (For example, conduct which foreseeably results in serious bodily injury). In determining whether the injury or harm results from the conduct, caution must be used to determine whether there is a sufficient causal connection between the conduct and the foreseeable result to justify holding the subject officer accountable for the result.
- D. In determining the causal connection between a subject officer's violation and the result of the subject officer's conduct, the violation may be based upon an officer's act (for example, inappropriate force which causes serious bodily injury) or an officer's omission or failure to act (for example, an intentional violation of RR-IV.1. - Members shall take proper action when they observe wrongful or negligent behavior by Department members).
- E. When determining whether the results of a violation were foreseeable, caution must be used to consider whether the harm, risk of harm or result was known to or reasonably should have been anticipated by the subject officer at the time of the violation. In determining foreseeability, the reviewer must look to all the facts and circumstances known or which reasonably should have been known to the subject officer at the time of the violation.

#### **XXVIII. Disciplinary Recommendations made to the Chief of Police**

- A. The BOC shall review every disciplinary recommendation taken by anyone except direct discipline imposed by the Chief of Police. The board shall ensure due process and consistency of discipline throughout the department.
- B. Where the recommended discipline is a written reprimand, the BOC may, at its discretion,

either conduct an administrative review of the matter, request further investigation by Internal Affairs or other appropriate investigative unit, or hold a hearing on the matter. The subject officer cannot request a hearing by the BOC in this case.

- C. When the recommended discipline is a suspension, the BOC shall, at the request of the subject officer, hold a hearing on the matter. If the subject officer does not request such a hearing, the Board may, at its discretion, either conduct an administrative review of the matter, request further investigation by Internal Affairs or other appropriate investigative personnel, or hold a hearing on the matter.
- D. The Chief of Police (or designee), after receiving the report from the BOC, may concur with the Board or may revise or reverse the BOC in full or in part. The Chief of Police (or designee) shall notify the charged member, in writing, of his determination and shall include a copy of the BOC's report. A monthly disciplinary report will be provided to the Civilian Police Merit Board each month. If the subject officer allegations are sustained, copies of the findings and recommendations of the BOC and the determination of the Chief of Police are included in the member's personnel file and IAPro.

#### **XXIX. The Role of the Chief of Police in the Disciplinary Process**

- A. Prior to finalizing the discipline, from anyone other than the Chief (Chief's direct discipline), the Chief must provide written notice to the subject officer advising him/her of the charges, an explanation of the evidence supporting those charges and an opportunity to respond to the charges at a pre-disciplinary meeting (BOC).
- B. As such, the Chief of Police shall be guided by these Conduct Principles and Disciplinary Guidelines, including the discipline penalty table, but the Chief has ultimate discretion.
- C. The Chief shall make findings as to each allegation considered and shall determine the discipline, he/she believes to be appropriate by applying the principles, guidelines and procedures detailed herein.

#### **XXX. The Role of the Board of Captains in Recommending Discipline**

- A. As defined in Merit Law, the BOC is responsible for reviewing all discipline, except for Verbal Warnings and Letter of Cautions. In doing so, the BOC is guided by the provisions of Merit Law, the Rules and Regulations and policies and procedures of MPD and all other laws relevant to the imposition of discipline.
- B. The BOC reviews the Blue Team containing a summary of the facts, the subject officer's disciplinary and concise report, and a listing of the violations considered. The BOC will be provided with the entire investigative file and any other documents the board may deem necessary. The recommended finding as to each violation is listed along with the recommended penalty. The investigative file also contains recommendations, if any, from the chain of command and, if applicable, any board that may have been involved in the review of the case. The BOC considers the recommendations but is not bound by them. In the exercise of reasonable discretion, the BOC may give them any weight the board believes they should be accorded.

