



REVISED AGENDA

Public Safety, Courts and Civil Service Policy Committee

November 19, 2020, 11:00 am

Council Member Allison Hiltz, Chair
Council Member Curtis Gardner, Vice Chair
Council Member Angela Lawson, Member

Public Participant Dialing Instructions

Dial Access Number: 408.418.9388

Event Number 146 298 1059

Council Goal: Assure a safe community for people

	Pages
1. Call to Order	
2. Approval of Minutes October 15, 2020 Minutes	1
3. Consent Items <i>(These items have no presentation unless requested by the Committee)</i>	
3.a. 2015-2020 Separation Survey Stats	8
3.b. Use of Force Statistics Follow-up	15
3.c. Presentation of the 2021 Audit Plan for the new Internal Police Auditor	30
3.d. <i>Police Department Non-Criminal Contact Juvenile Procedures</i>	38
4. Community Task Force Update Presenter: Councilmember Nicole Johnston (5 Minutes)	45
5. Investigations Status Update Presenter: Jim Twombly, City Manager (15 Minutes)	46
6. Legal Defense Fund Ordinance Staff: Nancy Rodgers, Deputy City Attorney (10 Minutes) Sponsor(s): Councilmember Crystal Murillo	47
7. Federal Immigration Cooperation and Issues Ordinance Staff: Nancy Rodgers, Deputy City Attorney (15 Minutes) Sponsor(s): Councilmembers Crystal Murillo and Alison Coombs	52

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| 8. | Discipline Matrix Resolution Proposal
Staff: Nancy Rodgers, Deputy City Attorney (15 Minutes)

Sponsor(s): Councilmember Curtis Gardner | 60 |
| 9. | Rocky Mountain Partnership Proposal
Staff: Jason Batchelor, Deputy City Manager (10 Minutes)

Sponsor(s): Mayor Pro Tem Nicole Johnston

Outside Speaker: Becky Hoffman, CEO of Rocky Mountain Partnership | 121 |
| 10. | Job Suitability Evaluations
Outside Speaker: Dr. Jaime Brower (20 Minutes) | 162 |
| 11. | Miscellaneous Matters for Consideration | |
| 12. | Confirm Next Meeting
December 10, 2020, 11am | |
| 13. | Adjournment | |

PUBLIC SAFETY, COURTS & CIVIL SERVICE MEETING
OCTOBER 15, 2020

Members Present: Council Member Allison Hiltz, Chair
Council Member Curtis Gardner, Vice Chair
Council Member Angela Lawson, Member
Council Member Alison Coombs
Council Member Juan Marcano
Council Member Marsha Berzins

Others Present: J. Batchelor, A. Robnett, C. Burns, C. Hills, C. McCoy, C. Andersen, D. Giordano, D. Parker, F. Gray, H. Glidden, I. Evans, J. Bergeron, J. Campbell, J. Heckman, M. Fassio, M. Longshore, M. Chapman, M. Moore, N. Rodgers, N. Wishmeyer, R. Jackson, S. Day, S. Redfearn, S. Wright, T. Buneta

REVIEW/APPROVAL OF MINUTES

Minutes approved for August 27, September 10, and September 17.

ANNOUNCEMENTS

None.

CONSENT ITEMS

Use of Force Follow-up

Staff provided use of force statistics broken down by demographics. CM Hiltz noted that she is not surprised but is disappointed by the numbers. Statistics indicate double the amount of use of force used on the black population versus other races, especially when looking at black versus white. She would like clarification on the difference between a tier 1 and a tier 2 hobble and baton. When looking at the hobble, there were 70 for white and 110 for black. When looking at other restraints, almost all indicate a racially disparate outcome. She would like to see this data presented with percentages and notes that any data provided in the future should include percentages. CM Lawson noted that on July 16 there was information provided in backup that raised a red flag for her. If she had never said anything then she would not be doing her due diligence as a law maker representing everyone in the city. The data is very concerning to her. She calculated the year total data by race because she wanted to see if what she was saying was true. Use of force for black 47%, Hispanic is 17%, and white 33%. She would like APD to confirm her calculations. If the two or more races (bi-racial) category is included, she believes the use of force on black people would be higher than 47%. She is bringing this forward so it can be addressed with implicit bias, recruiting, and training. This data would be a reference point to making those changes. There is a disparity issues with the PD and people of color and it's an issue that needs to be addressed. Black people are in every category and is higher than any other demographic. She wanted this data to be brought forward to show use of force progression with the hope that it will be used to determine how different types use of force should be applied and more awareness of how use of force techniques are used on people of color, specifically the black population. The committee would like staff to provide the same data broken down by percentages and a total of all combined for an overall snapshot. CM Gardner added that in every case the use of force on black was higher than white. Other jurisdictions have the opposite. This information is concerning, and the data is showing a disparate outcome. CM Hiltz would like to get all the different data sets in one report to get a comprehensive look. Looking at the differences of use of force she would like to know what starts the use of force action and are those actions related to the racially disparate outputs. She suggested that this be assigned to the police

auditor. She would like to have a larger conversation and the report can help facilitate that. DCM Batchelor confirmed that staff would provide the further analysis requested. In terms of additional analysis, he believes a good next step would be to provide an overall understanding of the use of force being analyzed. APD has a very robust reporting mechanism and high standards for reporting use of force. There are many things that APD classifies as a use of force that may not rise to the same level for other departments. Staff will provide information on what a use of force is and the paradigm used for progression through the different levels. CM Hiltz noted that even if APD is tracking things that other departments do not consider a use of force the data still shows a disparate outcome. CM Gardner noted that regardless of what is being tracked, there is more use of force being used, demonstrating there is an issue. He too would like to turn the request over to the police auditor and should be a high priority to that person. Reference #3 in the footnotes on the data provided, he asked for clarification about if APD considers drawing their weapon as use of force. DCM Batchelor confirmed that scenario is tracked as tier zero as a display of force. The data provided is only for tiers 1 through 3. CM Gardner recalls thinking it was odd that it wasn't considered a use of force during a previous presentation. CM Hiltz added that she too remembers that conversation. Deputy Chief Darin Parker added that displays of force, such as gun-pointing, are tracked as a tier zero and are tracked by incident rather than per officer. To the question about hobbles and tiers; if an individual is hobbled and there is no injury, that is a tier 1. If the subject sustains any kind of injury as a result of the hobble or any use of force, that would be tier 2. CM Hiltz requested any council members listening on the meeting that are interested in providing data set requests for the comprehensive report, to send that to her. Once she has a list, they can talk to City Manager Twombly about possibly including the auditor.

COMMUNITY POLICE TASK FORCE UPDATE

Summary of Issue and Discussion

DCM Batchelor explained the information sharing portion was coming to a wrap. The most recent was on the use of force and how they are categorized, tracked, and investigated. An overview of the discipline process was provided as well. There might be one or two more items for information sharing. The Facilitator will then be moving to the recommendations phase. MPT Johnston added that APD has been a very good partner in all of this. The topics are sensitive and often triggering and the way APD has been supportive in providing information is appreciated.

Outcome

Information Only

Follow-up Action

None.

INSERVICE TRAINING

Summary of Issue and Discussion

Sergeant Claude Burns, Officer Kevin Smyth, and Officer Jason Petrucelli provided this presentation to the committee. J. Petrucelli explained de-escalation training is provided in scenario-based training, part of the live-fire training in the qualification courses on the range, or part of the Academy training. He provided information about how shoot and no-shoot scenarios are used. Sgt. Burns explained mandated training is provided for use of force policies, weapons proficiencies, force-stop methods, emergency driving, less-lethal weapons, weapons control techniques, ethics, bias-base profiling, legal updates, hazard plans, mental illness refreshers, temporary detention, community policing, de-escalation, and excited delirium. Typical in-service includes Arrest Control Techniques (ACT), weapon control holds, taser, anti-bias, crowd control, firearms, ASHER, and driving.

CM Gardner asked staff to provide more information on the crowd control training and what it covers. DC Parker explained ERT provides the training on crowd control to the specific specialized officers. Not every member receives that training as part of in-service. CM Gardner asked what the ethics element includes. Officer Smyth explained members are required through CALEA or Directives to complete one-hour each on ethics and bias-based policing every year. The ethics training is provided by the Daniels Fund and presented in the LMS. The bias-based policing curriculum is transitioning to LMS as well due to the restrictions presented due to COVID. Sgt. Burns added that this also includes PoliceOne videos provided to all sworn members in the department. CM Gardner asked about the in-service training required due to SB217. Officer Smyth explained this was covered in the last in-service cycle. There was specific instruction provided in SB217 in addition to direction from the Chief's Office and was reinforced through the ACT and Use of Force curriculum.

CM Lawson asked for clarification that all officers were required to take these trainings, but crowd control was separate. DC Parker explained that members of the specialized units received the specialized training as needed for those assignments. Inservice provides the mandatory training for the entire department.

Outcome

Information Only.

Follow-up Action

None.

