



POLICY TITLE: *Disciplinary System*

STANDARD/REF #: 11.3.2; 22.1.2a; 26.1.4;
26.1.5; 26.1.7; 26.1.8; 26.2.5

APPROVED BY: *David Dostal, Chief*

REVIEWED DATE: 10/26/2023

REQUIRED REVIEWERS: *Professional Standards*

REVISED DATE: 3/14/2024

POLICY/PURPOSE:

The purpose of this directive is to state formally the process of discipline and to establish the policies and procedures for using training and counseling as methods of positive discipline and to set out the forms of punitive disciplinary options used by the Cedar Rapids Police Department (CRPD).

It is the policy of the CRPD to develop positive disciplinary procedures to minimize the necessity of negative, punitive disciplinary actions.

DEFINITIONS:

Aggravating Factors – Facts and/or circumstances that cause the severity of a disciplinary action to be more than the specified discipline for the category as defined in the department’s disciplinary matrix.

Coaching Form – A form documenting correction given for minor policy violations (see Matrix below). The form will be placed in the employee’s red file. This is not punitive in nature. [26.1.4b]

Demotion – Reduction in rank due to an infraction that was (a) intentional and severe in nature, and/or (b) involved gross neglect, or (c) the past conduct of the employee demonstrates the behavior is repetitive in nature.

Formal Discipline - Formal discipline shall mean action involving demotion, removal from office, suspension, letters of reprimand or other similar action.

Misconduct – Minor policy violations that are unacceptable but not criminal.

Mitigating Factors – Facts and/or circumstances that cause the severity of a disciplinary action to be less than the specified discipline for the category as defined in the department’s disciplinary matrix.

Restitution – Withholding of pay to cover actual cost to repair/replace city property that was lost/damaged.

Suspension – Unpaid leave for an infraction that was (a) intentional and severe in nature, and/or (b) involved gross neglect, or (c) the past conduct of the employee demonstrates the infraction is repetitive in nature. The supervisor/commander should feel that a suspension is necessary to correct the behavior.

Termination – Loss of employment status with the City for an infraction or series of infractions, so grave in nature that continued employment would affect the operational effectiveness of the department and the employee’s supervisor/commander is convinced that corrective action is not a possibility.



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Written Reprimand – Formal written documentation of reprimand for an infraction that was (a) intentional and serious in nature, and/or (b) involved a greater, more serious degree of negligence, and/or (c) the employee has received prior notices of policy violations and the supervisor is convinced that a reprimand is necessary to correct the behavior. The employee is advised that conduct of this nature will not be tolerated and that a recurrence will result in a suspension.

Shift File – A file for non-confidential information to allow commanders to maintain shift-level documents which aid in the day-to-day operations and performance evaluation process.

PROCEDURE:

Training: [26.1.4a]

Discipline may take the form of training or experience that corrects, molds, strengthens, or perfects. Such discipline allows for a professionally-oriented department.

Officer's acts, which are committed because they either misunderstood procedures or were never made aware of the correct action, are indicators of training needs. These needs may be corrected by remedial training programs.

- Remedial training is personalized training to correct a specific deficiency, which is usually identified by testing, evaluation during training, by a supervisor evaluating an employee during routine job performance, or by acts requiring disciplinary actions.

A review of internal investigations should analyze information to determine possible training needs by identifying undesirable behavior trends of those individuals.

Training may be used as part of the department's disciplinary system by itself, or in conjunction with other disciplinary procedures as determined by the Chief of Police.

An employee may be assigned to remedial training based on the results of a Professional Standards investigation or by the Chief of Police as a positive measure to correct a deficiency.

In a non-disciplinary action, an employee may be assigned to remedial training if their supervisor, through the division commander, recommends the process to correct a lack of skill, knowledge, or abilities to perform their assigned tasks properly.

Upon completion of a remedial training program participants shall be evaluated to determine whether or not existing deficiencies were alleviated. Results of the evaluation shall be forwarded through the chain of command to the Chief of Police.



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Supervisors Role in the Disciplinary Process: [11.3.2, 26.1.5]

Supervisors are responsible for the performance, conduct, and adherence to departmental directives and policies and procedures of their subordinates. Supervisors are the initiators of the disciplinary process and should use the disciplinary matrix along with their knowledge of supervision, subordinates, and knowledge of the infraction and its circumstances when taking or recommending corrective action. Supervisors are required to document all cases of misconduct as outlined in this directive.