- C. If the BOC finds that there are insufficient facts or information to make a final determination of appropriate discipline, the BOC may return the case for further investigation or otherwise order that the facts or information be provided.
- D. In sustaining any violations or determining the appropriate discipline, the BOC must follow the same rules, principles, and guidelines, including the penalty table, followed by other reviewers. The BOC must determine the Conduct Category, the discipline level, and the presumptive penalty for each violation. The Board must consider whether any relevant disciplinary history within the specified reckoning period justifies an increase in the discipline level and the corresponding presumptive penalty. The BOC must then consider whether there are any mitigating or aggravating circumstances justifying the imposition of a penalty in the mitigated or aggravated ranges for the appropriate discipline level. The BOC shall also consider whether there are any special circumstances such as extraordinary mitigation or extraordinary aggravation that would justify a lesser or greater penalty than that allowed by the penalty. Finally, the Board shall consider whether there are any special circumstances justifying a recommendation for termination, where termination is not the presumptive or aggravated penalty listed by the penalty table.
- E. The BOC shall make a separate determination of sustained/not sustained for each violation presented.
- F. To avoid unfair impact on the subject officer, the BOC may elect to choose among the allegations sustained, to hold penalties or portions of penalties in abeyance, or to otherwise fashion a disciplinary sanction which more appropriately addresses the nature and totality of the misconduct.
- G. The BOC may recommend a penalty greater or less than the penalty provided for in the penalty table when the conduct justifies a finding of special circumstances. If special circumstances are found, the Board may recommend a penalty less than that provided for by the penalty table or may recommend a suspension of up to 6 months (180 days), a reduction in rank, or termination.
- H. While these Conduct Principles and Disciplinary Guidelines were specifically designed to better accomplish consistency in discipline, the BOC, nonetheless, should consider whether the discipline imposed in any case is consistent with discipline imposed on others in similar circumstances. A determination of whether similar circumstances exist shall be based upon an assessment of the relative degree to which the present case and any prior cases contain the following factors:
  - 1. Similar factual situations
  - 2. Similar disciplinary histories
  - 3. The same or similar facts in aggravation and/or mitigation
  - 4. The same or similar rule violations
  - 5. The application of the same or similar disciplinary policies, principles, and/or guidelines

6. Notice to members of the Department of any change in the disciplinary policies, principles, or guidelines
- I. For discipline to be considered inconsistent, it must be outside a reasonable range of discipline imposed in similar circumstances.
- J. The BOC will submit a written recommendation of discipline to the Chief of Police. The recommendation shall contain a summary of the facts relied upon in reaching the decision, the mitigating/aggravating/special circumstances considered, the subject officer's disciplinary history and concise report, and if needed, an explanation of how the final discipline sanction was determined.
- K. A copy of the BOC recommendation of discipline shall be maintained pursuant to established Department policy.

#### **XXXI. The Role of the Civilian Police Merit Board**

- A. The Civilian Police Merit Board establishes rules and regulations for the police department; develops a classification of ranks, grades, and positions for members of IMPD; and oversees the department's merit system.
- B. Disciplinary actions addressed by the Merit Board on appeal from the officer shall be handled through administrative hearing. This hearing shall be de novo and shall be a hearing of record. In making an appeal, the subject officer shall submit a written request for appeal to the Merit Board within thirty (30) calendar days of notice of final disciplinary action by the Chief of Police. The Merit Board then shall schedule the hearing, providing the subject officer with at least fifteen (15) calendar days' notice prior to the hearing date; however, if there are criminal charges pending against the officer that arose from substantially the same conduct, circumstances, or subject matter that gave rise to the disciplinary action, then the Merit Board shall not conduct the hearing until after such criminal charges have been resolved at the trial level.
- C. The evidence before the Merit Board shall consist of the written charges and action taken on such charges, the findings of fact and recommendations from the Chief and/or the BOC and any other evidence requested by the Merit Board or presented by the subject officer.
- D. The subject officer requesting an appeal and the Chief may be represented by legal counsel before the Merit Board.
- E. After hearing the evidence, the Merit Board shall, by majority vote, reduce its findings and decision to writing. The Merit Board may fully or partially affirm or reverse any portion of the Chief's determination that is appealable. In addition, the Merit Board may remand the action for further review by the Chief.
- F. If the subject officer allegations are not sustained by the Merit Board, any pay he or she may have lost due to suspension, or any rank lost due to demotion, shall be returned to the officer.

### **XXXII. Department Sources of Disciplinary Allegations**

- A. Allegations equate to charges brought against subject officers as notice of the specific violation alleged.
- B. Throughout these Conduct Principles and Disciplinary Guidelines, sources of disciplinary allegations have been variously referred to as Rules and Regulations, directives, policies, procedures, General Orders sections and the like. The use of one reference is not intended to exclude the other. Nor is the use of the references noted in this section intended to exclude any departmental source upon which allegations may be based.