HUMAN TRAFFICKING UPDATE

Summary of Issue and Discussion

CM Lawson explained she asked for this presentation to see if activities related to human trafficking are still happening in the city. Back in 2018, an ordinance was passed banning illicit massage parlors. She is interested to know if this is still a trend and if there is a pattern or link to missing adults and children and sexual exploitation. Agent Faith Goodrich provided this presentation to the committee. Her background in human trafficking is focused on trafficking for sexual exploitation, specifically of children. Human Trafficking for sexual exploitation during COVID-19 revealed some trends. In addition to the COVID shutdown, back in 2018 Craigslist stopped allowing escort postings. This sent the posters to different sites. Investigators did notice a large decrease of ads from March to May 2020 for all kinds of human trafficking. They speculate that the lack of air travel and large-scale community events decreased the demand. They did notice that the less economically stable victims of human trafficking continued to post ads at the same rate, likely because of the economic pressures of COVID-19. The ads came back up to pre-COVID levels in June and July 2020. Investigators haven't been able to conduct operations that would have been done had it not been for COVID. Thirty percent of human trafficking victims are children. Statistically, investigators have seen an increase in survival cases of children and adults. These would be cases where the victim has sex in exchange for things to survive, such as a place to stay or food. This could be due to the economic instability of COVID or kids leaving home because home is an unsafe place to stay. They also saw an increase in out of state runaway cases. As they contact more victims they can hopefully determine the circumstances. They have seen a very large increase in kids from the National Center for Missing and Exploited Children (NCMEC) regarding child sex abuse and physical abuse in general. This is also true for domestic violence victims as well. They also saw a decrease of reported abuse and domestic violence. Likely due to the stay at home orders, victims are unable to go to work or school and are essentially trapped inside their homes with their abusers. APD did put out some information early on in the stay at home order with information about resources available on social media platforms. APD is still investigating human trafficking cases. Statistics were presented on reports where human trafficking was mentioned in the reports. Stats provided do not include labor trafficking because those cases are harder to capture due to the subject of the report which can often times be related to theft or something unrelated to trafficking. Notable information from Tax and

Licensing is prior to the ordinance passed in 2018, they would get one or two license requests per month that looked like it was involved in some type of human trafficking, but since the ordinance, they have only received two requests total. Resource numbers were provided for human trafficking victims needing resources or community members with tips. The idea that someone is snatched off the street and forced into trafficking is not what human trafficking actually looks like in the United States. Runaways are often involved in some kind of human trafficking either because they were recruited or pushed into it. Some of these kids are still going home or going to school during the week. That's something investigators need to be aware of when investigating runaway cases, but they don't have evidence that it's a widespread issue.

CM Lawson noted that she is curious when she sees missing children, especially that they may get involved in human trafficking and other activities. Agt. Goodrich noted that runaway children are more likely to become involved in trafficking, but they are not generally missing children. Investigators and officers need to be more aware when interviewing the runaways to find out what happened when they were gone and why they ran in the first place.

CM Lawson thanked APD and Trevor Vaughn in Tax and Licensing. She brought this ordinance forward in 2018 after she noticed it was happening in a business office where she got services done. The collaboration of everyone really helped shut down at least 20 illicit massage parlors in Aurora.

CM Hiltz asked if there has been any conversation with surrounding communities about how they can introduce something similar so that it can be addressed in a more regional approach. DCM Batchelor added that when the ordinance was passed it was recognized by the FBI as a best practice. DC Parker added that he had an email from Trevor Vaughn that stated Commerce City and Wheat Ridge had ordinances similar to Aurora. Also, that he submitted a legislative priority item for the city to submit to the state legislature for approval.

Outcome

Information Only.

Follow-up Action

None.

COLORADO METROPOLITAN CERTIFICATION BOARD

Summary of Issue and Discussion

Deputy Chief Cynthia Andersen presented this item to the committee. She explained the IGA was provided for review. The main changes made to the IGA were to the addendum, cleaning up the legal language, and provided a new clean document.

Outcome

Committee approves to move forward to Study Session with their recommendation for approval.

Follow-up Action

None.

WHISTLE BLOWER POLICY

Summary of Issue and Discussion

Human Resources Director Dianna Giordano provided the committee with this presentation on the city policies that prohibit and govern retaliation for individuals that bring forward concerns. The policy is part of the Employee Manual that was adopted in January 2018 and included versions consistent with prior

versions of the Employee Manual. The Employee Manual covers all employees in the City of Aurora to include Career Service as well as Civil Service employees. Particularly in the sections that govern harassment, discrimination, and anti-retaliation prohibitions for all employees in the city. It provides guards and protections for individuals that bring concerns forward relating to any of the Title 7 Labor Laws that protect individuals based on discriminatory reasons, harassment or retaliation. Some of the components found in the Employee Manual, consistent with the Labor Law guidance is that it allows individuals to bring forward concerns relating to those matters but also any concerns relating to any policy or procedure that exists in the City of Aurora. It protects individuals from adverse action such as those that impact pay or employment. Also protects conditions of employment and career development or pursuits of promotional opportunities. It governs the prohibition for those individuals that bring forward concerns or those that participate in the investigative process. There are different mechanisms available to bring forward concerns. Any individual that has an issue or concern or reason to believe that there may be wrong-doing in the organization can present those concerns directly through their supervisory chain, directly to their director, Human Resources, deputy city manager, or city manager. They do ask that the individual provide any other names of people that might have witnessed or observed the situation or may have information relating to the matter. The Employee Manual also requires supervisors that hear, learn, or witness retaliation occurring that they have a responsibility to address those matters immediately by taking immediate remedial correction action and reporting it to Human Resources. There is also a mechanism for reporting anonymously through the Ethical Advocate instituted in 2017. The city has a third-party ethical advocacy agency that funnels the submissions to Human Resources. Members from Internal Audit and Finance are also included in the third-party reporting in case the matters being reported included fraud, waste, or abuse. Those members partner with HR to investigate and/or validate the reported concerns. Individuals are provided notices at the onset of the process regardless if they report anonymously or not. The third-party has a way to contact the reporting party while still maintaining anonymity. There is also a process to notify the individual when the outcome of the investigation. The same communication will be sent to the subject of the investigation at the conclusion of the investigation. The anti-retaliation covers some of the components seen in the whistle blower protection. Although, the whistle blower is typically more associated with fraud, waste, and abuse or misappropriation of funds.

CM Hiltz noted that she likes the anonymous reporting options. D. Giordano agreed and added that it is utilized in the organization and allows communication while maintaining their ability to remain anonymous.

Outcome

Information Only.

Follow-up Action

None.

SENATE BILL 217 OVERVIEW

Summary of Issue and Discussion

City Attorney Nancy Rodgers provided this presentation on impacts of Senate Bill 217 and addressed any questions the committee may have. She commended the Training Academy staff for making the changes and implementing them so quickly. SB 217 is a new state law and that matters when discussing qualified immunity which is a federal construct. SB 217 was introduced on June 3, 2020 and passed on June 19, 2020. The bulk of the Bill went into effect on September 1, 2020. Backup provided shows a summary of each of the 19 sections in the law. It is a matter for statewide concern, especially Aurora as a Home Rule Municipality, because when laws say they are a matter of statewide concern it arguably restricts local regulations. This is an area they are monitoring to see how it plays out. Section 2 is one of the larger sections as the Law Enforcement Integrity Act. This is the provision that added some definitions to state statute,

including the definition of physical force that is now defined to be the application of physical techniques or tactics, chemical agents, or weapons to another person. The application of physical techniques is being interpreted as any contact to include handcuffing and hands on the arm to move someone along. It also modified the definition of contacts which will impact reporting requirements. Another notable area in this section is the body-worn camera requirement effective date of July 1, 2023. APD already has a robust body-worn camera program so the department will only need to add cameras for those that don't already have them. The challenging part of the Bill is going to be disclosure of the video and audio. This will really change how police agencies across the state releases videos and mandates videos be released 21 days after the receipt of a complaint. It requires redactions and approvals for release by the victims and will require a lot of staff time. The disclosure of video and audio is an unfunded mandate. The redaction can be done with the right software and person with the right skills but with an agency the size of Aurora, would require more than one FTE. There are also certain requirements regarding when an officer must turn them on or off and consequences such as criminal charges or POST decertification. This section also includes the requirements from the Division of Criminal Justice that agencies report all use of force that results in death or SBI, resignations while under investigation, data related to contacts by officers, all instances of unannounced entry into a residence with or without a warrant. Conviction for unlawful use or threatened use of unlawful force or is found civilly liable for the use of unlawful force will result in POST decertification. This section also includes mandates for protests and demonstrations. These include no KIP or projectiles targeting head, pelvis or back, no indiscriminate discharge, and no chemical agents or irritants, pepper spray/tear gas, can be used prior to order to disperse and time/space to comply.

Section 3 of the Bill is a new civil action for the deprivation of rights. Currently, most cases filed related to police are filed in federal court under federal civil rights laws. This bill created a new civil action that says a citizen can sue an officer when they deprive them of rights provided to them by the Colorado Constitution, specifically Article Two. Under the state claim there are no statutory immunities and no limitations apply, meaning the Colorado Governmental Immunity Act (CGIA) does not apply. Qualified Immunity is not a defense but is also a construct in federal court. Prevailing plaintiff can recover their fees and costs and the employer must indemnify the officer for any liability. However, the local government can ask for contributions from the officer for 5% or \$25,000, whichever is less, if the employer finds the officer did not act in good faith and reasonable belief that the action was unlawful. Currently there are limitations on how the city can pay punitive damages, this is full indemnification for the officer except for the \$25,000.

Section 4 is related to use of force in jails and prisons. Section 5 is related to use of force by officers. It outlawed the chokehold and carotid hold, which was already directed by Chief Wilson in policy. It really changed the statutory use of force. It states officers shall apply nonviolent means, when possible, before resorting to physical force. An officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of SBI or death to the officer or another person. An officer shall not use deadly physical force to apprehend someone for a minor or nonviolent offense; Use only a degree of force consistent with the minimization of injury to others; Ensure that assistance and medical aid are rendered as soon as practicable; and ensure that any identified relatives or next of kin of persons who have SBI or death are notified as soon as practicable. The use of deadly force is justified to make an arrest only when all other means of apprehension are unreasonable given the circumstances; and the arrest is for a felony involving conduct including the use or threatened use of deadly physical force; and the suspect poses an immediate threat to the officer or another person; and the force does not create a substantial risk of injury to other persons. Notwithstanding any of the above, an officer is justified in using deadly force if the officer has an objectively reasonable belief that a lesser degree of force is inadequate, and the officer has objectively reasonable grounds to believe, and does believe, that the officer or another person is in imminent danger of being killed or receiving SBI. There is a duty to intervene by law in addition to the policy, there are training requirements that hold officers accountable if their training doesn't get done, there are rights afforded to victims related to the recordings, the AG has the ability to sue agencies for patterns and practice,

and POST revocation consequences if officers do not meet training requirements. The last four sections of the Bill reference racial profiling to include tracking and reporting. This is another area that APD is reviewing for appropriate compliance. This is also an unfunded mandate.

