

See PAGES 3 & 5

<b>DISCIPLINE MATRIX PILOT POLICY</b>		Operations Order <b>3.18</b>
<b>PHOENIX POLICE DEPARTMENT</b>	Rev.07/02/12	ADDENDUM A PAGE 1

1. **GENERAL INFORMATION**

- A. Recommendations for discipline will be based upon this Addendum.
- B. Discipline may range from a written reprimand, eight hours to forty hours suspension, demotion, and/or termination.
- (1) Within a three year period from the initial date of a Notice of Investigation (NOI) (as defined in Operations Order 3.18) resulting in a written reprimand, repeated sustained violation/s from within this Addendum will require a Discipline Review Board (DRB) review for consideration of a suspension up to five days (40 hours), demotion, and/or termination.
- (2) Within five years of the date of an NOI (as defined in Operation Order 3.18) resulting in a suspension, repeated violations from within this section are subject to DRB review for a suspension up to five days (40 hours), demotion, and/or termination.

2. **NON-DISCIPLINARY POLICY VIOLATIONS (PERFORMANCE ISSUES)**

- A. Unless classified within this Addendum, supervisors may classify a minor policy violation as a performance issue.
- Repeat performance issues within the time limits enumerated within Operations Order 3.18 may be considered as a policy violation and be subject to discipline.

3. **DISCIPLINE ISSUES**

- A. Written Reprimand Violations - Severity of violation and disregard of policy require a minimum of a written reprimand.
- (1) Benefits/Job Performance:
- (a) Attempt/s to convert an enforcement contact [suspect, Investigative Lead (IL), informant, traffic violator] into a social relationship (on-duty contact)
- (b) Failure to prepare a Departmental Report (DR) when required
- (c) Intentionally disobeying a lawful order from a supervisor
- (2) Equal Opportunity:
- (a) Verbal abuse of/physical confrontation toward another employee (mutual fighting)
- (3) Firearms/Use of Force:
- (a) Carrying (sworn) unauthorized/unapproved weapon and/or ammunition (includes second weapon/shotgun/rifle)
- (b) Careless loss or damage to a City-owned firearm
- (c) Failure to secure a weapon in an appropriate location
- (d) Unauthorized modification/s to a Departmental weapon

<b>DISCIPLINE PROCEDURES PILOT POLICY</b>		Operations Order <b>3.18</b>
<b>PHOENIX POLICE DEPARTMENT</b>	Rev.07/02/12	ADDENDUM A PAGE 2

3. A. (3) (e) Use of unauthorized TASER (on or off-duty)
- (4) Operating a Vehicle:
- (a) Emergency Driving – In a vehicle not meeting the definitions of an emergency vehicle
  - (b) Failure to immediately notify a supervisor of an on-duty police vehicle traffic accident
  - (c) Illegal parking violations; scofflaw designation
  - (d) Without authorization or authority, excessive speed violation as defined in ARS Title 28
  - (e) Pursuit Driving – Failure to terminate pursuit on the order of a supervisor
  - (f) Pursuit Driving – Failure to notify radio/supervisor of involvement in a pursuit
- (5) Prisoners:
- (a) Failed to properly search a prisoner leading to an injury to any person
  - (b) Improper care of a prisoner/failure to provide medical treatment, if required
  - (c) Negligent control/securing of a prisoner
- (6) Supervisors:
- (a) Abusive or derogatory language when addressing a direct report/subordinate
  - (b) Knowingly or intentionally violating an MOU/MOA of any employee association
- (7) Unprofessional Conduct:
- (a) As defined in the Classification Guidance Criteria (section 4 of this Addendum)
  - (b) Sexual activity (off-duty) in a Department facility and/or grounds
  - (c) Soliciting a gratuity
  - (d) Violation of Equal Employment Opportunity (EEO) rules and regulations, inappropriate actions, comment/s, gestures which violate EEO standards (non-supervisory personnel)
- B. Suspension (One-Day) Violations - Increased severity of violation and disregard of policy that commanders/administrators may, with division commander approval, offer a one-day suspension without pay in lieu of a DRB; or may refer the employee to the DRB.
- (1) Within a five year period from the date of NOI (as defined in Operation Order 3.18), repeated sustained violation/s from within this section will require DRB review for consideration of a suspension up to 5 days (40 hours), demotion, and/or termination.