### **XXXIII. Application Considerations Regarding Certain Violations**

- A. Any charge involving Untruthfulness, Conduct Prohibited by Law, Use of Inappropriate Force, Sexual Misconduct, Conduct Prejudicial, Careless Handling of Firearms, Driving Violations Resulting in SBI or Death and Soliciting Preferential Treatment have been identified as violations which may require special consideration in applying the penalty table and the guidelines and principles contained herein
- B. Each individual officer and all persons who review/recommend penalties on any case will be required to understand the terms stated in the specific violations. A list of definitions is provided in this handbook.

### **XXXIV. Establishment of an Enhanced Discipline Database**

- A. The Department maintains data related to the imposition of discipline in its IAPro database.
- B. This database will allow for research into the final orders of discipline for all violations committed after the effective date of the implementation of these Conduct Principles and Disciplinary Guidelines.
- C. The Department shall restrict access to this database, except as provided by law.

### **XXXV. Establishment of the Disciplinary Working Group**

- A. The Disciplinary Working Group shall meet to review and suggest changes, where appropriate, to these Conduct Principles, Penalty Table and Disciplinary Guidelines and other departmental policies and procedures related to discipline.
- B. The Disciplinary Working Group shall be composed of a cross section of Department personnel, including representatives of the bargaining agent as well as persons outside the Department and, shall meet on an annual basis.
- C. The Disciplinary Working Group shall be provided relative anonymous finalized discipline cases to ensure an effective disciplinary system. Recommendations from the Disciplinary Working Group will be submitted to the Deputy of Chief of Oversight, Audit and Performance Division or his/her designee.



#### **XXXVI. Application of these Conduct Principles and Disciplinary Guidelines**

- A. The provisions outlined herein shall apply to all alleged violations of Department rules, policies, etc. committed on or after the announced implementation date of these Conduct Principles and Disciplinary Guidelines.
- B. The implementation date will be announced by the Chief of Police after a reasonable period of training and notice to all members of the department, review by the BOC and approval of the Chief of Police.
- C. Any amendments to these Conduct Principles and Disciplinary Guidelines or other policies and procedures related to discipline shall take effect only upon reasonable prior notice to all members of the department.
- D. In situations where an subject officer has more than one pending discipline case, the cases would be investigated and determined separately unless the cases are unrelated.
- E. In the event a member commits a violation and then commits a second violation within the same category before discipline is administered for the first, both violations will be disciplined at the level the member was on at the time of the first violation. However, the combination of both disciplinary actions will cause the subject officer to advance 2 levels within that category for future discipline.

#### **XXXVII. The Vital Role of All Persons Involved in the Discipline Process**

- A. To ensure an effective discipline system consistent with the stated goals, purposes and policies of these Conduct Principles and Disciplinary Guidelines, all persons involved in the investigation and review of allegations of misconduct are obligated to conscientiously apply the principles and guidelines contained herein and to judiciously follow the procedures outlined. No system of discipline can be perceived as fair, nor can it succeed in promoting respect and trust within the Department or with the community, without such a commitment.
- B. All persons who are involved in the investigation and the review of misconduct, recommend disciplinary findings or sanctions, make decisions at any stage in the disciplinary process, or otherwise participate in the administration of the disciplinary process, as well as their legal or Department representatives, are obligated to keep disciplinary deliberations, recommendations, and rationales confidential except where:
  - 1. disclosure is necessary for the administration of the disciplinary process;
  - 2. approved by the Chief of Police;
  - 3. in accordance with established Department policy and procedure; or
  - 4. required by a court subpoena or other court proceedings, the ordinances of the City, or any applicable state or federal laws.

# Indianapolis Metropolitan Police Department

## Disciplinary System Penalty Table

Level	Mitigated	Presumptive	Aggravated
<b>1</b>	<b>Verbal Warning</b> (Non-Formal Blue Team)	<b>Letter of Caution</b> (Non-Formal Blue Team)	<b>Written Reprimand</b>
<b>2</b>	<b>Letter of Caution</b> (Non-Formal Blue Team)	<b>Written Reprimand</b>	<b>*1-3 Days Suspension</b>
<b>3</b>	<b>Written Reprimand to*1 Day Suspension</b>	<b>*2 Days Suspension</b>	<b>**4-6 Days Suspension</b>
<b>4</b>	<b>**2-3 Days Suspension</b>	<b>**4 Days Suspension</b>	<b>**5-7 Days Suspension</b>
<b>5</b>	<b>***4-6 Days Suspension</b>	<b>***10 Days Suspension</b>	<b>***14-16 Days Suspension</b>
<b>6</b>	<b>***18-22 Days Suspension</b>	<b>***30 Days Suspension</b>	<b>***38-42 Days Suspension</b>
<b>7</b>	<b>Chief's Discretion Including Termination</b>		
<i>*Performance Improvement Plan Suggested (If applicable)</i> <i>**Performance Improvement Plan and Wellness Referral Recommended (If Applicable)</i> <i>***Performance Improvement Plan and Wellness Referral Required</i>			