Any supervisor may initiate a notice of policy violation or written reprimand. Written reprimands may be initiated by any supervisor but must be passed upward along the chain of command. The Chief of Police retains final authority in all disciplinary matters. If the supervisor initiating a policy violation is not the individual's immediate supervisor, the immediate supervisor will be notified when the action is forwarded through the system.

Counseling: [26.1.4b]

Counseling is assisting employees in the process of problem solving. It may be corrective or preventive in nature. Counseling as a component of the disciplinary system may be employed by itself or in conjunction with one (1) or more of the components of the disciplinary system. Counseling may focus on:

- The necessity for a person to change an existing behavior, or deficient work method
- The necessity for a person to alter behavior in preparation to be considered for additional responsibilities
- A disciplinary problem, which may be handled in a positive manner by itself, or in conjunction with other disciplinary measures

The following criteria should exist for using counseling: A reasonable belief must exist that the employee has an existing problem or is experiencing difficulty in understanding, adjusting to, or internalizing matters which:

- Are job related, pertaining to assigned tasks;
- Involve personnel policies pertaining to departmental policies;
- Involve interpersonal relationships with co-workers;
- Involve personal matters, which are affecting the employees work performance.

The process may be based on the results of a Professional Standards investigation concerning a disciplinary matter, by recommending counseling for the employee to the Chief of Police, as a positive measure to correct a deficiency. Factors must be present which indicate the employee's problem is having a detrimental effect on work performance.



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There must be a reason to believe that counseling may assist the employee in a supportive way or otherwise have a positive impact on work performance. The following procedures should be followed for utilizing counseling as a function of discipline:

- The employee or their immediate supervisor may initiate the counseling process
- The initial counseling effort shall be intended to find a remedy or, if not possible, to route the counseling process to one of the following as appropriate: watch commander, division commander, or outside professional counseling service

DISCIPLINARY GUIDELINES MATRIX

The purpose of this section is to establish a disciplinary matrix (classification system) in order to address violations of department regulations in a fair and consistent manner. The goal of the disciplinary matrix is to encourage appropriate behavior and to provide information concerning penalties for violations of regulations.

The matrix contained in this section serves as a guide for internal decisions regarding disciplinary actions. The Chief of Police shall not be bound by the degrees of discipline outlined in the matrix and may determine levels of discipline higher or lower than recommended based on the facts involved. Not all policies are listed in the disciplinary matrix, however all policies will be enforced.

General Description

Misconduct is categorized based on degrees of severity. The categories range from Category “A” through Category “E”. Category “A” contains the lowest levels of infractions and involves non-punitive measures. Repeated violations in any category may move an infraction to the next level. Category “B” violations or higher will normally result in punitive measures.

Category “A” (Minor) Coaching

Category “A” violation(s) are a single incident that has minimal negative impact on the operations or reputation of the CRPD. It will be documented utilizing a Coaching Form (CRPD #789). This form will be sent through the chain of command and will be held in their red file.

A fourth and/or subsequent Category “A” Coaching within a 6-month period after the last issuance, may be considered a Category “B” violation.

Continued Category “A” Coaching resulting in Category “B” punishment may rise to Category “C” through “E” punishment with continued violations.



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Category Violations (Major):

- Category “B” violation(s) are incidents that have more than minimal impact on the operations or reputation of the CRPD or that negatively impacts relationships with other officers, agencies, or the public (written reprimand, and/or removal from part-time specialty unit, and/or restitution).
- Category “C” violation(s) are incidents that have a pronounced negative impact on the operations or reputation of the CRPD or on relationships with employees, other agencies or the public (10-30 hours suspension from duty without pay, and/or removal from Task Force, part-time, or full-time specialty unit, or restitution).
- Category “D” violation(s) are incidents that are contrary to the core values of the CRPD or that involve a substantial risk of officer or public safety (40-80 hours suspension from duty without pay, and/or removal from Task Force, part-time, or full-time specialty unit, or involuntary transfer from current position when the continued presence of the employee would affect performance and/or integrity of the department).
- Category “E” violation(s) are incidents that are violations that are contrary to the core values of the CRPD. This includes acts of serious misconduct or acts of criminal conduct (more than 80 hours suspension from duty without pay, and/or demotion, or dismissal).

A second and/or subsequent Category “B” through “E” violation within a 24-month period will be treated as an aggravating factor and may increase the category of a current violation and/or its punishment to the next higher category.

NOTE: If a Category “A” through “E” is issued, see section 8.1 of the Cedar Rapids Police Bargaining Union contract.