<b>DISCIPLINE PROCEDURES PILOT POLICY</b>		Operations Order <b>3.18</b>
<b>PHOENIX POLICE DEPARTMENT</b>	Rev.07/02/12	ADDENDUM A PAGE 3

3. B. (2) Benefits/Job Performance:

- (a) Knowingly or intentionally violating MOU/MOA of any employee association
- (b) Intentional abuse of sick leave benefits
- (c) Intentionally missing a court appearance after proper notification/subpoena
- (d) Intentionally missing a scheduled mandatory training after proper notification
- (e) Obtaining any information for personal use via MDC/CAD/PACE/NCIC/ACIC system/s
- (f) Uncooperative and/or interfered with a traffic-related investigation: on- or off-duty
- (g) While on duty, any access to an adult/pornographic or otherwise similar inappropriate web sites on any accessible computer system

(3) Firearms/Use of Force:

- (a) Accidental discharge of a firearm with any injury to any person
- (b) Inappropriate use of the TASER (serious injury/ hospitalization)

(4) Unprofessional Conduct:

- (a) Incident not involving an act of violence where elements of a misdemeanor crime are met, regardless of whether the employee was indicted, prosecuted, or convicted
- (b) Physical abuse towards another employee (non-injury)
- (c) As defined in Classification Guidance Criteria (section 4 of this Addendum)

**C. Suspension (One-Day or More) Violations - Serious policy violation that will be referred to the DRB for consideration of a one- to five-day (40 hour maximum) suspension without pay.**

- (1) Within a five year period from the date of initial NOI (as define in Operations Order 3.18), repeated sustained violation/s from within this section require DRB review for consideration of a suspension up to 5 days (40 hours), demotion, and/or termination.
- (2) Benefits/Job Performance:
  - (a) Abuse of prescribed medication.
  - (b) Actions amounted to harassment and/or intimidation of a citizen, Department or City employee
  - (c) Actions jeopardized the status of a criminal investigation/administrative investigation/prosecution



<b>DISCIPLINE PROCEDURES PILOT POLICY</b>		<b>Operations Order 3.18</b>
<b>PHOENIX POLICE DEPARTMENT</b>	Rev.07/02/12	<b>ADDENDUM A PAGE 4</b>

3. C. (2) (d) Disseminating information obtained from the police NCIC/ACIC/CAD/MDC computer system without authorization or within guidelines of the Terminal Operator Certification (TOC) process
- (e) Failing to report, uncooperative and/or interfered with an administrative investigation
- (f) Installing unauthorized software on the Department network
- (g) Intentional abuse of disability benefits
- (h) Neglect of duty resulting in major damage or impact to Department (minor damage/impact/excluding non-criminal traffic accidents are considered a performance issue incident and are not listed in this addendum)
- (i) Releasing confidential reports, records, and/or information to an unauthorized person
- (j) Unauthorized use of Department funds (non-criminal activity)
- (k) Failure to report, uncooperative, and/or interfered with a criminal investigation
- (l) Intentionally disobeying the direct order of a supervisor resulting in damage or negative impact to the Department
- (m) Inappropriate supervisor/direct subordinate personal relationship that includes sexual activity
- (n) Intentional unjustified arrest or search (willful false arrest or willful illegal search)
- (o) Knowingly submitted an internal written document with false information (excluding DR or internal investigation)
- (p) Untruthful verbal report (not related or in response to questioning pursuant to a criminal or internal investigation)
- (q) Use of position to interfere with prosecution
- (r) Failure to complete multiple reports over time as required, such as accidents, DRs, supplements, or other required paperwork, etc.
- (3) Firearms/Use of Force:
- (a) Civilian employee in possession of a firearm on duty or in a police facility
- (b) Continued to carry second weapon after failure to qualify
- (c) Excessive force violations with injury by any means, other than those specifically listed
- (d) Improper use of the carotid restraint technique
- (e) Improperly striking another person who is restrained (cuffs, restraint system) by hand, foot, leg, or impact weapon (no injury)
- (f) Intentional discharge of a firearm (without injury) in violation of policy

<b>DISCIPLINE PROCEDURES PILOT POLICY</b>		Operations Order <b>3.18</b>
<b>PHOENIX POLICE DEPARTMENT</b>	Rev.07/02/12	ADDENDUM A PAGE 5

3. C. (3) (g) Lending City firearm to another employee without authorization
- (h) Use of unauthorized impact weapon (sap, knife, cord restraint, etc.)
- (i) Inappropriate use of the TASER (restrained by cuffs or authorized restraint system)
- (j) Excessive Use of Force – Handcuffed or restrained individual (with injury)
- (k) Intentional discharge of a firearm (with injury) in violation of policy

(4) Supervisors:

- Violation of EEO rules and regulations, inappropriate actions, comment/s, gestures that violate EEO standards (supervisory personnel)

(5) Unprofessional Conduct:

*ONE TO FIVE DAY (40 HR. MAX) SUSPENSION W/O PAY.*

- (a) Consensual sexual contact on duty, during a work shift, or at a police facility
- (b) Consensual sexual intercourse while on duty
- (c) Intimidation of a Department employee (non-criminal)
- (d) Physical abuse towards a Department employee (injury)
- (e) Sexual harassment
- (f) Unprofessional conduct involving an act of violence where elements of a misdemeanor are met, regardless of whether the employee was indicted, prosecuted, or convicted
- (g) As defined in Classification Guidance Criteria (section 4 of this Addendum)

D. Extreme Policy Violations - Are those that will be referred to the DRB for consideration of a five-day suspension without pay, demotion, and/or termination/Loudermill hearing.

