



# Boulder Police Department Policy and Procedure

|  |   |   |  |
|--|---|---|--|
|   | <b>Subject:</b> Professional Standards Unit and Supervisor Investigations   |   | <b>General Order:</b><br>120   |
|  | <b>Effective:</b><br>January 9, 2025<br><b>Reviewed:</b><br>January 6, 2025 | <b>Replaces:</b><br>G.O. 120 October 30, 2024   | <b>Approved by:</b><br><br>Chief Stephen Redfearn |
| <b>General Order Topic(s):</b><br><b>120-1:</b> Professional Standards Unit Investigations<br><b>120-2:</b> Supervisor Investigations<br><b>120-3:</b> Acceptance and Initial Processing of Complaints<br><b>120-4:</b> General Complaint Investigative Procedures<br><b>120-5:</b> Member Rights and Responsibilities<br><b>120-6:</b> Supervisory Disposition Review and Discipline Recommendation<br><b>120-7:</b> Police Oversight Panel<br><b>120-8:</b> Administrative Hearing and Final Disposition<br><b>120-9:</b> Discipline<br><b>120-10:</b> Notification / Case Log Review<br><b>120-11:</b> Record-Keeping<br><b>120-12:</b> Records Release<br><b>120-13:</b> Purging of Professional Standards Unit Records<br><b>120-14:</b> Disclaimer |   | <b>Accreditation Standard(s):</b><br>LE 26.1.4, LE 26.1.5, LE 26.1.6, LE 26.1.7, LE 26.1.8, LE 26.1.2, LE 26.2.2, LE 26.2.3, LE 26.2.4, LE 26.2.5, LE 26.3.1, LE 26.3.2, LE 26.3.3, LE 26.3.4, LE 26.3.5, LE 26.3.6, LE 26.3.8<br><b>Statutory References:</b><br>C.R.S: 24-72-202 (4.5)<br>B.R.C: Title 2, Chapter 11 – Police Oversight<br><b>Related General Orders:</b><br>G.O. 102 Notifications<br>G.O. 125 Use of Alcohol, Medications, and Controlled Substances<br>G.O. 225 Use of Force |  |

## POLICY

This policy informs all employees and the public of the Boulder Police Department's procedures for investigating complaints against the agency concerning departmental policies, procedures, protocols or services and of employee job performance or personal misconduct that violates Federal, State, or local laws or the policies or procedures of the department. This policy establishes the Professional Standards function within the department. Professional Standards Investigations and the complaint process ensure that the agency's integrity is maintained through an internal system whereby objectivity, fairness, and justice are ensured by an impartial investigation/inquiry and review.

All persons interviewed are treated with fairness and respect.

It is the policy of the department to investigate all complaints against the agency<sup>1</sup> or employee job performance or personal misconduct that violates Federal, State, or local laws or the policies or procedures of the Department and to determine whether or not the allegations are valid and, when warranted, take appropriate action.

The Professional Standards Unit is responsible for coordinating and recording complaints and conducting or assigning investigations of employee misconduct. The Office of the Independent Police Monitor is responsible for classifying complaints and monitoring investigations of employee misconduct.

## **DEFINITIONS**

**ALLEGATION OF MISCONDUCT**-An allegation of misconduct is an accusation or claim that a Boulder Police Department employee, hereafter referred to as a “member”, has acted in an unethical, inappropriate, or illegal manner, typically violating department Rules, Values, General Orders, Procedures, or laws. These allegations can be made by anyone who has observed or been affected by such behavior.

**ALLEGATION OF MISCONDUCT CLASSIFICATIONS**-Allegations received about the conduct of the department and its employees cover the spectrum from serious allegations of misconduct, non-serious allegations of misconduct, and allegations that are focused more on the practices and policies of the department than the conduct of any individual employee. It is critical that the intake and initial review process evaluate the nature of that being alleged and determine at the outset the level of investigative work that is required in order to make an informed assessment about remedial action, discipline, accountability, and potential systemic reform.

An important milestone in the process is the decision on how to “classify” the allegations received, since that decision can impact the investigative steps necessary to address the concerns identified. Pursuant to the city of Boulder’s Police Oversight statute, that decision is reserved for the Office of the Independent Police Monitor, with appropriate input from the Department. Sometimes that decision will be relatively straightforward and can be received based solely on the information received from the complainant.

The process will begin with an evaluation of the intake material. In cases in which it is clear that a misconduct investigation should proceed those allegations should be so classified and proceed through the full investigation process. In other cases, the matter is simply an inquiry about police practices. However, some allegations are best addressed through a “preliminary investigation” process. That process will not only assist the Monitor and the Department with making the appropriate classification decision, it will also provide for an effective triage of handling some misconduct allegations in an efficient yet effective manner.

The classification process will consider credibility and reasonableness. Allegations that if credible would result in a case being classified as Serious Misconduct, can be classified as a Misconduct Investigation when objective, verifiable evidence refutes or contradicts the alleged serious misconduct.

**ALLEGATION OF MISCONDUCT (MI):** Misconduct refers to behavior or actions by an individual that are considered inappropriate, unethical, or against the standards and policies of an organization but may not necessarily rise to the level of serious misconduct and can result in disciplinary action or consequences. Any resulting discipline may not exceed a long-term letter of reprimand. Normally the investigation is conducted by the affected subject member’s immediate supervisor<sup>2</sup>.

Some examples of allegations of misconduct are, but are not limited to:

- A. Discourtesy.
- B. Minor complaints about job performance rather than intentional misconduct.
- C. Allegations of Rules, Values, or General Orders violations that do not rise to the level of allegations of Serious Misconduct.
- D. Use of Force

**ALLEGATION OF SERIOUS MISCONDUCT (SM)-** Serious Misconduct refers to a severe breach of trust or violation of ethical standards, department policies, or local/state/federal laws that results in significant harm, damage, or risk to people, property, or the department, and may lead to severe consequences such as termination of employment, legal action, or loss of reputation. It may also include allegations of great concern to the community. Normally, the Professional Standards Unit conducts the investigation<sup>3</sup>.

Some examples of allegations of Serious Misconduct are, but are not limited to:

- A. Use of excessive force.
- B. Any violation of law which would impair a member's ability to fulfill their duties or jeopardize public safety. Such criminal misconduct includes, but is not limited to:
  - 1. Felonies: The commission of any felony is considered criminal misconduct.
  - 2. Controlled Substance Violation: Any violation of laws governing controlled substances or using controlled substances without medical supervision is considered misconduct.
  - 3. Negative Impact Offense: The commission of a crime with a negative consequence to persons or property or the commission of which reflects unfavorably on the department because of the individual's status as a member is considered criminal misconduct.
  - 4. Intoxication while on duty.
  - 5. Acceptance of a bribe or gratuity.
  - 6. Misuse of police powers.
  - 7. Unauthorized release of confidential information.