N. Rodgers cautions there is a lot of misinformation about the Bill and what it says so she has provided the link to the full Bill in the backup.

CM Hiltz explained that she has heard about officers not going hands on and asking firefighters to do it. She asked staff to explain what the Bill says about that. N. Rodgers noted that is aware of that. Reading the law strictly says, arrest, escape, or prevention of death/SBI. When someone is combative by a low level, meaning not a risk of SBI or death, officers should not be using a hands-on technique. In those situations, they have been working with firefighters to determine how it will be handled in practice. An officer will get involved for something that would cause SBI or death.

Outcome

Information Only.

Follow-up Action

None.

MISCELLANEOUS ITEMS FOR CONSIDERATION

None.

NEXT MEETING AGENDA ITEMS

Next meeting confirmed for November 19. Agenda items will include Safer Aurora, Discipline Matrix proposal, chemical munitions ban proposal, High risk stop information, Rocky Mountain Partnership, and Community Task Force update. If there is time, CM Hiltz would like CM Twombly to provide an update on the various investigations.

Meeting adjourned at 12:25pm

APPROVED: _____
Allison Hiltz, Chair



CITY OF AURORA

Public Safety, Courts & Civil Service

Agenda Item Commentary

Item Title: 2015-2020 Separation Survey Stats
Item Initiator: Danelle Carrel
Staff Source: Human Resources Director Dianna Giordano
Legal Source: N/A
Outside Speaker: N/A
Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

N/A

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Report on the City of Aurora’s sworn civil service employee’s separation reasons from 2015 through October 2020. Included in this report is data on Police Officer and Firefighter sworn person, turnover, separation process, and reasons for separation.

QUESTIONS FOR COUNCIL

Information Only.

Civil Service Police & Fire Separation Reasons

PSC Report | City of Aurora
November 9, 2020

Summary

Following is a report on the City of Aurora’s sworn civil service employee’s separation reasons from 2015 through October 2020. Included in this report is data on Police Officer and Firefighter sworn personnel 1) turnover, 2) separation process and 3) reasons for separation.

1. Turnover Data: 2015 to 2020 (through October)

Year-to-date, Fire civil service turnover is trending to have the lowest percentage (4.9%) over the past six years. Police civil service turnover is currently at 9.8% with a total of 75 law enforcement officers leaving the city. This is the highest turnover in the past six years.

ALL Civil Service Separations (as of 11/1/20)

Year	Fire Department		Police Department	
	Turnover %	# of Employees	Turnover %	# of Employees
2020	4.9% YTD	21 YTD	9.8% YTD	75 YTD
2019	7.1%	31	7.4%	54
2018	8.0%	35	7.5%	57
2017	6.6%	27	7.5%	53
2016	6.7%	28	7.5%	51
2015	7.3%	29	4.6%	33
2014	6.6%	24	4.6%	32

* All separated employees: resignations, retirements, medical retirements, discharges, deaths

* Turnover is calculated by dividing # of employees who leave by the average # of employees on payroll

2. Separation Process

There are two main categories for an employee’s separation from the city: 1) voluntary resignation and 2) involuntary/discharge of employment. Discharged employees are not offered an Exit Survey/Interview. Employees that are voluntarily resigning have an opportunity to provide reasons for leaving the city. Over the past four years, an average of 25% of employees participated in providing reasons for separation.

Following is a brief overview of the separation process:

- Employee notifies supervisor of resignation
 - Two weeks’ notice is standard, but the actual time from notice to last day can vary
- Supervisor informs chain of command and initiates internal department separation process
- Separation Form is a document with employee’s information and reasons for separation completed by employee (or supervisor in lieu of employee) provided to Human Resources to enter into the city’s HR/Payroll system
- Exit Survey/interview is an online survey sent to employees upon HR’s notification after receiving the Separation Form (typically received during last week of employment)

3. Separation Reason Data

Human Resources has two data points for collecting employee separation reasons: 1) Separation Form and 2) Exit Survey.

1) Separation Form (Data from 2015 to 2020 YTD)

- Completing Separation Form is required; if employee does not complete, the department Admin completes in lieu of the employee
- Two reasons for separation are available:
 - “Primary” is required (only one reason can be provided)
 - “Secondary” is not required (multiple reasons can be provided)

Fire Civil Service – Separation Form Reasons

Fire Civil Service	2020 YTD		2019		2018		2017		2016		2015	
"Separation Form" Reasons for Separation	Primary Reason	Secondary Reason	Primary Reason	Secondary Reason	Primary Reason	Secondary Reason	Primary Reason	Secondary Reason	Primary Reason	Secondary Reason	Primary Reason	Secondary Reason
DISABILITY RETIREMENT	1		1		1		3				2	
Not Applicable		1		1		1		3				2
DISCHARGED	1				2		1		1		3	
Not Applicable		1				2		1		1		3
RETIREMENT	8		6		12		10		10		12	
RETIREMENT		8		5		11		10		10		10
[Blank]				1		1						2
VOLUNTARY RESIGNATION	11		24		20		13		17		12	
ANOTHER JOB		9		14		8		6		3		1
FAILURE TO FOLLOW ORDERS												2
FAILED INTRO										5		3
MEDICAL REASON				1		4		1		1		1
DISSATISFIED WITH PAY												
MOVED FROM AREA		1		1		1				1		
RETURN TO SCHOOL										1		
PERSONAL ILLNESS				1		1		1		1		
FAMILY ILLNESS				1						1		
TOO FAR TO TRAVEL				1								
[Blank] No Response		1		3		6		5		4		5
Grand Total	21	21	31	31	35	35	27	27	28	28	29	29

Police Civil Service – Separation Form Reasons

Police Civil Service	2020 YTD		2019		2018		2017		2016		2015	
"Separation Form" Reasons for Separation	Primary Reason	Secondary Reason	Primary Reason	Secondary Reason	Primary Reason	Secondary Reason	Primary Reason	Secondary Reason	Primary Reason	Secondary Reason	Primary Reason	Secondary Reason
DEATH	1						1				1	
DEATH		1						1				1
MEDICAL SEPARATION							1					
MEDICAL REASON								1				
DISABILITY RETIREMENT	3		2		2		2		2		3	
Not Applicable		3		2		2		2		2		3
DISCHARGED	8				2						1	
Not Applicable		10				2						1
RETIREMENT	31		14		20		15		23		8	
RETIREMENT		26		13		20		5		19		7
MEDICAL REASON										1		1
UNHAPPY WITH JOB								1				
[Blank]		5		1				9		3		
VOLUNTARY RESIGNATION	32		38		33		34		26		20	
ANOTHER JOB		3		23		9		5		2		5
FAILURE TO REPT		1										
MEDICAL REASON						1		2				2
MOVED FROM AREA		4		2		3		1		2		
RETIREMENT		4										
RETURN TO SCHOOL				1								
VOLUNTARY RESIGNATION		1		1								
FAILED INTRO PERIOD				1								
PERSONAL ILLNESS										1		
FAMILY ILLNESS				1		1		1				
UNHAPPY WITH JOB				1				1				
SELF EMPLOYEMENT						1						
CARE OF CHILD								3				
PERSONAL REASON								1				
ABSENTEE				1								
[Blank] No Response		16		7		18		20		21		13
Grand Total	75	75	54	54	57	57	53	53	51	51	33	33

2) Exit Survey (Data from 2015 to 2020 YTD)

- Completing Exit Survey is voluntary by the employee
 - Emailed to employee after HR is notified via the Separation Form
 - HR, at times, is notified of separation during last week of employment or after the employee's last day; therefore, employee will be emailed the survey at their personal email address
 - Completion rate of Exit Survey averages 25% over the past four years
- Employees can select multiple reasons for leaving

Fire Civil Service – Exit Survey

Fire Civil Service	2020 YTD	2019	2018	2017	2016	2015
"Exit Survey" <i>Primary Decision for Leaving</i>	Reasons	Reasons	Reasons	Reasons	Reasons	Reasons
Dissatisfied with Pay	2	5	2	1		
Dissatisfied with Benefits		1	1	1		
Working Conditions		1		1		
Supervisor	2					
Conflict with Co-Workers						
Health Problems	1			2		
Returning to School						
Moving from the Area	2		1	2		
Career Change				2		
Care for a Family Member	1					
Transportation Issues						
Lack of Career Growth		1		1		
Overall Leadership	1	4	1	3		
Retirement	3		3	2		
Other		7	1	1	1	
[Blank] No Response						
Grand Total	12	19	9	16	1	0
Total Separations	21	31	35	27	28	29
Total Respondents	5	9	5	8	1	0
% of reponses	24%	29%	14%	30%	4%	0%

Police Civil Service – Exit Survey

Police Civil Service	2020 YTD	2019	2018	2017	2016	2015
"Exit Survey" <i>Primary Decision for Leaving</i>	Reasons	Reasons	Reasons	Reasons	Reasons	Reasons
Dissatisfied with Pay	2	1		3	1	
Dissatisfied with Benefits	1			1		
Working Conditions	5			4	1	
Supervisor	3	1	1	3		
Conflict with Co-Workers	2					
Health Problems	1			1		
Returning to School						
Moving from the Area		2	2	5		
Career Change	3	2	4	5		
Care for a Family Member				1		
Transportation Issues						
Lack of Career Growth	3	2		1		
Overall Leadership	5	1	1	1		
Retirement	6	1	4	6		
Other	5	1	2	5		
[Blank] No Response						
Total <i>(multiple responses allowed from employee)</i>	36	11	14	36	2	0
Total Separations	75	54	57	53	51	33
Total Respondents	17	6	13	25	1	0
% of reponses	23%	11%	23%	47%	2%	0%

Reference Materials



SEPARATION OF EMPLOYMENT FORM

IMPORTANT: Immediately after resignation/termination becomes known, this form MUST be completed and sent to Human Resources. We must have this form no later than two days before the end of the pay period in which they are terminating.