Written Reprimand (Category B):

A written reprimand may be initiated by the employee's supervisor and may be applied to any infraction of policies, rules and regulations, or procedural errors. The written reprimand shall follow the chain of command with the Chief of Police maintaining final authority. Written reprimands shall be documented on Letter of Reprimand Form (CRPD #740) and forwarded to the employee's red file.

Suspension (Category C-E):

When the infraction is of such a nature that a notice of policy violation or letter of reprimand is inappropriate, the Chief of Police may suspend an employee. The employee shall be given written notice of the suspension and the reason(s) for the suspension.

Demotion:

With proper cause, the Chief of Police may order an employee demoted. An employee may also be demoted due to lack of work, prudent business reasons, a series of violations, or one very serious



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violation. The employee shall be given notice in writing of the demotion and the reasons for the demotion.

Dismissal:

Dismissal may occur after progressive discipline has been taken and there is no change in the employee's performance or behavior, or when an act is of a serious nature. Any employee whose conduct results in dismissal shall be provided the following:

- A statement citing the reason for dismissal [26.1.7a]
- The effective date of the dismissal [26.1.7b]
- A statement of the status of fringe and retirement benefits after dismissal – provided by HR [26.1.7c]
- A statement as to the content of the employee's employment record relating to the dismissal
- A statement indicating the steps and time frame in which appeals need to be made in accordance with the grievance process and appeals pursuant to the civil service process

Disciplinary Review Board

All categories B through E violations will be reviewed by a disciplinary review board consisting of the four division commanders. After reviewing the facts of the case, the board will submit a recommendation of discipline to the Chief of Police. Generally, the board will recommend the least amount of discipline listed in the category for first time category violations. In cases where the recommended disciplinary measure deviates from prescribed matrix standards, the board will justify the recommendation by providing aggravating or mitigating circumstances. The Chief of Police shall determine all final dispositions.

Annual Review of Disciplinary Cases: [26.2.5]

The commanding officer of Professional Standards will submit an annual report to the Chief of Police after reviewing all departmental disciplinary cases. The review will be conducted to determine the need for modifications in the following areas:

- Training
- Change in policy, procedure, or rules and regulations
- Adequacy of supervision
- Need for inspection or other controls

During the review process, the commanding officer of Professional Standards will analyze all formal citizen complaints. This report will be used in the development of departmental goals in preparation for the annual planning and departmental budget process.



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RED FILE: [26.1.8]

Documentation of disciplinary action taken against an employee will be maintained as follows:

- Formal Discipline - In cases involving formal discipline, the documentation will permanently remain a part of the affected employee's red file.
- Coaching - In cases involving Coaching, the documentation may be purged from the affected employee's personnel file 6 months after final action.
- Purging Files - The documentation purged shall include statements by the employee, witnesses and identification of the person filing the complaint. When the documentation is purged from the affected employee's personnel file, the action will be logged in the red file, signed off by the employee, and the documentation will be destroyed.

NOTE: This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.



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General Conduct/Behavior Policy Violations **Category**

Inappropriate comments/rude or discourteous actions/Use of profane, obscene language/inappropriate gestures	B
Offensive and/or discriminatory comments regarding race, ethnicity, gender, religious beliefs, physical characteristics and/or sexual orientation/lifestyle	C
Harassment and/or discrimination	C
Violation of Bias Based Profiling policy	D
Failure to follow chain of command/Obtain supervisor approval	A
Insubordination	C
Failure to obey a lawful order	C
Obstructing or hindering a criminal and/or internal investigation	E
Sleeping on duty	B
Failure to report to a required court appearance or training	A
Failure to answer radio (required job duties)	A
Intoxicated/Consumption of alcohol while on duty	E
Unexcused lateness to assigned duty	A
Failure to report to scheduled duty or on-call duty	C
Failure to assist/Backup other officers	C
Failure to advise the department of address/Telephone change	A
Failure to provide name and identification to citizens/police	B
Violation of social media policy	A
Failure to put yourself out on radio	A
Failure to follow tobacco use policy	A
Violation of work restrictions	B

Evidence and Found Property **Category**

Failure to recover evidence at the scene	B
Improper recovery, processing, and documentation of receipt of evidence/found property	A
Intentional and/or willful destruction, disregard, and/or tampering of evidence	E
Failure to impound when required	A

Untruthfulness/Deception **Category**

Work related misrepresentations that are minor and inconsequential	E
Intentional misrepresentation under oath, in an internal investigation, in a report, or in any matter that adversely affects another person's life	E