**COMMUNITY FEEDBACK (CF):** The allegation or concern can be resolved by an immediate supervisor to the satisfaction of the external complainant and the complainant does not wish for an official investigation by the department. The Professional Standards Unit supervisor or affected member's supervisor must agree that the allegation or concern does not necessitate an investigation by the department into allegations of misconduct or serious misconduct.

**COMMUNITY INQUIRY (CI)-** The allegation or concern solely relates to departmental policies, procedures, protocols or services, rather than an allegation of misconduct with respect to an individual department member's conduct. Therefore, the complaint is not against an individual member but rather a process or procedure of the department.

**CONFLICT FACILITATION PROCESS (CFP)-** A meeting with the complainant and the subject employee, with the goal of mutual understanding and acceptable resolution of the complaint.

**DISCIPLINE-**The following discipline options are possible for any level of misconduct allegations.

- A. **General Discipline:**
  - 1. Verbal counseling.
  - 2. Training or re-education. (Note that training or re-education may be added to any other discipline)
  - 3. 12-month written reprimand, placed in member's working file.
  - 4. Long-term written reprimand, placed in the member's working file for five years.
- B. **Serious Discipline:**
  - 1. Involuntary transfer.

2. Suspension without pay.
3. Demotion.
4. Termination.
5. Any other discipline agreeable to the employee and the Chief of Police.

**UNSPECIFIED INCIDENTS (UI)**- Refers to situations where the Boulder Police Department's Professional Standards Unit or the Office of the Independent Police Monitor receive information and there is an inability to investigate, the information provided is insufficient to determine whether there is an allegation, when a complainant cannot be contacted for follow-up to ensure a thorough investigation is completed, or when there is no allegation. This may also be used when the Professional Standards Unit and Office of the Independent Police Monitor agree the basis of an allegation lacks credibility.

**DISPOSITION CLASSIFICATIONS**-The following dispositions are possible for any level of misconduct allegations.

- A. **Exonerated:** The incident occurred, but a preponderance of the evidence shows that member actions were lawful, proper, and/or a justified departure from policy.
- B. **Not Sustained:** An allegation is not supported by a preponderance of the evidence.
- C. **Unfounded:** The preponderance of the evidence shows that member did not commit the alleged act and/or the member was not involved in the incident. This disposition classification may also be used for false allegations or complaints with no basis.
- D. **Sustained:** A preponderance of the evidence supports the allegation that the employee committed an act of misconduct.
- E. **Employee Unidentified:** The investigation could not identify the member who committed the alleged misconduct.
- F. **Administratively Closed:** May be used, with the approval of the Chief of Police and the Office of the Independent Monitor, where the complainant voluntarily wishes to withdraw the complaint, declines to cooperate, or cannot be located, and/or the member named in the complaint is no longer employed by the Boulder Police Department.
- G. **No Finding:** Cases that are, with the approval of the Chief of Police and the monitor, handled in an alternative manner or cases in which a subject member resigns, and the department, with the approval of the monitor, elects not to continue the investigation.

**MITIGATING AND AGGRAVATING CIRCUMSTANCES**-Supervisors are asked to consider mitigating and aggravating circumstances before recommending or administering discipline. The following are examples of types of mitigating and aggravating circumstances:

- A. Due to inexperience, an employee is unaware of, or fails to perceive, a risk or violation due to newness on the job or special assignment.
- B. An employee is aware of, should have been aware of, or fails to perceive a risk through lack of due care or caution.
- C. An employee perceives or should have perceived a risk but disregards that risk to conduct a police action.
- D. An employee is aware of a violation, and the employee's objective is to commit that violation.
- E. An employee is aware of the violation, and the employee intends to cause harm to another

person or any organization. This includes intentionally misleading an investigation.

**OFFICE OF THE INDEPENDENT POLICE MONITOR (IPM)**-The Office of the Independent Police Monitor is independent of the Boulder Police Department. A professional civilian monitor serves as the administrative head of the office and is accountable to the city manager.

The monitor is responsible for classifying and routing all complaints involving department employees, reviewing all internal investigations to ensure they are thorough, objective, and timely, is authorized to observe officer, complainant, and witness interviews, and must deem all investigations as thorough and complete. The monitor will have access to relevant case files and is authorized to make disposition and disciplinary recommendations to the Chief of Police. The monitor also performs a quality assurance function, with the goal of identifying systemic changes that will improve police services to the community and is empowered to review complaint and police disciplinary trends and make recommendations to improve police services and policies.

**PROFESSIONAL STANDARDS UNIT (PSU)**-The Professional Standards Unit is an extension of the Office of the Chief of Police. A Professional Standards investigator acts as the direct representative of the Chief of Police with authority commensurate to that responsibility regardless of rank. All members respond to requests or orders from Professional Standards personnel just as they would respond to requests or orders from the Chief of Police.

**PROFESSIONAL STANDARDS UNIT (PSU) PRELIMINARY INVESTIGATION**-Prior to a classification decision by the Monitor and PSU notification of a complaint to an affected member, the PSU shall conduct a preliminary investigation to consider the nature of input from the complainant and a review of documents, body-worn camera footage, and/or other pre-existing evidence, and make an initial assessment of the allegations based on such evidence. After the preliminary investigation is conducted, the Professional Standards Unit will discuss the case with the monitor, who will determine whether there is sufficient information to conclude misconduct allegations with a disposition classification or whether additional investigation is appropriate.

In some cases, the preliminary investigation of the information provided by the complainant will determine that the action(s) of the subject member(s) complied with department policy, that the complaint against the employee is one that, even if true, would not violate department policy, and/or that the subject member(s) did not commit the action(s) alleged in the complaint. In these situations, a formal administrative investigation is not needed, and the complaint can be closed out as unfounded or exonerated as follows:

- A. The PSU's Preliminary Investigation clearly shows that the facts alleged in the complaint did not occur and due to the nature and/or lack of severity of the alleged misconduct, the complaint does not warrant further investigation. After consultation with the Monitor, the PSU can close the allegation(s) as unfounded.
- B. The PSU's Preliminary Investigation clearly shows that the facts alleged in the complaint did occur, that the employee's conduct was lawful, proper, and complied with department policy, and due to the nature and/or lack of severity of the alleged misconduct the complaint does not warrant further investigation. After consultation with the Monitor, the PSU can close the allegation(s) as exonerated.

In cases in which the complainant declines to cooperate or wishes to withdraw the complaint, the failure of the complainant to cooperate should be a factor in determining whether to proceed with a full investigation.