EMPLOYEES NAME _____ EMPLOYEE ID# _____

Resignation/Term Date _____ Social Security # _____ Department Name _____ Hire Date _____

Job Title _____ Rate Of Pay _____ Position Number _____ Regular FT, PT, TM30, TM or Season _____

If employee was a supervisor, please provide the name and position number of the supervisor that will now be responsible for this employee's direct reports as well as those employees names and position numbers, please attached a second sheet.

Employee's forwarding address _____

Personal email address and phone _____

- Voluntary Resignation (17)
 Discharged (18)
 Laid off (76)
 Retirement (5 years) (23)
 Disability Retirement (24)
 Seasonal (80)
 Death (25)
 Medical Separation (22)

CHECK ALL APPLICABLE REASONS				
Absenteeism(60)	Failure to report (06)	Join military (18)	Refused transfer (76)	Too far to travel (85)
Another job (12)	Falsification of records (65)	Join spouse (71)	Remain home (77)	Unauthorized use/ removal of city property (81)
Care of children (62)	Fighting (66)	Marriage (17)	Retirement (13)	Unhappy with job, supervisor, other employees (82)
Death (15)	Illness, family (67)	Medical reasons (20)	Return to school (19)	Unqualified (83)
Dissatisfied w/pay, working conditions (14)	Illness, personal (68)	Move from area (11)	Seasonal (80)	Violation of city rules (84)
Failure to follow orders (63)	Incarcerated (69)	Negligence (73)	Self-employment (78)	Settlement
Failed to pass intro. period (64)	Insubordination (70)	Refused recall (75)	Tardiness (79)	Just cause

SEPARATION & PROPERTY RETURN CHECKLIST

- Uniform, safety equipment, etc.
 Building/office keys
 Portable radio/beeper, other
 City photo I.D. card
 Computer equipment (Laptop/IPADs)
 City property (specify)
 Cell/smart phone
 Gas card
 City vehicle & keys

ID Badge Deactivated by _____

Employees Signature _____ Date _____ Dept. Designee Signature _____ Date _____ Human Resources _____ Date _____

Updated 07.2016

Exit Survey

Exit Interview

We are sorry to see you leave the City of Aurora. Please take a few moments to fill out this exit interview. All information submitted is completely confidential.

This information is vital and assists Human Resources to analyze employee retention and turnover.

Question Title

1. Which department did you work in?

Question Title

*2. What division did you work in? (Please list what area of the department you worked in, do not repeat the department)

Question Title

3. What prompted you to leave the City of Aurora?

- Dissatisfied with Pay
- Dissatisfied with Benefits
- Working Conditions
- Supervisor
- Conflict with co-workers
- Health problems
- Returning to School
- Moving from Area
- Career Change
- Care for Family Member
- Transportation Problems
- No Growth Opportunities
- Overall Leadership (please specify which level of leadership in comments)
- Retirement

Other (please specify)

Question Title

4. What did you like about your position at the City of Aurora?

- Type of Work
- Co-workers
- Working Conditions
- Wages
- Supervisor
- City Policies

- Benefits
- Hours
- Other (please specify)

Question Title

5. What does your new opportunity offer that influenced your decision to leave?

Question Title

6. What would have kept you employed with the City of Aurora

NEXT

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[Privacy](#) & [Cookie Policy](#)



CITY OF AURORA

Public Safety, Courts & Civil Service

Agenda Item Commentary

Item Title: Use of Force Statistics Follow-up
Item Initiator: Danelle Carrel
Staff Source: Marcus Dudley, Division Chief
Legal Source: Nancy Rodgers, Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Staff provided statistical data to the committee at previous meetings. Additional information was requested and is provided with this item.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

CM Lawson requested additional statistical breakdown of Use of Force Data provided by the Police Department.

QUESTIONS FOR COUNCIL

Information Only.

2017-2020YTD UoF Total by Type & Race		Subject Race	Percentage
12 Gauge Sock Round		14	
	Black	2	14%
	Hawaiian/Pacific Islander	1	7%
	Hispanic	5	36%
	Two or More Races	1	7%
	White	5	36%
Baton		18	
	Black	10	56%
	Hawaiian/Pacific Islander	1	6%
	Hispanic	2	11%
	White	5	28%
Baton use for leverage or push (not a strike)		7	
	Black	2	29%
	Hawaiian/Pacific Islander	1	14%
	Hispanic	2	29%
	White	2	29%
Carotid Control Hold		12	
	Black	10	83%
	Hispanic	2	17%
Control techniques (Tier 1 & 2 techniques used in a Tier 3 incident)		3	
	Black	3	100%

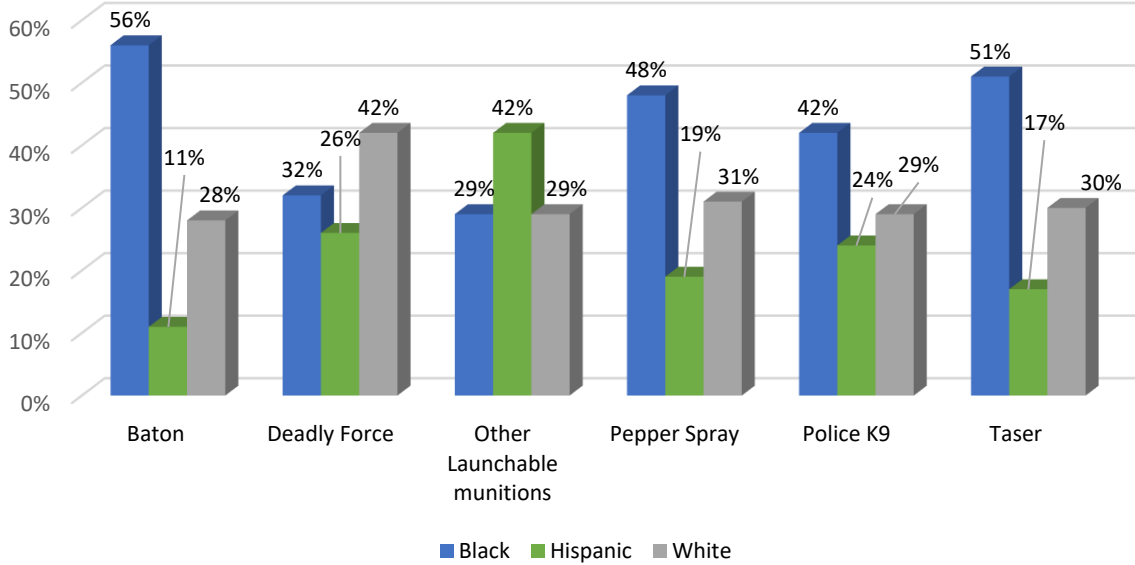
Deadly Force	19	
Black	6	32%
Hispanic	5	26%
White	8	42%
Hobble	258	
American Indian	1	0%
Asian	1	0%
Black	133	52%
Hispanic	39	15%
Two or More Races	2	1%
White	82	32%
Other	38	
Asian	1	3%
Black	9	24%
Hispanic	11	29%
White	17	45%
Other Launchable Munitions	24	
Black	7	29%
Hispanic	10	42%
White	7	29%

Other Restraints	47	
Asian	2	4%
Black	25	53%
Hispanic	5	11%
White	15	32%
Pepper Spray (OC)	42	
American Indian	1	2%
Black	20	48%
Hispanic	8	19%
White	13	31%
Personal Weapons: Punches, strikes, etc.	112	
American Indian	2	2%
Black	51	46%
Hawaiian/Pacific Islander	3	3%
Hispanic	19	17%
Two or More Races	1	1%
White	36	32%
PIT Maneuver	23	
Black	9	39%
Hispanic	8	35%
White	6	26%

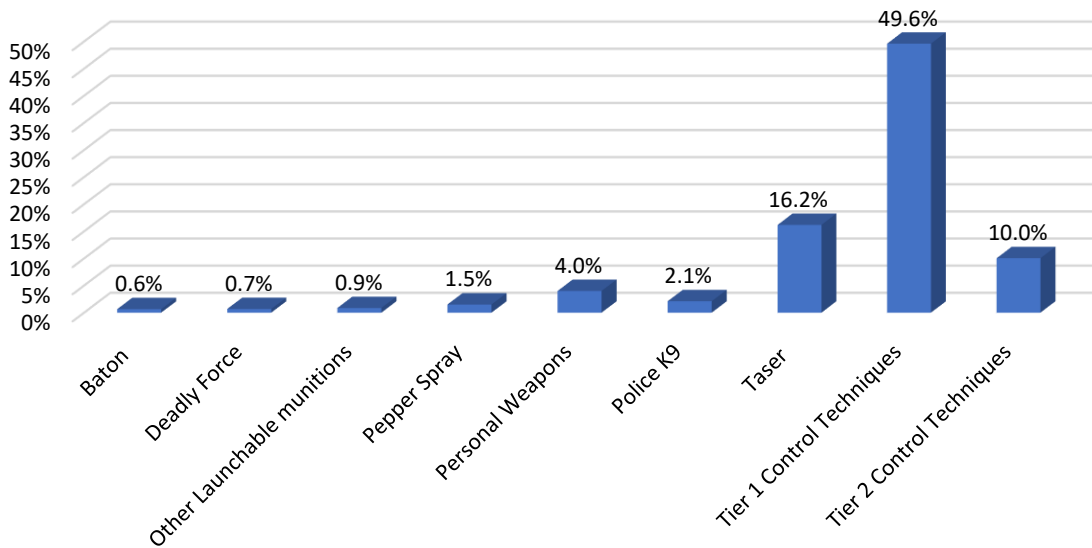
Police Canine	59	
Asian	1	2%
Black	25	42%
Hawaiian/Pacific Islander	1	2%
Hispanic	14	24%
Two or More Races	1	2%
White	17	29%
Taser-Dart Probe	361	
American Indian	3	1%
Asian	4	1%
Black	188	52%
Hawaiian/Pacific Islander	2	1%
Hispanic	59	16%
Two or More Races	3	1%
Unknown	1	0%
White	101	28%
Taser-Stun Gun	92	
Black	41	45%
Hawaiian/Pacific Islander	1	1%
Hispanic	17	18%
White	33	36%