(1) Within a five year period from the date of discipline, repeat sustained violation/s from within this section will require DRB review for consideration of a suspension up to five days (40 hours total) without pay, demotion, and/or termination/ Loudermill hearing.

(2) Benefits/Job Performance:

- (a) Bribery
- (b) Giving false, incomplete, or misleading statements, or willful omissions during an investigation
- (c) Illegal use of drugs
- (d) Knowingly submitted a criminal investigation/internal investigation report with false information

<b>DISCIPLINE PROCEDURES PILOT POLICY</b>		<b>Operations Order 3.18</b>
<b>PHOENIX POLICE DEPARTMENT</b>	Rev.07/02/12	<b>ADDENDUM A PAGE 6</b>

3. D. (2) (e) Employees are subject to termination when they:
- Report to work with drugs or alcohol (.02 or above) in their system
  - Operate a City vehicle with drugs or alcohol (.02 or above) in their system
  - Drive on City business time while under the influence of drugs or alcohol DUI
  - Non-authorized consumption of alcohol while on duty
  - Consumption of alcohol or drugs while working an off-duty job as a peace officer
- (f) Racial profiling/civil rights type violations (enforcement based solely on race, color, national origin, sex, religion, sexual orientation, or economic status)
- (g) Refusal to obey a direct order resulting in major damage or impact to the Department
- (h) Refusal to take, tampering with, or failure of the illegal substance abuse screening test
- (i) With the intent to defraud, submitting any type of report (overtime, employee reimbursement, etc.) for monetary gain
- (3) Unprofessional Conduct:
- (a) Unprofessional conduct where elements of a felony are met, regardless of whether the employee was prosecuted or convicted
  - (b) Off-duty DUI (sworn employees subject to termination)
  - (c) As defined in Classification Guidance Criteria (section 4 of this Addendum)
- (4) Weapons/Use of Force:
- Conduct in excess of "excessive" force

4. **CLASSIFICATION GUIDANCE CRITERIA**

- A. This section identifies non-specific violations of policy not listed in this Addendum which amount to unprofessional conduct either on or off-duty.
- B. Failure to investigate a subordinate's act of misconduct or a citizen's complaint per policy will result in disciplinary action equal to the classification level of the misconduct not investigated.
- C. Failure to report an on or off-duty use of force incident to a supervisor [to include a Sergeant In Training (SIT)] will result in disciplinary action equal to the classification level of the unauthorized use of force.

<b>DISCIPLINE PROCEDURES PILOT POLICY</b>		Operations Order <b>3.18</b>
<b>PHOENIX POLICE DEPARTMENT</b>	Rev.07/02/12	ADDENDUM A PAGE 7

4. D. The following are general guidelines used for classification placement/all elements listed in each category; each point does not have to be met for placement within a specific class:

<b>Increased severity violation and disregard for policy that required a Written Reprimand</b>
<ul style="list-style-type: none"> <li>• The employee has received prior recent discipline for the same violation.</li> <li>• The incident did not involve violent conduct</li> </ul>
<b>Serious violation and disregard of policy that based upon division commander approval, commander/administrator may offer a one-day suspension or refer to DRB</b>
<ul style="list-style-type: none"> <li>• The incident resulted in minor physical injury to employee/s or citizen/s.</li> <li>• Extreme disrespect or willful mistreatment of a citizen or employee beyond that of rude conduct was displayed.</li> <li>• Aggravated circumstances outweigh all other factors where conduct is egregious to the extent that a suspension is prudent.</li> <li>• The incident resulted in major damage/loss or impact to the department (\$5000.00).</li> </ul>
<b>Serious violation and disregard of policy requiring DRB review that may include suspension, demotion and/or termination</b>
<ul style="list-style-type: none"> <li>• The incident jeopardized the status of a criminal or internal investigation.</li> <li>• The incident involved violent conduct.</li> <li>• The incident involved the intentional abuse of police powers, authority, and privileges.</li> <li>• The incident resulted in major reputation damage to the City or Department.</li> <li>• The incident resulted in major damage/loss to City, personal, or a citizen's property.</li> <li>• The incident resulted in serious physical injury to employee/s or citizens.</li> <li>• The incident involved an integrity issue not related to a criminal or internal investigation.</li> </ul>
<b>Extreme violation and disregard of policy requiring DRB review with a recommendation for a five-day suspension, demotion, and/or termination</b>
<ul style="list-style-type: none"> <li>• The conduct was so outrageous that attempts to correct performance would be fruitless.</li> <li>• The employee's actions violated the code of ethics, oath of office, or basic Department values.</li> <li>• The incident involved an integrity issue related to a criminal or internal investigation.</li> </ul>