**PROFESSIONAL STANDARDS UNIT INVESTIGATION**-Any investigation conducted by the PSU as outlined in 120-2.

**SUPERVISOR INVESTIGATION**-Any investigation conducted by a supervisor as outlined in 120-3.

**SUBJECT MEMBER OR SUBJECT**-Subject Member or Subject is the department member who has allegedly violated a department Rule, Value, General Order, or Procedure.

**WITNESS MEMBER OR WITNESS**-Witness Member or Witness is a department member who may have witnessed the pertinent incident or may have information about the incident. No misconduct allegations have been made on or believed to have been committed by a Witness Member.

**PSU RECORDS MANAGEMENT SYSTEM (PSURMS)**-The department uses the PSU Records Management System to document and track complaints against department members and inquiries from community members about department policies and procedures. The system may also track reportable use-of-force incidences for each department member and department award nominations.

## **PROCEDURES**

### **120-1 Professional Standards Unit Investigations**

Any investigation initiated to determine the possibility of or establish the basis for serious disciplinary action, whether initiated by an internal, external, formal, or informal complaint, requires investigation by the Professional Standards Unit or the Chief of Police designate. The Professional Standards Unit investigates allegations in accordance with the guidelines herein provided.

- A. The Professional Standards Unit conducts administrative investigations of allegations of misconduct.
  - 1. When the alleged misconduct is criminal, the Professional Standards Unit monitors the progress and outcome of the authorities' investigations into the criminal charge. Depending on circumstances, a Professional Standards investigation may proceed concurrently or upon completion of a criminal investigation.
  - 2. If the Chief of Police determines that all or part of an administrative investigation should be postponed in order to avoid jeopardizing a criminal investigation or prosecution, the chief of police shall request the monitor's agreement on postponement. If the monitor and the chief of police are unable to agree on the postponement, then they shall present in writing their respective positions to the city manager, who shall then decide whether all or part of an administrative investigation will be postponed.
  - 3. Lack of evidence substantiating a criminal charge does not preclude disciplinary actions arising from a Professional Standards Unit investigation into a possible violation of written rules or general orders.
  - 4. If the investigation concerns misconduct that might also result in criminal charges, or the investigation discovers criminal conduct, the investigator advises the appropriate authority and notifies the Chief of Police.
  - 5. If appropriate, the Chief of Police, with the consent of the monitor, may halt an administrative investigation, e.g., the subject of the investigation dies.
- B. The Chief of Police may direct any supervisor or manager to conduct or review a Professional Standards investigation.
- C. The Professional Standards Unit may also be involved in reviews that are usually not directly generated by an outside source but are initiated within the department as a quality control measure or in defense of a civil proceeding.
- D. The Professional Standards Unit may conduct a civil investigation with the assistance of the

City Attorney's Office and/or the department's legal advisor to prepare a defense to any suit filed against the city due to alleged acts of omission or commission by a member. Copies of such investigations are available to any member named a defendant in the suit.

- E. The Professional Standards Unit may conduct an administrative investigation into any incident of a member discharging a firearm, whether on- or off-duty.
- F. Pursuant to General Order 225, the Professional Standards Unit may investigate use of force cases.

## **120-2 Supervisor Investigations**

As part of their duties, supervisors conduct administrative investigations as outlined in this and other General Orders. Investigations may include but are not limited to, the following:

- A. Investigations of allegations of misconduct.
- B. Investigations of employee use of force.
- C. Other investigations as ordered.

## **120-3 Acceptance and Initial Processing of Complaints**

The Professional Standards Unit investigator documents all complaints of member misconduct on the Professional Standards complaint form or in the PSURMS for initiating an investigation. All such reports, logs, and investigative reports are considered personnel files as that term is defined in C.R.S. 24-72-202-(4.5)

- A. Complaints are taken from all sources, including anonymously, and can be made in person, by telephone, written, or electronically. Complaints may be filed with the Professional Standards Unit or the Office of the Independent Police Monitor.
- B. When possible, the person registering the complaint will be presented with a verification that the complaint has been received, which may include a PSURMS number. When appropriate, regular updates regarding the investigation status are provided to the person registering the complaint.
- C. The person registering the complaint can review the finalized complaint report and receive a copy if requested.
- D. A member who receives a misconduct complaint against themselves or another department member will direct the complainant immediately to the Professional Standards Unit or the on-duty supervisor who will then notify the Professional Standards Unit. Notifying the Professional Standards Unit does not negate the responsibilities for notifications outlined in G.O. 102 – Notifications.
- E. An on-duty supervisor should follow the below criteria for accepting, investigating and documenting the complaint:
  - 1. All in-person conversations or interviews with the complainant should be audio and video recorded using the supervisor's body-worn camera (or similar device). These recordings become part of the investigation documentation.
  - 2. Phone interviews or conversations with the complainant should be audio recorded. The

- Independent Police Monitor may be present to observe interviews with the complainant.
3. Begin any recordings by stating the date, time, location, and all present for the interview. The supervisor should attempt to obtain all pertinent facts about the incident, including:
    - a. Complainant's name, date of birth, address, phone number(s), and email address.
    - b. Date and time of the incident.
    - c. Location.
    - d. Names and contact information of all witnesses.
    - e. Involved department members' names or, if unknown, descriptions.
    - f. Details of what occurred and the allegation(s) of misconduct.
  4. If the complaint concerns department policy, protocol, or action and the issue cannot be resolved to the complainant's satisfaction, the issue will be documented in the PSURMS and forwarded to the Independent Police Monitor via the Professional Standards Unit.
  5. If the complaint concerns employee action that is within policy and lawful, and the supervisor can resolve it to the complainant's satisfaction, this is considered an opportunity to educate the community and is documented in the PSURMS.
  6. If the complaint concerns employee action that does not meet the expectations of the department and the caller does not wish to file a formal complaint, the on-duty supervisor may provide immediate coaching for the department member and document the complaint and coaching session in the PSURMS. If the on-duty supervisor believes the complaint requires further investigation, they do not provide immediate coaching to the department member; the on-duty supervisor will instead notify the Professional Standards Unit of the complaint. If the on-duty supervisor is not sure that coaching is appropriate, they should consult with the Professional Standards Unit. Should the complaint allege serious misconduct requiring immediate attention, the supervisor attempts to notify the Professional Standards Unit supervisor and the involved member's commander/manager or staff duty officer.

Examples of serious misconduct that require immediate notification are:

- A. Member's alleged commission of a felony.
- B. Member's alleged violation of the alcohol and controlled substances sections of General Order 125.