Tier 1 Control techniques	1,388	
American Indian	5	0%
Arab	2	0%
Asian	18	1%
Black	640	46%
Hawaiian/Pacific Islander	2	0%
Hispanic	215	15%
Two or More Races	14	1%
White	492	35%
Tier 2: Control Techniques: Twist locks, takedowns, throws	281	
American Indian	1	0%
Asian	2	1%
Black	125	44%
Hawaiian/Pacific Islander	1	0%
Hispanic	50	18%
Two or More Races	2	1%
White	100	36%
Grand Total	2,798	

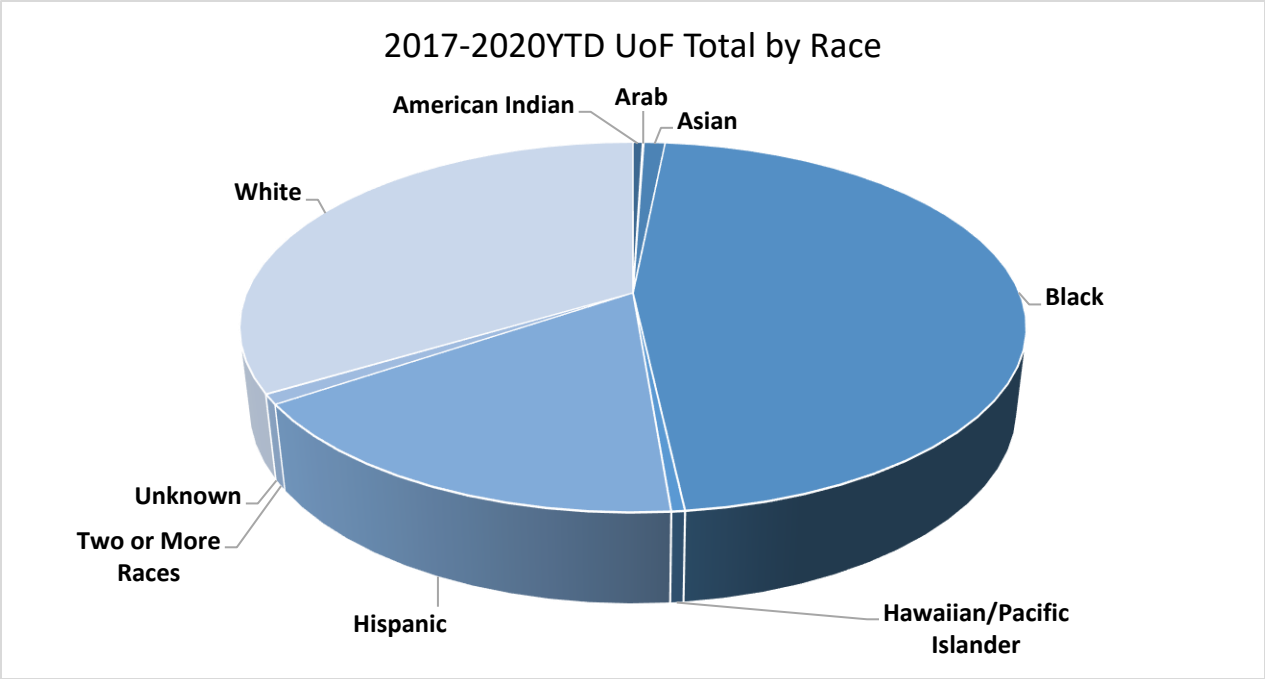
2017-2020YTD Total UoF Ratios by Race



2017-2020YTD UoF Type Frequency



2017-2020 YTD UoF Total by Race		Percentage
American Indian	13	0.5%
Arab	2	0.1%
Asian	29	1.0%
Black	1,306	46.7%
Hawaiian/Pacific Islander	13	0.5%
Hispanic	471	16.8%
Two or More Races	24	0.9%
Unknown	1	0.0%
White	939	33.6%
Grand Total	2,798	



2017-2020 YTD Total Force by Tier, Type & Race		Subject Race	Percentage
Tier 1		1,656	
<i>Baton use for leverage or push</i>		7	
Black		2	29%
Hawaiian/Pacific Islander		1	14%
Hispanic		2	29%
White		2	29%
<i>Hobble</i>		217	
Asian		1	0%
Black		110	51%
Hispanic		35	16%
Two or More Races		1	0%
White		70	32%
<i>Other</i>		2	
Black		1	50%
Hispanic		1	50%
<i>Other Restraints</i>		41	
Asian		2	5%
Black		22	54%
Hispanic		4	10%
White		13	32%
<i>Tier 1 Personal Weapons: Punches, strikes, etc.</i>		1	
Black		1	100%

<i>Tier 1 Control techniques</i>		1,388
American Indian	5	0%
Arab	2	0%
Asian	18	1%
Black	640	46%
Hawaiian/Pacific Islander	2	0%
Hispanic	215	15%
Two or More Races	14	1%
White	492	35%
Tier 2	1,101	
<i>12 Gauge Sock Round</i>		13
Black	2	15%
Hawaiian/Pacific Islander	1	8%
Hispanic	4	31%
Two or More Races	1	8%
White	5	38%
<i>Baton</i>		17
Black	9	53%
Hawaiian/Pacific Islander	1	6%
Hispanic	2	12%
White	5	29%
<i>Carotid Control Hold</i>		9
Black	7	78%
Hispanic	2	22%

<i>Hobble</i>		<i>40</i>	
American Indian	1	3%	
Black	22	55%	
Hispanic	4	10%	
Two or More Races	1	3%	
White	12	30%	
<i>Other</i>		<i>33</i>	
Asian	1	3%	
Black	7	21%	
Hispanic	9	27%	
White	16	48%	
<i>Other Launchable Munitions</i>		<i>23</i>	
Black	7	30%	
Hispanic	9	39%	
White	7	30%	
<i>Other Restraints</i>		<i>6</i>	
Black	3	50%	
Hispanic	1	17%	
White	2	33%	
<i>Pepper Spray (OC)</i>		<i>42</i>	
American Indian	1	2%	
Black	20	48%	
Hispanic	8	19%	
White	13	31%	

<i>Personal Weapons: Punches, strikes, etc.</i>		<i>109</i>
American Indian	2	2%
Black	50	46%
Hawaiian/Pacific Islander	3	3%
Hispanic	19	17%
Two or More Races	1	1%
White	35	32%
<i>PIT Maneuver</i>		<i>23</i>
Black	9	39%
Hispanic	8	35%
White	6	26%
<i>Police Canine</i>		<i>57</i>
Asian	1	2%
Black	25	44%
Hawaiian/Pacific Islander	1	2%
Hispanic	13	23%
Two or More Races	1	2%
White	16	28%
<i>Taser-Dart Probe</i>		<i>356</i>
American Indian	3	1%
Asian	4	1%
Black	185	52%
Hawaiian/Pacific Islander	2	1%
Hispanic	59	17%

Two or More Races	3	1%
Unknown	1	0%
White	99	28%
<i>Taser-Stun Gun</i>		92
Black	41	45%
Hawaiian/Pacific Islander	1	1%
Hispanic	17	18%
White	33	36%
<i>Tier 2: Control Techniques: Twist locks, takedowns, throws</i>		281
American Indian	1	0%
Asian	2	1%
Black	125	44%
Hawaiian/Pacific Islander	1	0%
Hispanic	50	18%
Two or More Races	2	1%
White	100	36%
Tier 3	41	
<i>12 Gauge Sock Round</i>		1
Hispanic	1	100%
<i>Baton</i>		1
Black	1	100%
<i>Carotid Control Hold</i>		3
Black	3	100%

<i>Control techniques</i>		3	
Black		3	100%
<i>Deadly Force</i>		19	
Black		6	32%
Hispanic		5	26%
White		8	42%
<i>Hobble</i>		1	
Black		1	100%
<i>Other</i>		3	
Black		1	33%
Hispanic		1	33%
White		1	33%
<i>Other Launchable Munitions</i>		1	
Hispanic		1	100%
<i>Personal Weapons: Punches, strikes, etc.</i>		2	
Black		1	50%
White		1	50%
<i>Police Canine</i>		2	
Hispanic		1	50%
White		1	50%
<i>Taser-Dart Probe</i>		5	
Black		3	60%
White		2	40%

Grand Total

2,798



CITY OF AURORA

Public Safety, Courts & Civil Service

Agenda Item Commentary

Item Title: Presentation of the 2021 Audit Plan for the new Internal Police Auditor
Item Initiator: Wayne Sommer, Internal Audit Manager
Staff Source: Wayne Sommer, Internal Audit Manager
Legal Source: N/A
Outside Speaker: None
Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

For 2021, City Council approved the hiring of an internal auditor to focus solely on engagements related to the Aurora Police Department. Internal Audit annual audit plans are developed by the Internal Audit Manager, approved by the City Manager, and affirmed by the M&F Committee in their role as City Audit Committee. Given the direct relationship between the new auditor’s role and this committee, Internal Audit is presenting the audit plan to this Committee for their information.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

The 2021 audit plan for the Internal Police Auditor was developed as a collaboration between Internal Audit, City Management, and the Aurora Police Chief. Internal Audit functions under an approved charter and operates under City Ordinance-CD2: 10.1, Sec. 2-66, Office of the Internal Auditor, which reads:
The office of the internal auditor shall be an independent staff function reporting to the city manager on all audit matters. The plan was approved by the City Manager and presented to the M&F Committee on November 17, 2020.

QUESTIONS FOR COUNCIL

Information only.

Internal Audit Report



2021 Approved Internal Audit Police Auditor Annual Audit Plan



2021 APPROVED POLICE AUDITOR ENGAGEMENTS

Considering recent events both in the community and across the nation, as part of the 2021 budget process the City Manager proposed, and City Council approved, the establishment of an auditor position within Internal Audit dedicated to police-related engagements. This new auditor will work directly with the City Manager in developing an annual audit plan. The position will report administratively to the Internal Audit Manager (Chief Audit Executive, CAE) who will be responsible for reviewing their work papers and draft reports to ensure compliance with internal audit standards.