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Secondary Employment

Category

No approved secondary employment form on file	A
Restriction violations (Hours/Week)	A
Working prohibited secondary employment site	B
Working while on medical leave without permission or in violation of restricted duty policy-Policy questions	B

Prisoner Issues

Category

Violations relating to searches – Contraband	A
Violations relating to searches - Weapons	B
Violations relating to transportation of prisoner	B
Violations relating to prisoner property	A
Violations relating to guard/custody	C
Violations relating to medical/mental health treatment	C

Neglect of Duty

Category

Failure to take necessary police action	B
Failure of a supervisor to take necessary action	C
Abuse of police powers	E

Criminal Violations

Category

Failure to report being charged with a traffic or criminal offense	B
Serious Misdemeanor or above criminal violations and attempts	E
Serious traffic offenses	E
Illegal Use of Controlled Substances	E

Police Vehicle Operations

Category

Vehicle Collision Due to Simple Negligence with Minor Consequences: A collision resulting from minimal inattentiveness by the officer and cosmetic damage to property and no personal injury.	A
Vehicle Collision Due to Simple Negligence with Moderate Consequences: A collision resulting from minimal inattentiveness by the officer but damage and/or a minor personal injury has been sustained.	B



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Vehicle Collision Due to Negligence with Minor/Moderate Consequences: A collision resulting from inattentiveness by the officer with damage and/or a personal injury has been sustained.	C
Vehicle Collision Due to Recklessness No Matter the Consequences: A collision resulting from inattentiveness and negligence toward the safe operation of the vehicle.	D
Vehicle Collision Due to Gross Negligence No Matter the Consequences: A collision resulting from the negligent operation of the vehicle and a disregard to highway safety.	E
Failure to wear seatbelt	C
Minor violations of motor vehicle/pursuit policy	A
Negligent violation of motor vehicle/pursuit policy	B
Reckless violation of motor vehicle/pursuit policy	C

Use of Force **Category**

Unnecessary Force – force that is used when not required in light of the circumstances but is not brutal or excessive	A
Unreasonable Force – force used that is outside what an ordinary or prudent law enforcement officer would use	C
Excessive Force – force that is clearly excessive in scope, duration, or severity in light of the circumstances	D
Brutal Force – force that is without justification or mitigation in light of the circumstances and is severe/cruel in scope or duration	E

Firearms **Category**

Carrying an unauthorized firearm on-duty	C
Carrying unauthorized ammunition on-duty	C
Failure to properly maintain firearm	B
Failure to properly secure department issued firearm(s): on-duty or off-duty	C
Negligent handling of a firearm resulting in a discharge	C
Failure to report firearm discharge	C
Failure to properly secure department issued weapons	C

Investigative Protocol **Category**

Violations of procedures for preliminary & follow-up investigations	A
Failure to file required reports (Code of Conduct)	B
Accuracy of reports/Completeness	A
Failure to arrest/Cite when required (DA, NCO, etc)	B
Improper interview or interrogation	A
Improper search and seizure	A



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Unreasonable search and seizure	C
Knowingly or willfully violating an individual's Constitutional Rights	E
*Violation of audio/video recording procedures	B

Care and Use of Uniforms and Equipment

Category

Wearing improper attire/Out of uniform Displaying unprofessional appearance	A
Loss of departmental uniform items or equipment items (Not to include firearm, radio, I.T. equipment, vehicle, or badge)	A
Loss of departmental radio, I.T. equipment, Defibrillator, and/or badge	B
Loss of departmental firearm and/or vehicle	D
Intentional damage to departmental uniform items or equipment items	C
Minor damage to department equipment as a result of negligence	B
Major damage to department equipment as a result of negligence	C
Improper use of department equipment	A
Unauthorized use of department equipment (Take home cars, equipment, etc)	B
Violation of Body Armor wear/use policy	B

Confidential Information

Category

Improper dissemination/access of investigation/departmental information	C
Computer access violations – internal	C
CJIS/iLeads/NCIC Protocol Violation: Imprudent Activity	B
CJIS/iLeads/NCIC Protocol Violation: Criminal Intent / Personal Gain	E
Negligent disclosure of NCIC information to Unauthorized person	A
Intentional disclosure of NCIC information to Unauthorized person/accessing NCIC information without lawful purpose	B
Intentional destruction or modification of NCIC/IOWA system logs or any other storage medium	E