When immediate attention is not necessary, the supervisor ensures that written documentation is submitted into PSURMS

Upon receiving a complaint, and after classification of allegations by the Independent Police Monitor, the Professional Standards Unit supervisor forwards a copy of the complaint notice to the subject member as notification of the allegation(s) and pending investigation. In addition, the complaint notice will detail the subject member's rights and responsibilities relative to the investigation.

Complaints that allege serious misconduct and/or are criminal in nature may be investigated regardless of time elapsed unless the amount of time makes investigation of the allegation impractical. Complaints alleging misconduct must be received within one year of the incident occurring.

Department members who are notified of a complaint from a community member shall notify the Professional Standards Unit of the complaint within 48 hours. Supervisors entering complaints into the PSURMS have until the end of their workweek to forward the complaint entry to the Professional



#### **120-4 General Complaint Investigative Procedures**

The assigned investigating supervisor will conduct investigations impartially and thoroughly document them in the PSURMS. The Independent Police Monitor will actively monitor all ongoing complaint investigations and may recommend to the investigating supervisor to conduct additional investigations.

- A. Subject members are entitled to a presumption of innocence and a fair, impartial investigation.
- B. All persons interviewed are treated with fairness and respect.
- C. Anonymous complaints will be investigated to the extent possible, given the information available.
- D. If the facts are not disputed, or there is clear evidence to articulate the events of a case, it may not be necessary to interview the subject officer as part of the investigation. However, subject members may still request an interview or submit relevant information.
- E. All allegations of misconduct requiring investigations are initiated within 14 calendar days of an event with the exercise of reasonable diligence.
  - 1. Investigations of alleged misconduct are conducted promptly within limits below:
    - a. Investigations of an allegation of serious misconduct are generally completed within 45 calendar days after the initial receipt of the complaint.
    - b. Investigations of misconduct allegations are generally completed within 30 calendar days after being assigned to the investigating supervisor.
    - c. The PSU supervisor may allow one due-date extension of up to 10 calendar days.
    - d. Requests for additional extensions must be submitted in writing to the Chief of Police.
  - 2. Subject members are notified in writing or by email of any due date extensions.
- F. When an investigator discovers evidence of additional misconduct during an investigation, they cause such discoveries to be enumerated, investigated, and submitted for review and disposition with the original case.
  - 1. If the newly discovered evidence would change the investigation to an allegation of serious misconduct, the investigating supervisor should notify the Professional Standards Unit supervisor before discussing a potential re-assignment.
- G. Formal interviews with witnesses and subject members shall be electronically recorded. The Independent Police Monitor may be present to observe witness and officer interviews.

1. All in-person conversations or interviews with community members should be audio and video recorded using the investigator's body-worn camera (or similar device). These recordings become part of the investigation documentation.
  2. Phone interviews or conversation with community members, subject members, or witnesses should be audio recorded. The Independent Police Monitor may be present to observe interviews with community members, subject members, or witnesses.
  3. Department members or other law enforcement personnel are audio recorded.
  4. Investigators should begin recordings by stating the date, time, location, and all present for the interview. The investigator should attempt to obtain all pertinent facts about the incident, including:
    - a. The current date and time.
    - b. The date and time of the incident
    - c. The PSURMS case number, or if none, the incident case number.
    - d. Location of the interview.
    - e. Names of all people present for the interview.
    - f. Phone numbers, dates of birth and email addresses for community members.
  5. All department members interviewed for any misconduct allegation are advised whether they are witnesses or subjects of the investigation before making any statement.
    - a. The interview occurs within the police department or in an area where privacy is assured.
    - b. Interviews are conducted at a reasonable hour, preferably when the member is normally on duty unless the allegation's seriousness requires immediate action.
    - c. The investigator's questions are specifically directed and narrowly related to the performance of a member's official duties, fitness for duty, or alleged violations of department Rules, Values, and General Orders.
  6. If the complaint was filed anonymously, the subject member is advised of the exact circumstances of its receipt.
- H. For investigations of allegations of serious misconduct, the following procedures also apply.
1. When possible, a member who is the subject member or a witness in a serious misconduct investigation is given at least 72 hours advance notice of the scheduled interview.
    - a. At their option, members may waive the 72-hour notice requirement.
    - b. A synopsis of the complaint is attached to the interview notice.
  2. Advance notice is not given for cases of extreme sensitivity when the evidence could be removed, destroyed, or altered or potential witnesses intimidated or influenced.
    - a. If the complainant is to be treated as a confidential informant, their identity is not divulged, subject to administrative review by the City Manager or their designee, either in the notification or during any subsequent interview.
    - b. Interviews are conducted for a reasonable amount of time, allowing for personal necessities.
    - c. There are no unrecorded or off-the-record questions.
- I. Investigating supervisors complete a memorandum (for allegations of misconduct) or report

(for allegations of serious misconduct) that document what was learned during the investigation. The investigation document should include the following:

1. The allegation(s) against the subject member.
2. Investigative steps that the supervisor took.
3. Summaries of interviews or statements.
4. Listing of evidence.

### **120-5 Member Rights and Responsibilities**

Members are responsible for ensuring that complaints are processed in accordance with this General Order.

- A. Without express authorization from the Chief of Police, members may not share or discuss any information relevant to an allegation of misconduct investigation with any person except the assigned investigator, legal counsel, or other designated representative. Members involved in an allegation of misconduct investigation may not contact the complainant(s) or any witness(es) regarding the allegation(s) except through the subject member's legal counsel or designated union representative.
- B. Department members who are subjects or witnesses in an alleged misconduct investigation may seek legal and/or other representation. Such members may have their representative present at all interviews. However, the attorney or other representative is not allowed to turn the interview into an adversarial proceeding or ask questions of the subject member. Any question(s) a representative may have should be directed toward the investigator, who will determine if the question(s) is relevant to the interview.
- C. Department members honestly, completely, and to the best of their knowledge and ability answer all questions related to the conduct under investigation.
- D. Members who are the subject of, or a witness in, an investigation of misconduct must answer all questions related to the conduct under investigation. Should a member refuse to obey a lawful order to answer, the member may be subject to disciplinary action for insubordination.
  1. Involuntary statements in response to a direct order during an investigation into alleged misconduct are prefaced with language that the statement is not voluntary.
  2. The order given to obtain such involuntary statements says:
    - a. That the statements may be the basis for subsequent discipline, up to and including termination; and
    - b. Neither the member's statement nor any information directly gained from their statements will be used against the member in any subsequent criminal proceedings.
    - c. The interview may be halted, and appropriate authorities will be advised if misconduct is discovered during the interview, which creates a fair probability that criminal charges will be filed.