Initial audit engagements will focus on policies and practices in areas of police operations that more directly affect the community, that are potentially high liability activities, and that are of significant public concern. The engagements will be aimed at increasing department transparency and regaining and maintaining public trust. Engagements may include, where applicable, business process redesign; they may also touch on performance management where appropriate.

The Police Auditor audit plan will be included in the Internal Audit Annual Audit Plan. Reports generated by the Police Auditor will be included in the quarterly progress reports to the Audit Committee and will be verbally presented to the Public Safety, Courts, and Civil Service Policy Committee.

2021 APPROVED POLICE AUDITOR ENGAGEMENTS BY QUARTER

This audit plan was developed in conjunction with City Management and the APD Police Chief. It was approved by the City Manager on Friday, October 9, 2020.



First Quarter

Internal Audit Carryforward Engagement	<p>This engagement may be carried forward into 2021 if not completed in 2020.</p> <ul style="list-style-type: none">❖ K-9 Unit Review (Part 1, <i>commenced in 2020</i>)
Colorado Open Records Act (CORA) / Colorado Criminal Justice Records Act (CCJRA) Efficiency and Effectiveness Review	<p>It is the general policy of the Aurora Police Department that information can and will be released, unless it is contrary to statute, a court order, or to the public interest. The potential disclosure of any record, in full or in part, requires examination and consideration of regulatory requirements and department and City policies and procedures.</p> <p>Objectives:</p> <ul style="list-style-type: none">❖ Determine the degree to which policies and procedures ensure consistent compliance with state and local laws and best practices.❖ Determine the extent to which APD tracks records requests and fulfillments and complies with state and local laws.❖ Determine the degree to which the process is accessible and transparent.

Second Quarter

K-9 Unit Review (Part 2)

Operational and Compliance Review

The Aurora Police Department K-9 Unit consists of six canines, their handlers, and a sergeant. The Unit serves as a compliment to Patrol resources. The canines perform a variety of tasks including searching buildings for suspects, narcotics, and explosives. While the presence of police canines may prevent potential violence and injury of officers and suspects, K-9 Unit deployment must be in accordance with policies, procedures, and best practices.

Part 1, started in 2020, assessed the current policies and procedures. Part 2 will assess how canines are deployed, supervised, and trained under current policies and operations.

Objectives:

- ❖ Assess past deployments for compliance with Unit policies and procedures.
- ❖ Determine if best practices are followed in: training, deployment, and reporting.

Third Quarter

Crisis Response Team (CRT)

Program Review

The Crisis Response Team (CRT) is a collaborative effort between APD and the Aurora Mental Health Center with a mission to provide trauma-informed, compassionate care to individuals experiencing a mental health crisis. This co-responder model helps to prevent unnecessary incarceration/hospitalization and helps to reduce the amount of Patrol officer resources spent on mental health situations.

When calls for service involve a person experiencing a mental health crisis, it is critical that the police interaction remain positive and in accordance with department policies and procedures.

Objective:

- ❖ To determine if CRT is effectively receiving and responding to incidents involving people with mental health or other specialized needs.
- ❖ Evaluate if resources staffing CRT are adequate to respond to mental health calls.

Fourth Quarter

Continue Active Engagements

Continue work on active engagements.

Possible Additional Engagements

There are several other engagements the auditor may address, time and resources permitting.

Complaint Process Process Review

Reported complaints against APD personnel are reviewed and investigated from the department supervisors through the chain of command (inclusive of the Internal Affairs Bureau). Internal and external complaints against APD personnel can be made electronically, in writing, or verbally. All complaints are entered into the complaint management system. The chain of command administers discipline based upon the results of the investigation which may include reprimands to dismissal from the department.

Objectives:

- ❖ Determine how APD's complaint policies compare to other law enforcement agencies and national best practices.
- ❖ Determine whether APD's policies are consistently applied.
- ❖ Evaluate whether appropriate and consistent corrective actions are taken for complaints.
- ❖ Determine if the complaint process is readily accessible to users.

Use of Force
Operational and
Compliance Review

APD policy states that members will only use reasonable and appropriate force; and only when legally justified. When practicable, officers will attempt to de-escalate the situation so that lesser force, or possibly no force, is required. Use of force is an area that is highly subjective and requires a heightened level of officer situational awareness and judgement.

Objectives:

- ❖ Determine how APD’s use of force policies, procedures, and practices compare to other law enforcement agencies and national best practices.
- ❖ Determine if best practices are followed in training, application, and reporting.
- ❖ Assess past applications for compliance with policies and procedures, inclusive of de-escalation methods.
- ❖ Assess use of force utilization for fair and consistent application.

Recurring Engagements

Senate Bill 217
Compliance Review

Senate Bill 217, calls for measures to enhance law enforcement integrity. The bill stipulates changes to existing procedures and new requirements for: body-worn cameras, use of force, qualified immunity, police prosecutions, protester protections, data tracking and reporting, etc. Beginning July 1, 2023, local law enforcement agencies must comply with the bill requirements. Internal Audit will perform an annual review to ensure APD compliance.

Objectives:

- ❖ Assess the sufficiency of APD Senate Bill 217 compliance efforts.



CITY OF AURORA

Public Safety, Courts & Civil Service

Agenda Item Commentary

Item Title: Police Department Juvenile Procedures
Item Initiator: Danelle Carrel
Staff Source: Commander Chris Juul
Legal Source: Nancy Rodgers, Deputy City Attorney
Outside Speaker: N/A
Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

N/A

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Overview of Police Department non-criminal juvenile contact procedures.

QUESTIONS FOR COUNCIL

Information Only.

Aurora Police Department Juvenile Procedures



Non-Criminal

- Not a suspect / victim / witness



Nov. 16, 2020

General Guidelines

When a child is present during an adult arrest

- Attempt to contact parent (if not a parent they are with)
- Attempt to contact legal guardian
- Attempt to contact other family / friends / responsible adult
- Last resort is Department of Human Services

Factors that determine “Responsible Adult”

- Sobriety
- Criminal History (Previous child offenses, Protection Orders, etc.)
- Consent of parent
- Responsible adult has a safe location and ability to care for the child



Patrol Contact Away From Residence

(Traffic Stop, Criminal Charge, Mental Health / Welfare Check)

Scenario - Adult is taken into custody with child present

- If adult is the parent, used as a resource to locate another responsible adult
- If adult is not the parent, will be used as a resource to locate the parent

Once responsible adult is identified:

- Determine if they are able to respond and willing to take custody of the child
 - Do they have a valid license / vehicle / insurance; ETA of adult to respond
 - Do they have capability to care for the child
 - Clear CCIC/NCIC for mental health flags, protection orders, warrant, etc.
- If adult is capable and willing to care for the child, but does not have the ability to respond to the scene - APD will generally transport the child to them.

Last resort, Department of Human Services is contacted for assistance



Patrol call at child's residence

Scenario - Adult is arrested with child present, no other responsible adult present (preference is to arrange for care at the child's residence)

- If adult is the parent, used as a resource to locate another responsible adult
- If adult is not the parent, will be used as a resource to locate the parent
- Once responsible adult is identified:
 - Determine if they are able to respond and willing to take custody of the child
 - Do they have a valid license / vehicle / insurance; ETA of adult to respond
 - Do they have capability to care for the child
 - Clear CCIC/NCIC for mental health flags, protection orders, warrant, etc.
 - If adult is capable and willing to care for the child, but does not have the ability to respond to the scene - APD may transport the child to them or bring responsible adult to residence.

Last resort, Department of Human Services is contacted for assistance



Patrol call not at child's residence

Scenario - Adult is arrested with child present, no other responsible adult present

- If adult is the parent, used as a resource to locate another responsible adult
- If adult is not the parent, will be used as a resource to locate the parent
- Once responsible adult is identified:
 - Determine if they are able to respond and willing to take custody of the child
 - Do they have a valid license / vehicle / insurance; ETA of adult to respond
 - Do they have capability to care for the child
 - Clear CCIC/NCIC for mental health flags, protection orders, warrant, etc.
 - If adult is capable and willing to care for the child, but does not have the ability to respond to the scene - APD may transport the child to them.

Last resort, Department of Human Services is contacted for assistance



For Additional Questions, contact:

Adams County – Children and Family Services

- <https://www.adcogov.org/children-family-services>
- 720-523-2400

Arapahoe County – Department of Human Services

- <https://www.arapahoegov.com/388/Human-Services>
- 303-636-1130

Juvenile Assessment Center – Community Outreach Program

- <http://jac18.org/>
- 720-213-1320





CITY OF AURORA

Public Safety, Courts & Civil Service

Agenda Item Commentary

Item Title: Community Task Force Update
Item Initiator: Danelle Carrel
Staff Source: Jason Batchelor, Deputy City Manager
Legal Source:
Outside Speaker:
Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Monthly update on the Community Task Force progress.

QUESTIONS FOR COUNCIL

Information Only.



CITY OF AURORA

Public Safety, Courts & Civil Service

Agenda Item Commentary

Item Title: Investigations Status Update
Item Initiator: Danelle Carrel
Staff Source: James Twombly, City Manager
Legal Source: N/A
Outside Speaker: N/A
Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

N/A

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Status Updates on the various independent investigations

QUESTIONS FOR COUNCIL

Information only.