## Indianapolis Metropolitan Police Department Categories, Violations, and Level Assignments Table

### CATEGORY A Six (6) Month Reckoning Period

CONDUCT THAT HAS A MINIMAL NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT

<u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u>	1st Violation in 6 mos.	2nd Violation in 6 mos.	3rd** Violation in 6 mos.
RR-I.A. Obey all orders (A-F) *			
RR-I.B. Members off duty/suspension/leave shall conform to department's rules (A-F) *			
RR-III.B. Shall not circumvent chain of command	-Level-	-Level-	-Level-
RR-IV.A. Members shall report for duty on time and properly attired			
RR-IV.F. Report to duty at time and place required and physically and mentally fit for duty (A - D) *			
RR-IV.K. Failure to properly maintain and use department equipment			
RR-IV.P. Members making an arrest shall make an immediate and thorough search of prisoner (A-B) *	<b>1</b>	<b>2</b>	<b>3</b>
RR-IV.R. Members shall not testify except where required by law/order/subpoena			
RR-VI.A. When dealing with public, members shall not use language or gestures that are rude/demeaning/affronting			
RR-VI.C. Members shall not disrespect other dept. employees			
RR-VII.A. Members shall perform duties in satisfactory manner and standards of efficiency(A-F) *			
RR-VII.B. Members shall conform to established work standards (A-F) *			
RR-VIII.A. Members shall obey all federal/state/local laws (A-F) *			
RR-VIII.B. Members shall obey all laws of state or local jurisdiction where they are present (A-F) *			
RR-XI.A. No game of chance or wagers in violation of law (A-F) *			
RR-XIV.B. Members shall not intentionally contact, or take any action against, a complainant or a witness involved in the misconduct complaint in retaliation for the complaint (A-F) *			

Levels are based on the number of occurrences within a reckoning period. Violations that are in a category greater or equal to the current violation will increase the penalty by 1 level.

Any prior sustained violation within one (1) year look back period in this category may be considered as an aggravating factor.

\* Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category to identify the appropriate category for the violation.

\*\* The 4<sup>th</sup> sustained violation within a specified reckoning period, may result in more severe discipline up to and including termination for failure to improve.

**Appendix B**

**Indianapolis Metropolitan Police Department  
Categories, Violations, and Level Assignments Table**

**CATEGORY B**

**Twelve (12) Month Reckoning Period**

CONDUCT THAT HAS MORE THAN A MINIMAL NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT; OR THAT NEGATIVELY IMPACTS RELATIONSHIPS WITH OTHER OFFICERS, AGENCIES OR THE PUBLIC.

**EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:**

	1st Violation in 12 mos.	2nd Violation in 12 mos.	3rd** Violation in 12 mos.
RR-I.A. Obey all orders (A-F) *			
RR-I.B. Members off duty, suspension, on leave shall conform to department as if they were not off duty, on suspension, or on leave (A-F) *			
RR-II.A. Conduct detrimental to operation and/or discipline of department (B-F) *	-Level-	-Level-	-Level-
RR-II.D. Treat official business, communications, records as confidential (B-D) *			
RR-II.E. Not take, destroy, tamper with official document (B-D) *			
RR-II.G. Not criticize the department or officers to impair efficient operation of the department			
RR-II.H. Members shall not make untruthful comments on official action of supervisor or other member of the department (B-C) *	<b>2</b>	<b>3</b>	<b>4</b>
RR-III.B. Members shall not circumvent chain of command unless authorized by department order (A-B) *			
RR-III.C. Members shall promptly obey any lawful order (B-C) *			
RR-IV.B. Devote full time duties as working for department			
RR-IV.C. Members shall not leave assigned duty unless relieved			
RR-IV.D. Members shall not sleep on duty (B-C) *			
RR-IV.G. Not take unauthorized sick leave or be absent excessively			
RR-IV.L. Not negligently abuse, damage, lose department issued equipment			
RR-IV.O. Shall make and turn in reports promptly, accurately, and completely			
RR-IV.P. Members making arrest shall make immediate and thorough search of prisoner (A-B) *			
RR-IV.Q. Members to recover or come into possession of lost/stolen/seized/abandoned property shall secure & transport to property branch (B-F) *			
RR-VI.B. In dealing w/ public, members shall not use lewd/obscene/indecent language or gestures (B-D) *			
RR-VI.F. Members shall not drink alcohol on duty nor shall any member report for duty under the influence of intoxicants to any degree (B-F) *			
RR-VI.I. Members shall not mistreat animals in their custody			
RR-VI.J. Members shall not use more force than reasonably necessary (B-E) *			
RR-VI.L. No official department correspondences except in performance of official duty (B-C) *			
RR-VI.N. Shall not officially recommend or suggest the service of another doing business for profit			
RR-VII.A. Members shall perform duties in satisfactory manner and standards of efficiency (A-F) *			
RR-VII.B. Members shall conform to established work standards (A-F) *			
RR-VIII.A. Members shall obey all federal/state/local laws (A-F) *			
RR-VIII.B. Members shall obey all laws of state or local jurisdiction where they are present (A-F) *			
RR-XI.A. No game of chance or wagers in violation of law (A-F) *			
RR-XI.B. Legal gambling wagers in uniform			
RR-XIII.A. No public appearance w/out approval of administrative supervisor			
RR-XIV.B. Members shall not intentionally contact, or take any action against, a complainant or a witness involved in the misconduct complaint in retaliation for the complaint (A-F) *			

Levels are based on the number of occurrences within a reckoning period. Violations that are in a category greater or equal to the current violation will increase the penalty by 1 level.

Any prior sustained violation within a two (2) year look back period in this category may be considered as an aggravating factor.

\* Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category to identify the appropriate category for the violation.

\*\* The 4<sup>th</sup> sustained violation within a specified reckoning period, may result in more severe discipline up to and including termination for failure to improve.



## Indianapolis Metropolitan Police Department Categories, Violations, and Level Assignments Table

### CATEGORY C

#### Eighteen (18) Month Reckoning Period

CONDUCT THAT HAS A PRONOUNCED NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT, OR ON RELATIONSHIPS WITH OTHER OFFICERS, AGENCIES OR THE PUBLIC.

**EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:**

	1st Violation in 18 mos.	2nd Violation in 18 mos.	3rd** Violation in 18 mos.
RR-I.A. Obey all orders (A-F) *			
RR-I.B. Members off duty, suspension, on leave shall conform to department as if they were not off duty, on suspension, or on leave (A-F) *			
RR-II.A. Conduct detrimental to operation and/or discipline of department (B-F) *	-Level-	-Level-	-Level-
RR-II.B. Improve performance, conduct, or attitude following disciplinary action (C-E) *			
RR-II.C. Not have record of continued and/or intentional violations (C-F) *			
RR-II.D. Treat official business, communications, records as confidential (B-D) *			
RR-II.E. Not take, destroy, tamper with official document (B-D) *	<b>3</b>	<b>4</b>	<b>5</b>
RR-II.H. Members shall not make untruthful comments on official action of supervisor or another member of the department (B-C) *			
RR-II.J. Members shall not remove or copy any official document			
RR-III.A. Members shall not insubordinate or act with disrespect to any supervisor (C-D) *			
RR-III.C. Members shall promptly obey any lawful order (B-C) *			
RR-IV.D. Members shall not sleep on duty (B-C) *			
RR-IV.H. Members shall not deliberately restrict their work output or work output of others			
RR-IV.I. Members shall take proper action re: wrongful/negligent behavior by others (C-D) *			
RR-IV.J. Supervisors shall take prompt action when observing wrongful or negligent behavior by department members (C-F) *			
RR-IV.N. Keep and maintain all essential info on investigation they have primary responsibility			
RR-IV.Q. Members to recover or come into possession of lost/stolen/seized/abandoned property shall secure & transport to property branch (B-F) *			
RR-VI.B. In dealing w/ public, no lewd/obscene/indecent language or gestures (B-D) *			
RR-VI.F. Members shall not drink alcohol on duty nor shall any member report for duty under the influence of intoxicants to any degree (B-F) *			
RR-VI.H. Members shall not mistreat persons who are in their custody shall handle such persons in accordance with law and departmental order. (C-F) *			
RR-VI.J. Members shall not use more force than reasonably necessary (B-F) *			
RR-VI.L. No official department correspondences except in performance of official duty (B-C) *			
RR-VI.M. Members shall not intervene in cases assigned to others w/o permission			
RR-VII.A. Members shall perform duties in satisfactory manner and standards of efficiency (A-F) *			
RR-VII.B. Members shall conform to established work standards (A-F) *			
RR-VII.C. Supervisors shall not issue any order which is contrary to law or departmental rule			
RR-VIII.A. Members shall obey all federal/state/local laws (A-F) *			
RR-VIII.B. Members shall obey all laws of state or local jurisdiction where they are present (A-F) *			
RR-IX.C. Members shall answer truthfully re: fitness for duty (C-F) *			
RR-X.A. Members shall disclose any financial interest that may be affected by the department			
RR-XI.A. No game of chance or wagers in violation of law (A-F) *			
RR-XII.A. Shall not knowingly visit any place of questionable character except in official capacity			
RR-XIV.B. Members shall not intentionally contact, or take any action against, a complainant or a witness involved in the misconduct complaint in retaliation for the complaint (A-F) *			