- E. A department member may not be compelled to take a polygraph or other lie detection examination.
  - 1. A member's refusal to submit to a lie detection examination shall not be grounds for disciplinary action.
  - 2. Should a member request or agree to the department's request for such an examination, the location and firm conducting the examination are mutually agreed upon. Determination of truth verification questions is at the sole discretion of the department.
  - 3. If the complainant(s) has/have taken a lie detection examination, the subject member(s) will use a different firm.
  - 4. Upon request, the member is provided with an exact copy of all reports or graphs compiled.
- F. A department member may not be compelled to submit to photographic or video recording, participate in a line-up or submit financial disclosure statements as a course of the Professional Standards investigation.
- G. For investigations into allegations of serious misconduct, the following member rights and responsibilities also apply.
  - 1. Subject members, after being advised of the complaint and that serious discipline may result if the allegation is sustained, have the option to stipulate to the facts of a complaint and request a waiver of a complete investigation. However, a full investigation will continue if the facts are in dispute. The Chief of Police makes the final determination of whether an investigation continues.
  - 2. The subject member is allowed to reply to all allegations against them.
  - 3. The administration shall document and consider a member's reply to allegations.
  - 4. When serious disciplinary actions are recommended or likely, the member is given the opportunity for an administrative hearing before the Chief of Police or designee. The member may be represented, discuss evidence, and provide mitigating information. The Independent Police Monitor may be present to observe the administrative hearing.
  - 5. The member is entitled to notification of a decision within a reasonable amount of time.
  - 6. The member has the right to appeal a decision. (See appropriate Bargaining Unit contract for grievance procedures).
  - 7. The subject member can review all evidence obtained during a Professional Standards investigation (excluding confidential informant identity) upon reasonable notice as such information becomes available.
    - a. This review may be conducted with counsel or other representatives present.
    - b. The review must be made by appointment with the Professional Standards Unit investigator and must be completed within seven business days after receipt of the notice, absent a previous agreement with the PSU supervisor.
    - c. The subject member may request additional investigative work and has the right to attach any comment or assessment they believe should be included in the case file before disposition review. A polygraph or other lie detection examination results will only be added to the case file if completed in compliance with 120-6 (5). An exact copy of all reports and/or graphs from a polygraph or other lie detection examination must be submitted; partial or incomplete results will not be accepted.
    - d. The subject member is entitled to copies of all recorded statements before subsequent interviews.

## **120-6 Supervisory Disposition Review and Discipline Recommendation**

### **A. Serious Misconduct Investigations**

1. Once allegations of Serious Misconduct investigations are completed by the assigned investigator, the report is forwarded to the Independent Police Monitor (IPM) for approval as thorough and complete, prior to the subject member's chain of command review.
2. At the Chief's direction, the chain of command for the subject member will meet with the Professional Standards investigator to review the case. During this meeting, the following may be discussed:
  - a. The entirety of the case and possible outcomes.
  - b. Any additional investigative steps to provide a complete case.
  - c. Any other violations that were not initially charged.

### **B. Chain of Command Review Process**

Each disposition and discipline recommendation by chain of command is supported by written justifications. Before recommending discipline, the supervisors in the chain of command consider past performance and disciplinary actions to determine appropriate disciplinary remedies.

1. PSU forwards the approved report to the subject member's Sergeant/Supervisor for review. The Sergeant/Supervisor recommends a disposition for each allegation. If the recommended disposition is sustained, the Sergeant/Supervisor considers any mitigating and aggravating circumstances before recommending discipline.
  - a. When the subject member has been transferred before the disposition of the case, the member's supervisors at the time the alleged incident occurred prepare the response.
2. The Sergeant/Supervisor forwards the report and disposition/discipline recommendations to the subject member's Commander/Manager for review.
3. The Commander/Manager recommends a disposition for each allegation. If the recommended disposition is sustained, the Commander/Manager considers any mitigating and aggravating circumstances before recommending discipline.
4. The Commander/Manager forwards the report and disposition/discipline recommendations to the subject member's Deputy Chief for review.
5. The Deputy Chief recommends a disposition for each allegation. If the recommended disposition is sustained, the Deputy Chief considers mitigating and aggravating circumstances before recommending discipline.
6. The Deputy Chief forwards the report, along with disposition/discipline recommendations, to PSU, who forwards the report, including disposition/discipline recommendations, to the Boulder Police Oversight Panel (BPOP). The BPOP recommends a disposition. If the recommended disposition is sustained, the BPOP may recommend discipline. The IPM may also provide disposition/discipline recommendations at this time.
7. PSU forwards the report, including disposition/discipline recommendations for each allegation, to the Chief for Final Disposition and applicable Discipline (see 120-10 Chief of Police Review and 120-11 Administrative Hearing and Final Disposition).

### C. Misconduct Investigations:

1. After completing the investigation, the investigating Sergeant/Supervisor recommends a disposition for each allegation. If the recommended disposition is sustained, the investigating Sergeant/Supervisor considers mitigating and aggravating circumstances before recommending discipline. The report and disposition/discipline recommendations are forwarded to the IPM for approval as thorough and complete before the subject member's chain of command review.

### D. Chain of Command Review process (Misconduct):

1. PSU forwards the investigating Sergeant/Supervisor's approved report and disposition/discipline recommendations to the subject member's Commander/Manager for review.
2. The Commander/Manager recommends a disposition for each allegation. If the recommended disposition is sustained, the Commander/Manager considers any mitigating and aggravating circumstances before recommending discipline.
3. The Commander/Manager forwards the report and disposition/discipline recommendations to the subject member's Deputy Chief for review.
4. The Deputy Chief recommends a disposition for each allegation. If the recommended disposition is sustained, the Deputy Chief considers mitigating and aggravating circumstances before recommending discipline.
5. The Deputy Chief forwards the report and disposition/discipline recommendations to PSU.
  - a. If the BPOP requests to review the case, PSU forwards the report, including disposition/discipline recommendations, to the BPOP. The BPOP recommends a disposition. If the recommended disposition is sustained, the BPOP may recommend discipline. The IPM may also provide disposition/discipline recommendations at this time.
  - b. If the BPOP declines to review the case, PSU forwards the report, including disposition/discipline recommendations, to the IPM, who may provide disposition/discipline recommendations.
6. PSU forwards the report, including all disposition/discipline recommendations, to the Chief for review. The Chief provides Final Disposition and applicable Discipline for each allegation.
7. Any disposition or disciplinary recommendations by the Independent Police Monitor or the Police Oversight Panel shall be provided to the Chief prior to the Chief's final determination. Any recommendations for changes in Rules, Values, General Orders, or Directives related to the case are presented in detail, with thorough justification.