CITY OF AURORA

Public Safety, Courts & Civil Service

Agenda Item Commentary

Item Title: An Ordinance Adding Division 5 to Article V of Chapter 2 of the City Code Pertaining to the Establishment of an Immigrant Legal Defense Fund

Item Initiator: Danelle Carrel

Staff Source: Nancy Rodgers, Deputy City Attorney

Legal Source: Nancy Rodgers, Deputy City Attorney

Outside Speaker: Arash Jahanian and Hans Meyer

Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Working with outside stakeholders, Councilmembers Coombs and Murillo requested that staff prepare an ordinance creating an Immigrant Legal Defense Fund that will make funds available to noncitizens of Aurora in immigration proceedings, through their legal representatives.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

This ordinance adds a new division to the finance section of the City Code establishing the framework for an Immigrant Legal Defense Fund (ILDF). The ILDF shall begin operating no later than June 1, 2021. The Office of International and Immigrant Affairs (OIIA) shall oversee, and shall contract with a foundation to assist in, the management and administration of the ILDF. An executive committee will be formed to determine the partnering foundation and measures for the effective operation of the ILDF. That committee shall report its recommendations to City Council no later than March 31, 2021. This ordinance sets forth the requirements for eligible noncitizens as well as the requirements for applicants who will receive the funding. The applicants must submit biannual reports regarding the status of cases and the use of ILDF funds.

QUESTIONS FOR COUNCIL

Does the Committee support moving this forward to Study Session?

ORDINANCE NO. 2020-___

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING DIVISION 5 TO ARTICLE V OF CHAPTER 2 OF THE CITY CODE PERTAINING TO THE ESTABLISHMENT OF AN IMMIGRANT LEGAL DEFENSE FUND

WHEREAS, the City Council recognizes that immigrant and refugee communities make up a crucial segment of the population of the City of Aurora; and

WHEREAS, City Council has taken proactive steps to address the challenges facing immigrant and refugee communities through the creation of the Office of International and Immigrant Affairs in 2015, the subsequent approval of the Comprehensive Strategic Plan 2015-2018, and the creation of the Aurora Immigrant and Refugee Commission in 2016; and

WHEREAS, immigrants have been subjected to well-documented inhumane conditions within the GEO Group detention facility in Aurora, including in the 2019 ACLU of Colorado Report *Cashing in on Cruelty*; and

WHEREAS, the constitutional rights to due process and legal counsel are fundamental elements of our judicial system, and the lack of publicly-funded legal representation in immigration cases harms our communities by denying immigrants fair opportunities to defend those cases; and

WHEREAS, the TRAC immigration project reports that on average five out of six immigrants detained at the detention facility in Aurora, Colorado face their deportation hearings without a lawyer; a separate study published in the University of Pennsylvania Law Review showed that immigrants with counsel were ten-and-a-half times more likely to have a successful outcome than unrepresented immigrants; and

WHEREAS, access to legal representation for indigent individuals in removal proceedings is an important tool to help Aurora build and sustain a diverse, equitable, and economically successful community; and

WHEREAS, creating a legal defense fund furthers Aurora's ability to preserve families and protect children residing in Aurora, and also promotes due process and access to justice for vulnerable members of the Aurora community by providing them with access to legal advice; and

WHEREAS, the City Council finds and declares that the establishment of an Immigrant Legal Defense Fund is necessary for the preservation and protection of the peace, health, safety, and welfare of the inhabitants of the City of Aurora, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by adding Division 5 to Article V of Chapter 2, which division shall read as follows:

Division 5 - Immigrant Legal Defense Fund (ILDF)

Sec. 2-666 – Responsible Department

- (1) The Office of International and Immigrant Affairs (OIIA) shall oversee, and shall contract with a foundation to assist in, the management and administration of the ILDF.**
- (2) The ILDF shall begin operating no later than June 1, 2021.**
- (3) Funds for the ILDF program are subject to annual appropriation from the City Council.**
- (4) OIIA shall be responsible for applying and seeking grants or other sources of funds from public and private sources legally available to further the ILDF's mission.**

Sec. 2-667 - Executive Committee

- (1) An executive committee shall oversee the initial stages of the ILDF until it is formed.**
- (2) The executive committee shall be comprised of the manager of OIIA, a representative from the City Attorney's office, a member of City Council, and a representative from a non-profit organization that provides services to immigrants. This non-profit organization's representative will be selected by City Council, and that organization will be ineligible to receive ILDF funds.**
- (3) The executive committee shall help determine the foundation that will assist OIIA in managing the ILDF, personnel and other administrative matters associated with the ILDF, and any other necessary measures to ensure the effective operation and administration of the ILDF.**
- (4) The executive committee shall make its final recommendations regarding the requirements in subsection (3) above to the City Council, Mayor, and OIIA no later than March 31, 2021.**

Sec. 2-668 – Eligible Noncitizens

- (1) Funds in the ILDF shall be made available to noncitizens in immigration proceedings, through their legal representatives.**
- (2) The noncitizen must:**

- a. Be subject to removal proceedings under 8 U.S.C. § 1229a, 8 U.S.C. § 1225, 8 U.S.C. § 1231, or 8 U.S.C. § 1558;
 - i. The legal assistance to be provided is not limited solely to defense against removal, but may also include bond proceedings, habeas corpus proceedings, post-conviction relief, work permit applications, and other forms of representation that may affect the legal rights of the individual.
 - ii. The funds may also be used for legal costs, such as for application fees, medical and psychological evaluations, and other expert fees.
 - b. Have a household income not exceeding 200% of the Federal Poverty Level;
 - c. Have resided in Aurora for at least 22 days and be currently residing in Aurora at the time of the initial application;
 - d. Not otherwise be entitled to free legal representation in their immigration proceedings under an existing local, state, or federal program; and
 - e. Meet any additional criteria determined by the ILDF administrators, consistent with this section.
- (3) The perceived likelihood of success of the noncitizen's case or application, and the noncitizen's previous contact with the criminal justice system shall not be considered in determining eligibility for funds.

Sec. 2-669 – Applicants

- (1) Applications for ILDF funding shall be made by organizations or attorneys involved in the direct representation of qualifying individuals.
- (2) An applicant must:
 - a. Have at least three years' experience in providing direct legal representation;
 - b. Be accredited by the Board of Immigration Appeals under the United States Department of Justice's Executive Office for Immigration Review, or be in good standing with a state bar and without any sustained disciplinary findings by any attorney regulatory body;
 - c. Verify that the applicant will not collect any legal fees from the qualifying noncitizen(s) to whom the funding is connected; and
 - d. Meet any additional criteria determined by the ILDF administrators, consistent with this Section.

Sec. 2-670 – Reporting

- (1) Applicants who receive funding shall submit biannual reports to the ILDF administrators that include non-privileged information on the status of the case(s), use of ILDF funds, and other information required by the administrators.

(2) OIIA shall submit annual reports to the Mayor and City Council on all grants issued under the ILDF. These reports shall be made available to the public, including on the OIIA website.

Section 2. OIIA shall establish regulations consistent with this Ordinance, which shall be presented to the Public Safety, Courts, and Civil Service Committee no later than April 30, 2021.

Section 3. Severability: The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the office of the City Clerk.

Section 5. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ, AND ORDERED PUBLISHED this _____ day of _____, 202__.


PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____, 202__.

MIKE COFFMAN, Mayor

ATTEST:

Susan Barkman, Interim, City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF AURORA

Public Safety, Courts & Civil Service

Agenda Item Commentary

Item Title: City Code Amendments Pertaining to City Funds, Resources, and Information Sharing between the City and Federal Immigration Authorities and Providing for Safe Spaces
Item Initiator: Danelle Carrel
Staff Source: Nancy Rodgers, Deputy City Attorney
Legal Source: N/A
Outside Speaker: N/A
Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Working with outside stakeholders, Councilmembers Coombs and Murillo requested that staff prepare a comprehensive ordinance addressing limitations on the City’s involvement with federal immigration enforcement, with specific attention to limitations on City funds and employee cooperation (except where required by Court order judicial warrant).

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

- The ordinance proposes the following changes to the City Code:
- Section 1: Adding Section 102-4, Limited Use of City Funds and Resources
 - Section 2: Adding Section 102-5, Restriction on Notifications to Federal Immigration Authorities
 - Section 3: Adding Section 102-6, Safe Spaces
 - Section 4: Amending Section 2-680, Contract Requirements to add a new (9) mandating contractors agree to Safe Spaces provisions for all public access places.
 - Section 5: Adding Section 2-687, City Contracts Related to Enforcement of Federal Immigration Laws Prohibited (287(g) agreements)

QUESTIONS FOR COUNCIL

Does the Committee approve to move forward to the next Study Session?

ORDINANCE NO. 2020-___

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADDING SECTIONS 102-3, 103-5, 102-6, 2-687 AND AMENDING SECTION 2-680 PERTAINING TO RESTRICTIONS AND REGULATIONS ON CITY FUNDS, RESOURCES, AND INFORMATION SHARING BETWEEN THE CITY AND FEDERAL IMMIGRATION AUTHORITIES AND PROVIDING FOR SAFE SPACES IN THE CITY LIMITS.

WHEREAS, the City Council recognizes that Aurora has a strong diversity of immigrant and refugee communities representing over 140 countries of origin; and

WHEREAS, approximately 20 percent of Aurora residents are foreign-born; and

WHEREAS, Aurora has increased its commitment to including immigrants and refugees in civic and public life; and

WHEREAS, the City Council has taken proactive steps to address the challenges facing immigrant and refugee communities through the creation of the Office of International and Immigrant Affairs in 2015, the subsequent approval of the Comprehensive Strategic Plan 2015-2018, and the creation of the Aurora Immigrant and Refugee Commission in 2016; and

WHEREAS, Aurora is healthier when all residents, including undocumented immigrants, have access public health and human service programs, particularly during the current COVID-19 crisis; and

WHEREAS, Aurora is economically and socially stronger when all children, including undocumented immigrants, attend school, as education has a fundamental role in maintaining the fabric of our society and to impede undocumented children's education would violate equal protection; and

WHEREAS, Aurora is safer when all people, including undocumented immigrants, feel safe reporting crime for others or themselves as victims of a crime, and participating and assisting local law enforcement in identifying and preventing crime without fear of deportation; and

WHEREAS, any requirement that public safety agencies play a role in enforcing federal civil immigration laws can undermine public trust; and

WHEREAS, the City of Aurora promotes equal protection of all its residents, and law enforcement's participation in immigration enforcement promotes discrimination and racial profiling; and

WHEREAS, the federal government has engaged in aggressive immigration enforcement tactics that have torn families apart, incited fear, resulted in prolonged human suffering, and denied human dignity; and