Levels are based on the number of occurrences within a reckoning period. Violations that are in a category greater or equal to the current violation will increase the penalty by 1 level.

Any prior sustained violation within a three year look back period in this category may be considered as an aggravating factor.

\* Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definition contained in each category to identify the appropriate category for the violation.

\*\* The 4<sup>th</sup> sustained violation within a specified time frame, may result in more severe discipline up to and including termination for failure to improve.

**Appendix B**



**Indianapolis Metropolitan Police Department  
Categories, Violations, and Level Assignments Table**

**CATEGORY D**

**Twenty-four (24) Month Reckoning Period**

CONDUCT SUBSTANTIALLY CONTRARY TO THE VALUES OF THE DEPARTMENT OR THAT SUBSTANTIALLY INTERFERES WITH ITS MISSION, OPERATIONS OR PROFESSIONAL IMAGE, OR THAT INVOLVES A DEMONSTRABLE SERIOUS RISK TO OFFICER OR PUBLIC SAFETY.

**EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:**

	1st Violation in 24 mos.	2nd Violation in 24 mos.	3rd** Violation in 24 mos.
RR-I.A. Obey all orders (A-F) *			
RR-I.B. Members off duty, suspension, on leave shall conform to department as if they were not off duty, on suspension, or on leave (A-F) *			
RR-II.A. Conduct detrimental to operation and/or discipline of department (B-F) *	-Level-	-Level-	-Level-
RR-II.B. Improve performance, conduct, or attitude following disciplinary action (C-E) *			
RR-II.C. Not have record of continued and/or intentional violations (C-F) *			
RR-II.D. Treat official business, communications, records as confidential (B-D) *			
RR-II.E. Not take, destroy, tamper with official document (B-D) *	<b>4</b>	<b>5</b>	<b>6</b>
RR-II.F. Shall divulge identity of person giving confidential information, except by law (D-E) *			
RR-III.A. Members shall not insubordinate or act with disrespect to any supervisor (C-D) *			
RR-IV.E. Members shall not feign illness or injury			
RR-IV.I. Members shall take proper action re: wrongful/negligent behavior by others (C-D) *			
RR-IV.J. Supervisors shall take prompt action when observing wrongful or negligent behavior by department members (C-F) *			
RR-IV.M. Members shall not negligently abuse, damage, or lose department issued firearms (D-E) *			
RR-IV.Q. Members to recover or come into possession of lost/stolen/seized/abandoned property shall secure & transport to property branch (B-F) *			
RR-VI.B. In dealing w/ public, no lewd/obscene/indecent language or gestures (B-D) *			
RR-VI.E. Members shall not report to full duty when use of medication impairs effectiveness			
RR-VI.F. Members shall not drink alcohol on duty nor shall any member report for duty under the influence of intoxicants to any degree (B-F) *			
RR-VI.H. Members shall not mistreat persons who are in their custody shall handle such persons in accordance with law and departmental order. (C-F) *			
RR-VI.J. Members shall not use more force than reasonably necessary (B-F) *			
RR-VI.K. Members shall only use their weapons in accordance with state law and department order (D-F) *			
RR-VI.O. Members shall not use official position/badge/credentials for personal advantage or solicitation			
RR-VII.A. Members shall perform duties in satisfactory manner and standards of efficiency (A-F) *			
RR-VII.B. Members shall conform to established work standards (A-F) *			
RR-VIII.A. Members shall obey all federal/state/local laws (A-F) *			
RR-VIII.B. Members shall obey all laws of state or local jurisdiction where they are present (A-F) *			
RR-IX.C. Members shall answer truthfully re: fitness for duty (C-F) *			
RR-XI.A. No game of chance or wagers in violation of law (A-F) *			
RR-XIV.A. Members are prohibited from engaging in all forms or retaliation (D-F) *			
RR-XIV.B. Members shall not intentionally contact, or take any action against, a complainant or a witness involved in the misconduct complaint in retaliation for the complaint (A-F) *			