## **120-7 Police Oversight Panel**

Refer to Boulder Revised Code Ordinance 8609, 2-11-7 – Police Oversight Panel – Panel Scope

## **120-8 Administrative Hearing and Final Disposition**

In all cases where any recommendation of discipline is more serious than a letter of reprimand, the Chief of Police holds an administrative hearing. In all other cases, hearings are held at the discretion of the Chief of Police. However, the member may request one. The Chief of Police has five working days

to consider all recommendations and set an administrative hearing date.

- A. The opportunity for an administrative hearing is provided to the member before the imposition of serious discipline so they may offer any information in mitigation or explanation of the behavior for which disciplinary action may be imposed.
- B. When the Chief of Police schedules an administrative hearing, the subject member is provided a minimum notice of 72 hours.
  - 1. The member may request in writing to waive an administrative hearing. Approval of this request rests with the Chief of Police.
  - 2. The member may be represented by counsel and/or other representation of the member's choice. No more than three people may be present as counsel.
  - 3. The department may be represented by a City Attorney's Office staff member should the Chief of Police request such representation.
  - 4. The Independent Police Monitor will be informed of scheduled administrative hearings and may be present to observe such hearings.
  - 5. After the administrative hearing, the Chief of Police has up to three working days to render a decision on final disposition and discipline.
- C. In cases that involve discipline and in which an administrative hearing is not held, the Chief of Police has five working days to render a decision on final disposition and discipline.

## **120-9 Discipline**

Discipline may be administered when an allegation is sustained at the conclusion of a misconduct investigation.

- A. Disciplinary action is intended to be corrective and is normally intended to progress from less to more severe.
  - 1. Before administering discipline, mitigating and aggravating circumstances will be considered. [See 120-1 (5)]
  - 2. Discipline is guided by the Corrective and Disciplinary Action Matrix in Appendix B and Member Involved Accidents and Photo Enforcement Matrix in Appendix C.
  - 3. This is not to be interpreted as limiting the authority of the Chief of Police to impose whatever discipline seems appropriate as warranted by the circumstances under consideration.
  - 4. The Chief of Police may increase, decrease, hold in abeyance, or set aside any recommended disciplinary action.
- B. The severity of disciplinary action against a member is relative to the gravity of the potential consequences generated by the member's misconduct. For these reasons, graduated forms of disciplinary action are available to correct member transgressions.
- C. Professional counseling and/or remedial training may be required if appropriate.

- D. In cases involving discourtesy/unprofessional attitude, lack of proper service, or improper procedure a Conflict Facilitation Process (CFP) may be offered. [e.g., offense investigation, use of discretion, official law enforcement practices, and department procedures]
  - 1. All involved parties must voluntarily agree to CFP.
- E. For sustained allegations of serious misconduct, the following applies.
  - 1. The Chief of Police makes the final decision regarding discipline when a complaint has been sustained after a Professional Standards investigation.
  - 2. The Office of the Chief of Police provides the member with a notice of disciplinary action.
    - a. The notice refers to the behavior for which discipline is being administered, what discipline is being administered, and when it is effective.
  - 3. If admonitions against further misconduct are warranted, they are made.
  - 4. If the disciplinary action involves termination, the member will be provided with a statement that includes the status of accrued employee benefits at the moment of termination.
  - 5. Copies of the disciplinary notice are submitted to the member, the member's supervisors, and the Professional Standards Unit case file. If appropriate, a copy is filed in the member's personnel file after processing as appropriate by the Support and Staff Services Division.
  - 6. The terms of the imposed disciplinary action are carried out within ten working days of final determination by the Chief of Police. This timeframe may be extended at the discretion of the Chief of Police due to the involved member not being available, an approved request of the involved member, or for the benefit of the department. In such a case, disciplinary action follows as soon as practical.
  - 7. The Professional Standards investigator will notify the complainant of the disposition and discipline imposed, if any, after the final resolution.
  - 8. At the conclusion of the investigation, the involved Deputy Chief, or their designee, will notify all department member participants in the review process of the final disposition, including discipline, if any.

## **120-10 Notification / Case Log Review**

- A. The Chief of Police, or their designee, will be promptly notified of any allegation of serious misconduct by any department member<sup>4</sup>.
- B. Monthly, the Chief of Police, or their designee, will be updated on all cases currently being investigated by the Professional Standards Unit.

## **120-11 Record-Keeping**

The Professional Standards Unit securely maintains all records and documents related to the Professional Standards function.<sup>5</sup>

---

<sup>4</sup>

<sup>5</sup>



- A. A file is maintained indicating the complainant's name, contact information and address (if available) and the Professional Standards Unit case number.
- B. Each member against whom a complaint has been made which resulted in an allegation of misconduct has a file maintained by the Professional Standards Unit.
  - 1. The file includes case number, name, nature of complaint, disposition, and discipline, if applicable, completion date, and a Conclusion of Fact regarding the investigation.
  - 2. Only the Chief of Police, the Independent Police Monitor, the Department Legal Advisor and personnel assigned to the Professional Standards Unit can access the files.
    - a. Exceptions may be authorized to supervisors who have a verified need to review specific employee files for authorized employee management purposes. This access is granted with authorization from the Chief of Police, or their designee.
    - b. Exceptions may be authorized to outside law enforcement agencies conducting background investigations on potential applicants that are current or former employees of the department. These agencies may review specific employee files with authorization from the Chief of Police, or their designee.
  - 3. After making an appointment with a Professional Standards Unit supervisor, department members may review their respective files where they were the subject member.

## **120-12 Records Release**

Colorado Revised Statutes govern the release of certain Professional Standards Unit investigative records.

- A. The Professional Standards Unit supervisor shall make a reasonable attempt to notify any currently employed subject members of a request to release Professional Standards Unit records.
- B. For Professional Standards Unit records involving department members classified in state statute as Peace Officers, Professional Standards Unit investigative files are released per General Order 120, Appendix A.
- C. For all other records, Professional Standards Unit investigative files are maintained as confidential personnel records.
- D. To maintain organizational integrity and accountability and minimize organizational rumors, the Chief of Police, or their designee, may notify department members of dispositions and imposed discipline. The Chief of Police may publicly share pertinent case facts if deemed in the department's best interests. In high-profile, public-interest cases involving the public trust, the Chief of Police may publicly disclose pertinent case facts, disposition, and discipline.
- E. Each year, the Professional Standards Unit shall compile a statistical summary of all Serious Misconduct, Misconduct, Community Inquiry, Complaint with No Basis, and Conflict Facilitation Process. By the end of the first quarter of the following year, this summary will be made available to the public in a manner directed by the Chief of Police.

1. The statistical summary shall include the following:
  - a. General source of complaint (IE: citizen, internal)
  - b. Alleged policy/rule violation.
  - c. Disposition, including discipline if appropriate.

### **120-13 Purging of Professional Standards Unit Records<sup>6</sup>**

The city's records retention ordinance sets time limits for purging documents related to Professional Standards investigations.

- A. Records and evidence of sustained violations resulting in disciplinary action are purged ten years after the subject member's retirement or separation from the department.
- B. Except as described in 120-14, records and evidence from allegations resulting in dispositions of exonerated, not sustained, unfounded, no finding, complaint withdrawn, complainant unavailable, employee unidentified, and decline to investigate and records generated from inquiries not resulting in discipline are purged after five years.
- C. All serious misconduct investigations into allegations of excessive force or criminal misconduct, not resulting in discipline, are maintained throughout an employee's career.
- D. In no instance are records or evidence related to pending civil or criminal cases (including appeal or statute of limitation periods) purged, regardless of allegation or disposition. Risk Management and/or the City Attorney's Office are consulted before records pertaining to civil matters are purged.
- E. Statistical records of complaint investigations or community inquiries may be kept indefinitely if the records do not identify subject members.
- F. The method of destruction is in accordance with Records procedure.

### **120-14 Disclaimer**

- A. Any provisions in this general order judged to be illegal, incorrect, or inapplicable do not affect the validity of the remaining provisions.
- B. Time constraints described in this order have been established to expedite the investigation and disposition of complaints against members. Timeframes are designed to minimize the strain and frustration of members and the public while awaiting investigation results. Occasionally, more time will be needed to investigate and reach disposition or properly resolve a complaint. The failure to meet an established deadline will not be the sole cause for dismissing a case or reversing or amending disciplinary action.

## General Order 120

### APPENDIX A State Law Disclosure Requirements

---

Colorado Revised Statute (CRS) §24-72-303 governs the disclosure of Peace Officer Internal Investigation Records. In General Order 120, the Boulder Police Department adopts the following procedures to comply with the statute.

The following process only applies to PSU investigative records that were initiated on or after April 12, 2019, that are specifically identified in CRS §24-72-303 (4)(a):

1. The allegation process has concluded, to include any appeals or grievances; AND
2. Involves a department member who is a Peace Officer, as described in CRS §16-2.5, Part 1, as the subject of the investigation; AND
3. The allegation is related to a specific, identifiable incident of alleged misconduct involving a member of the public; AND
4. The department member was in-uniform or on duty at the time of the incident. Department members defined as “Peace Officers” for General Order 120-15 include:
  - a. The Police Chief, Deputy Police Chiefs, Commanders, Police Sergeants, Police Detectives, and Police Officers who are Colorado P.O.S.T. certified.
  - b. All Animal Protection Officers who hold limited commissions from the Colorado Commissioner of Agriculture as stated in CRS §16-2.5-118.

Upon receiving a request to examine a PSU investigative record that fulfills the requirements described above, the department will comply with records releases as stated in CRS §24-72-303 (4) and (5) as follows:

1. The PSU supervisor will make a reasonable attempt to contact any current employee.
2. The PSU supervisor or investigating supervisor will prepare a summary of the investigative file and release the summary to the requester.
3. After releasing the summary document, if the requester requests to inspect the investigative file, except as listed in d. and e. below, the PSU supervisor will allow access to the investigative file including all:
  - a. Witness interviews
  - b. Video & audio recordings
  - c. Transcripts
  - d. Documentary evidence
  - e. Investigative notes
  - f. Final departmental disposition and, if applicable, discipline
4. However, prior to allowing access and pursuant to CRS §24-72-303 (4)(b), the following information will be redacted or removed from the disclosed records:
  - a. Any personal identifying information defined in CRS §6-1-713 (2)(b).
  - b. Any identifying or contact information related to confidential informants, witnesses, or victims.
  - c. The home address, personal phone number, and personal e-mail address of a peace officer.
  - d. Any information prohibited by state or federal law, except internal investigation records examining in-uniform or on-duty conduct of a department peace officer during an alleged incident of official misconduct while interacting with a member of the public, does not fall within the definition of “personnel files” in CRS §24-72-202 (4.5).
  - e. Any medical or mental health information.
  - f. Any identifying information related to a juvenile.
  - g. Any unfinalized disciplinary recommendations.
5. Pursuant to CRS §24-72-303 (4)(c)(I), the department will also redact from the disclosed

records:

- a. Any compelled statements made by subject members who are the subject of a criminal investigation or filed criminal case directly related to the conduct underlying the internal investigation.
  - b. Any video interviews or official transcript of the interview produced, unless, after receiving the transcript, the requester requests the video.
  - c. Any video or photograph that raises substantial privacy concerns for criminal defendants, victims, witnesses, or informants, including video reflecting nudity, a medical emergency, a mental health crisis, a victim interview, or the interior of a home or treatment facility. The video should be redacted or blurred whenever possible to protect the privacy interest while allowing for public release.
  - d. The identity of officers who volunteered information related to the internal investigation but who are not a subject of the internal investigation; AND
  - e. Specific information that would reveal confidential intelligence information, confidential security procedures of a law enforcement agency, or that, if disclosed, would compromise the safety of a peace officer, witness, or informant. However, nothing in this section justifies or permits the redaction or withholding of information describing or depicting the use of force by a peace officer on a member of the public.
6. If a record is redacted pursuant to the above in d. and e., and the applicant requests an explanation, the department will provide a written explanation of the reasons for the redaction(s).
  7. In writing, a witness, victim, or criminal defendant may waive the individual privacy interest implicated by public release. Upon receiving such a written waiver, the department will not redact, remove, or withhold records to protect the waived privacy interest.
  8. Notwithstanding the provisions of CRS §24-72-303 (4)(a), the department may deny inspection of an investigative file if there is an ongoing criminal investigation or criminal case related to the allegation of misconduct against the subject member. Once the criminal case has closed and all charges have been dismissed or the sentence has been ordered, the file will be open for public inspection.
  9. If served with a court order to answer why portions of an investigative file have been redacted, the department will follow the CRS in its response, including preparing information for an in-camera review of the redacted materials.
  10. Notwithstanding the provisions of CRS §24-72-303 (4)(a), the department will deny inspection of an investigative file that would violate rules promulgated by the Colorado Supreme Court or by a court order.