Levels are based on the number of occurrences within a reckoning period. Violations that are in a category greater or equal to the current violation will increase the penalty by 1 level.

Any prior sustained violation within a four year look back period in this category may be considered as an aggravating factor.

\* Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definition s contained in each category to identify the appropriate category for the violation.

\*\* The 4th sustained violation within a specified time frame, may result in more severe discipline up to and including termination for failure to improve.



## Indianapolis Metropolitan Police Department Categories, Violations, and Level Assignments Table

### CATEGORY E Thirty (30) Month Reckoning Period

CONDUCT THAT INVOLVES THE SERIOUS ABUSE OR MISUSE OF AUTHORITY, UNETHICAL BEHAVIOR, OR AN ACT THAT RESULTS IN AN ACTUAL SERIOUS AND ADVERSE IMPACT ON OFFICER OR PUBLIC SAFETY OR TO THE PROFESSIONALISM OF THE DEPARTMENT.

<u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u>	1st Violation in 30 mos.	2nd Violation in 30 mos.	3rd** Violation in 30 mos.
RR-I.A. Obey all orders (A-F) *			
RR-I.B. Members off duty, suspension, on leave shall conform to department as if they were not off duty, on suspension, or on leave (A-F) *			
RR-II.A. Conduct detrimental to operation and/or discipline of department (B-F) *	-Level-	-Level-	-Level-
RR-II.B. Improve performance, conduct, or attitude following disciplinary action (C-E) *			
RR-II.C. Not have record of continued and/or intentional violations (C-F) *			
RR-II.F. Shall divulge identity of person giving confidential information, except by law (D-E) *	<b>5</b>	<b>6</b>	<b>7</b>
RR-IV.J. Supervisors shall take prompt action when observing wrongful or negligent behavior by department members (C-F) *			
RR-IV.Q. Members to recover or come into possession of lost/stolen/seized/abandoned property shall secure & transport to property branch (B-F) *			
RR-V.A. Members shall not conduct themselves in an immoral and/or indecent manner			
RR-VI.F. Members shall not drink alcohol on duty nor shall any member report for duty under the influence of intoxicants to any degree (B-F) *			
RR-VI.G. Members while in uniform shall not consume alcoholic beverages or engage in activity that would be demeaning to the uniform or the department			
RR-VI.H. Members shall not mistreat persons who are in their custody shall handle such persons in accordance with law and departmental order. (C-F) *			
RR-VI.J. Members shall not use more force than reasonably necessary (B-F) *			
RR-VI.K. Members shall only use their weapons in accordance with state law and department order (D-F) *			
RR-VII.A. Members shall perform duties in satisfactory manner and standards of efficiency (A-F) *			
RR-VII.B. Members shall conform to established work standards (A-F) *			
RR-VIII.A. Members shall obey all federal/state/local laws (A-F) *			
RR-VIII.B. Members shall obey all laws of state or local jurisdiction where they are present (A-F) *			
RR-IX.C. Members shall answer truthfully re: fitness for duty (C-F) *			
RR-XI.A. No game of chance or wagers in violation of law (A-F) *			
RR-XIV.A. Members are prohibited from engaging in all forms of retaliation (D-F) *			
RR-XIV.B. Members shall not intentionally contact, or take any action against, a complainant or a witness involved in the misconduct complaint in retaliation for the complaint (A-F) *			

Levels are based on the number of occurrences within a reckoning period. Violations that are in a category greater or equal to the current violation will increase the penalty by 1 level.

Any prior sustained violation within a five year look back period in this category may be considered as an aggravating factor.

\* Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category to identify the appropriate category for the violation.

\*\* The 4th sustained violation within a specified time frame, may result in more severe discipline up to and including termination for failure to improve.



**Indianapolis Metropolitan Police Department  
Categories, Violations, and Level Assignments Table**

**CATEGORY F**

**Thirty-six (36) Month Reckoning Period**

ANY FELONY VIOLATION OF LAW; VIOLATION OF RULE OR POLICY SO FAR REMOVED FROM NORMAL AND ACCEPTABLE PROFESSIONAL PRACTICE OR SOCIETAL EXPECTATIONS THAT IT EGREGIOUSLY VIOLATES THE PUBLIC TRUST, THE OATH OF OFFICE, OR THE CHIEF'S ABILITY TO MAINTAIN GOOD ORDER AND DISCIPLINE TO THE POINT OF PRESUMPTIVELY RENDERING THE MEMBER UNFIT FOR CONTINUED EMPLOYMENT WITH THE DEPARTMENT; OF INVOLVES ANY ACT WHICH DEMONSTRATES A SERIOUS LACK OF INTEGRITY, ETHICS OR CHARACTER RELATED TO AN OFFICER'S FITNESS TO HOLD THE POSITION OF POLICE OFFICER; OR INVOLVES ANY CONDUCT WHICH CONSTITUTES THE FAILURE TO ADHERE TO CONTRACTUAL CONDITIONS OF EMPLOYMENT OR REQUIREMENT OF CERTIFICATION MANDATED BY LAW.

**EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:**

	1st Violation in 36 mos.	2nd Violation in 36 mos.	3rd** Violation in 36 mos.
RR-I.A. Obey all orders (A-F) *			
RR-I.B. Members off duty, suspension, on leave shall conform to department as if they were not off duty, on suspension, or on leave (A-F) *			
RR-II.A. Conduct detrimental to operation and/or discipline of department (B-F) *	-Level-	-Level-	-Level-
RR-II.C. Not have record of continued and/or intentional violations (C-F) *			
RR-II.I. Members shall not commit any act or behavior that would constitute gross misconduct			
RR-IV.J. Supervisors shall take prompt action when observing wrongful or negligent behavior by department members (C-F) *	<b>7</b>	<b>7</b>	<b>7</b>
RR-VI.P. Members shall not use their official position or badge to avoid consequences of an illegal act			
RR-IV.Q. Members to recover or come into possession of lost/stolen/seized/abandoned property shall secure & transport to property branch (B-F) *			
RR-VI.D. Members shall not use any controlled substance or dangerous drug unless prescribed by someone permitted by law to prescribe such drugs			
RR-VI.F. Members shall not drink alcohol on duty nor shall any member report for duty under the influence of intoxicants to any degree (B-F) *			
RR-VI.H. Members shall not mistreat persons who are in their custody shall handle such persons in accordance with law and departmental order. (C-F) *			
RR-VI.J. Members shall not use more force than reasonably necessary (B-F) *			
RR-VI.K. Members shall only use their weapons in accordance with state law and department order (D-F) *			
RR-VII.A. Members shall perform duties in satisfactory manner and standards of efficiency (A-F) *			
RR-VII. Members shall conform to established work standards (A-F) *			
RR-VIII.A. Members shall obey all federal/state/local laws (A-F) *			
RR-VIII.B. Members shall obey all laws of state or local jurisdiction where they are present (A-F) *			
RR-IX.A. Members shall be cooperative and truthful when testifying in court or administrative hearing			
RR-IX.B. Members shall be truthful in all official reports and correspondence			
RR-IX.C. Members shall answer truthfully re: fitness for duty (C-F) *			
RR-XI.A. No game of chance or wagers in violation of law (A-F) *			
RR-XIV.A. Members are prohibited from engaging in all forms of retaliation (D-F) *			
RR-XIV.B. Members shall not intentionally contact, or take any action against, a complainant or a witness involved in the misconduct complaint in retaliation for the complaint (A-F) *			

Levels are based on the number of occurrences within a reckoning period. Violations that are in a category greater or equal to the current violation will increase the penalty by 1 level.

Any prior sustained violation within a five year look back period in any category this be considered as an aggravating factor.

\* Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definition s contained in each category to identify the appropriate category for the violation.

\*\* The 4th sustained violation within a specified time frame, may result in more severe discipline up to and including termination for failure to improve.