All other PSU investigative files are released pursuant to General Order 120-13

**General Order 120**  
**APPENDIX B** Corrective and Disciplinary Action Matrix

| Respect for Community and One another                    |  | Corrective Action |   |   |   |   |   |
|--|--|-------------------|---|---|---|---|---|
|  |  | A                 | B | C | D | E | F |
| Rule 4 Respect for Others                                |  | X                 | X | X |   |   |   |
| Rules 7 Adherence to Orders                              | Minor Impact*                          | X                 | X |   |   |   |   |
|  | Significant Impact*                    |                   |   | X | X | X | X |
| Perform Required Duty                                    | Minor Impact*                          | X                 | X |   |   |   |   |
|  | Significant Impact*                    |                   |   | X | X | X | X |
| Rule 8 Conduct   | Minor Impact*                          | X                 | X |   |   |   |   |
|  | Significant Impact* or Repeated Minor. |                   | X | X | X | X | X |
| Uniform, equipment, grooming, and appearance             |  | X                 | X |   |   |   |   |
| Rule 1 Compliance with Rules, Values, and General Orders | Minor Impact*                          | X                 | X |   |   |   |   |
|  | Significant Impact*                    |                   |   | X | X | X | X |
| Attendance (court, required training, etc.)              |  | X                 | X |   |   |   |   |

| The Rights of All People |                       | Corrective Action |   |   |   |   |   |
|--------------------------|-----------------------|-------------------|---|---|---|---|---|
|                          |                       | A                 | B | C | D | E | F |
| Sexual Harassment        |                       |                   | X | X | X | X | X |
| Pursuit Violation        | Minor                 | X                 | X | X |   |   |   |
|                          | Egregious or Repeated |                   |   | X | X | X | X |
| Rule 6 Use of Force      | Unnecessary           | X                 | X |   |   |   |   |
|                          | Excessive             |                   | X | X | X | X | X |
| In-Custody Care          |                       |                   | X | X | X | X | X |

| Integrity  |                     | Corrective Action |   |   |   |   |   |
|--|---------------------|-------------------|---|---|---|---|---|
|  |                     | A                 | B | C | D | E | F |
| Rule 5 Police Authority and Public Trust               | Minor Impact*       | X                 | X |   |   |   |   |
|  | Significant Impact* |                   |   | X | X | X | X |
| Rule 10 Security of Police Information                 | Minor Impact*       | X                 | X |   |   |   |   |
|  | Significant Impact* |                   |   | X | X | X | X |
| GO 101 Civil Rights, Racial Profiling, Biased Policing |                     |                   | X | X | X | X | X |

| Protection of Public or Private Property |            | Corrective Action |   |   |   |   |   |
|--|------------|-------------------|---|---|---|---|---|
|  |            | A                 | B | C | D | E | F |
| Lost Property                            | Negligence | X                 | X |   |   |   |   |
|  | Reckless   |                   | X | X | X | X | X |
| Damage to Property                       | Negligence | X                 | X |   |   |   |   |
|  | Reckless   |                   | X | X | X | X | X |
| Intentional Destruction of Property      |            |                   |   | X | X | X | X |

\*Impact includes the potential impact

See the Corrective Action key and application direction on the next page.

| Public Trust/Accountability to the Law               | Corrective Action |   |   |   |   |   |
|--|-------------------|---|---|---|---|---|
|  | A                 | B | C | D | E | F |
| Rule 3 Truthfulness                                  |                   |   |   |   | X | X |
| Rule 9 Cooperation in Investigations                 |                   | X | X | X | X | X |
| Rule 2 Conformance with Laws (Misdemeanor or Felony) |                   |   | X | X | X | X |
| Rule 2 Conformance with Laws (Minor Traffic/Pos)     | X                 | X |   |   |   |   |
| Tampering with Evidence                              |                   |   |   |   | X | X |
| Corruption   |                   |   |   |   | X | X |

| Corrective & Discipline Action                                |                                       |  |  |   |  |
|---|---------------------------------------|--|--|---|--|
| A   | B                                     | C  | D  | E   | F  |
| <b>**Training/re-education through supervisory counseling</b> | <b>Written reprimand or mediation</b> | <b>Transfer, demotion, and/or 1- to 2-day suspension</b> | <b>Transfer, demotion, and/or 3- to 5-day suspension</b> | <b>Transfer, demotion, and/or 6- to a 10-day suspension</b> | <b>Termination or suspension beyond ten days</b> |

*\*\* Training/re-education may be mandated in addition to corrective or disciplinary action.*

*Second and subsequent similar violations within 24 months can be enhanced to the next highest category.*

*Mitigating and aggravating circumstances should be considered before imposing corrective or disciplinary action.*

## General Order 120 APPENDIX C

### At-Fault, Member-Involved Crashes and Photo-Enforcement Violations Corrective and Disciplinary Action Matrix

| At-Fault Member Involved Crash   |                                      | Corrective Action |   |   |   |   |
|--|--------------------------------------|-------------------|---|---|---|---|
|  |                                      | A                 | B | C | D | E |
| Single-vehicle, minor damage, no injury  | occurrence in 12 months              | X                 | X |   |   |   |
|  | 2nd or more occurrences in 12 months |                   | X | X |   |   |
| Multi-vehicle, minor damage, AND no injury (summons issued plus corrective action)                     | 1st occurrence in 12 months          |                   | X | X |   |   |
|  | 2nd or more occurrences in 12 months |                   |   | X | X |   |
| Multi-vehicle OR pedestrian, heavy damage, OR minor injury (summons issues plus corrective action)     | 1st occurrence in 12 months          | X                 | X | X |   |   |
|  | 2nd or more occurrences in 12 months |                   |   | X | X | X |
| Vehicle OR pedestrian, heavy damage OR serious injury or death (summons issued plus corrective action) |                                      |                   |   | X | X | X |

| Unjustified Member-Involved Photo Enforcement                          |   | Corrective Action |   |   |   |   |
|--|---|-------------------|---|---|---|---|
|  |   | A                 | B | C | D | E |
| Photo Radar Violation (pay or contest fine plus corrective action)     | 1 <sup>st</sup> occurrence in 12 months   | X                 |   |   |   |   |
|  | 2 <sup>nd</sup> or more occurrences in 12 months OR excessive speed                             |                   | X | X |   |   |
| Photo Red Light Violation (pay or contest fine plus corrective action) | 1 <sup>st</sup> occurrence in 12 months   | X                 |   |   |   |   |
|  | 2 <sup>nd</sup> or more occurrences in 12 months  |                   | X | X |   |   |
|  | 3 <sup>rd</sup> or more in 12 months, OR aggravated (excessive speed or distance from stop bar) |                   |   | X | X |   |

**Corrective and Discipline Action:**

- A. \*Training/re-education through supervisory counseling
- B. 12-month written reprimand
- C. Long-term (five-year) written reprimand.
- D. Transfer, demotion, and/or 1- to 5-day suspension
- E. Termination

\* Training/re-education may be mandated in addition to any other corrective or disciplinary action.

Three or more violations in 24 months may be enhanced to the next highest category or referred to the Professional Standards Unit for an allegation of Serious Misconduct.

Mitigating and aggravating circumstances should be considered before imposing corrective or disciplinary action.