WHEREAS, this fear has deterred immigrants from communicating or cooperating with Aurora's emergency services personnel and from calling 911 to report public safety emergencies; and

WHEREAS, immigrants have acutely felt the impact of the COVID-19 crisis in Colorado, as many have lost their jobs; been left out of governmental relief; and forgone crucial benefits, healthcare services, and testing because of fear of immigration enforcement; and

WHEREAS, immigrants have been subjected to inhumane conditions within the GEO Group detention facility in Aurora; and

WHEREAS, the City Council has had to address the conditions within the GEO Group facility, including through the Detention Facility Notification Requirement in 2019; and

WHEREAS, there have been 36 COVID-19 positive cases in the GEO Group facility since March 2020 and it is vital to decrease the population in correctional and detention facilities as much as possible to decrease the spread of COVID-19 during this pandemic, and federal immigration authorities have contributed to the spread of viral diseases like COVID-19 through frequent transfers; and

WHEREAS, the immigration detention system is an extension of mass incarceration and the criminalization of communities of color in the United States; and

WHEREAS, the City of Aurora recognizes and upholds the Tenth Amendment of the United States Constitution, and the right of states and local governments to be free from mandates or financial obligation to perform the duties of the federal government, or to be threatened or coerced to do so by withholding federal funding; and

WHEREAS, it is common and well-established policy of Aurora's agencies, employees, and officers not to conduct the work of federal immigration enforcement, with limited exceptions where already required by state or federal law and in the interest of national security; and

WHEREAS, the City Council finds and declares that adoption of this ordinance is necessary for the preservation and protection of the peace, health and safety of the inhabitants of the City of Aurora, Colorado; and

WHEREAS, in the interest of increased public safety, one purpose of this ordinance is to ensure that members of the public and officers and employees of the City clearly understand Aurora's policies in regard to limited cooperation with federal immigration enforcement, prioritizing public safety and cooperation over fear and uncertainty.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section to Article I of Chapter 102 – Personnel of the City Code, to be numbered Section 102-4, which section reads as follows:

Sec. 102-4. Limited Use of City Funds and Resources.

(1) Except as specifically authorized in this section, no department, agency, board, commission, officer or employee of the City, including without limitation, Aurora administrative and clerical employees, Aurora police officers, and Aurora Detention Center employees, shall use any City funds or resources to assist in the enforcement of federal immigration laws. The prohibition set forth in this section shall include but not be limited to:

(a) Assisting or cooperating in one's official capacity with any investigation, detention, or arrest procedures relating to alleged violations of the civil provisions of federal immigration laws.

(b) Requesting information about the national origin, immigration status, or citizenship status of any individual or engaging in activities designed to ascertain such information, except to the extent required by any federal, state, or City law or regulation, or by any international treaty to which the United States is a party.

(c) Including on the application for any City services or benefits any question regarding national origin, immigration status, or citizenship status of the applicant, or conditioning the provision of City services or benefits upon the national origin, immigration status, or citizenship status of any individual, except to the extent required by any federal, state, or City law or regulation.

(d) Disseminating information about the national origin, immigration status, or citizenship status of any individual except to the extent required by any federal, state, or City law or regulation, including by way of example 8 U.S.C. § 1373 and 8 U.S.C. § 1644, or by any international treaty to which the United States is a party.

(e) Initiating any law enforcement contact for purposes of determining the person's national origin, immigration status, or citizenship status, or arresting or detaining any individual on the basis of the individual's immigration or citizenship status.

(2) Nothing in subsection (1) of this section shall preclude any city officer or employee from cooperating or assisting federal immigration enforcement authorities in the execution of a warrant or subpoena issued by a federal judge or magistrate or honoring any writ issued by any state or federal judge concerning the transfer of a prisoner to or from federal custody. The time and resources expended by any City law enforcement officer investigating and determining whether an immigration-related warrant listed in any crime information database is judicial or administrative in nature shall not be considered a violation of subsection (1) of this section.

(3) Aurora police officers may respond to calls for assistance from federal immigration enforcement authorities to the extent necessary to keep the peace, protect public safety, or enforce any applicable state and City criminal laws beyond the scope of effectuating an immigration arrest. Nothing in this section shall preclude City law enforcement officers from participating in coordinated law enforcement actions with federal law enforcement agencies, as long as the primary purpose of the coordinated action is the enforcement of City, state, or federal criminal laws.

(4) City employees violating the terms, directives, or mandates of this Code are not subject to the general penalty provisions contained in Section 1-13 of this City Code.

Section 2. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section to Article I of Chapter 102 – Personnel of the City Code, to be numbered Section 102-5, which new section reads as follows:

Sec. 102-5. Restriction on Notifications to Federal Immigration Authorities

(1) The City, through its employees or officers, shall not respond to requests from federal immigration authorities for non-publicly available information about an individual, including but not limited to information about the individual's date and time of release; meeting date and time for criminal court-ordered classes, treatment, and appointments; and information that may be used, alone or in conjunction with any other information, to identify the individual, including but not limited to home address; work address; family or emergency contact information; information related to work release programs; personal health information; or photograph or digitized image.

(a) Notwithstanding the prohibition in subsection (1) above, City employees shall respond, as appropriate, to any valid warrants or subpoenas issued by a federal judge or federal magistrate presented by the federal immigration authority or their agents.

(b) Non-mandatory forms issued pursuant to 8 C.F.R. §§ 236, *et seq.*, including through detainer requests (Form I-247, I-247A, and similar forms), warrants for arrest of alien (Form I-200), orders to detain or release alien (Form I-203), and warrants of removal/deportation (Form I-205) are based on violations of civil immigration law and not issued by federal judges or magistrates, and do not constitute valid warrants or subpoenas as referenced in subsection (1).

(2) City employees violating the terms, directives, or mandates of this Code are not subject to the general penalty provisions contained in Section 1-13 of this City Code.

Section 3. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section to Article I of Chapter 102 – Personnel of the City Code, to be numbered Section 102-6, which new section shall now read as follows:

Sec. 102-6 – Safe Spaces

(1) “Safe space” means any building or facility belonging to the City, through ownership or lease, that is open to the public for the provision of any City program or service.

(2) No City employee or contractor shall permit federal immigration authorities to enter onto a safe space’s premises or surroundings for the purpose of federal immigration investigation or enforcement unless such authorities present a valid judicial warrant or subpoena issued by a federal judge or federal magistrate.

(3) City employees violating the terms, directives, or mandates of this Code are not subject to the general penalty provisions contained in Section 1-13 of this City Code.

Section 4. The City Code of the City of Aurora, Colorado, is hereby amended by adding a subsection to Article IV of Chapter 2, Contracts and Purchases, to be numbered Section 2-680(9), which subsection reads as follows:

Sec. 2-680. - Mandatory requirements in city contracts.

Every contract executed by the city shall contain the following to be complied with by the person or entity entering into the contract with the city:

(9) *Safe Spaces.* Any contracting party providing services to the public due to a City contact, in whole or in part, shall ensure that its facilities that are open to the public are “safe spaces” as set forth in Section 102-6 of the City Code. Failure to comply with the terms of Section 102-6 shall be a material breach of the contract.

Section 5. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section to Article VI or Chapter 2, to be numbered Section 2-687, which section reads as follows:

Sec. 2-687 – City Contracts Related to Enforcement of Federal Immigration Laws Prohibited

(1) The City shall not enter into any contractual agreement that would commit or require any City officer or employee to directly or indirectly assist in the enforcement of federal immigration laws, including by example any agreement authorized by 8 U.S.C. §1357(g) (commonly known as “287(g) Agreements”), any intergovernmental services agreement entered into with the U.S. Department of Homeland Security under the authority of 8 U.S.C. § 1103(a)(11)(B), or any basic ordering agreement under 48 C.F.R. § 16.703. The City shall not enter into any contractual agreement requiring the collection or dissemination of individually identifiable information about the national origin, immigration status, or citizenship status of any person, over and above the extent to which the City is required to collect or disseminate such information in accordance with any federal, state, or city law or regulation.

(2) City employees violating the terms, directives, or mandates of this Code are not subject to the general penalty provisions contained in Section 1-13 of this City Code.

Section 6. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 7. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the office of the City Clerk.

Section 8. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent

of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ, AND ORDERED PUBLISHED this _____ day of _____, 202__.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____, 202__.

MIKE COFFMAN, Mayor

ATTEST:

Susan Barkman, Interim, City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF AURORA

Public Safety, Courts & Civil Service

Agenda Item Commentary

Item Title: Discipline Matrix Proposal
Item Initiator: Danelle Carrel
Staff Source: Nancy Rodgers, Deputy City Attorney
Legal Source: Nancy Rodgers, Deputy City Attorney
Outside Speaker: N/A
Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Councilmember Gardner asked the City Attorney to prepare a resolution declaring that Council’s policy direction to the City Manager is to develop a Police Discipline Matrix.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

A Discipline matrix is a formal schedule for disciplinary actions, specifying both the presumptive action to be taken for each type of misconduct and any adjustment to be made based on an officer’s previous disciplinary record. The primary purpose of a discipline matrix is to achieve consistency in discipline: to eliminate disparities and ensure that officers who have been found to have committed similar forms of misconduct will receive similar discipline. A police discipline matrix has become standard practice for larger city police departments across the US.

Included in the backup are two academic articles related to the development of a police discipline matrix as well as the matrices for Denver, Phoenix, AZ, Madison, WI, and San Diego, CA, as examples.

QUESTIONS FOR COUNCIL

Does the Committee agree to move this item forward to City Council for discussion at the next available Study Session?

From: Police Discipline – A Case for Change
Darrel W. Stephens
Harvard Kennedy School & National Institute of Justice

Discipline Matrix

Although not a new idea, a number of departments have developed matrices that spell out the options for sanctions when there is a sustained violation of the rules of conduct or other policies. These departments believe that in addition to letting employees know in advance, a matrix will help make the sanctions applied both fair and consistent. In late 2003, the Oakland Police Department and the University of Nebraska at Omaha cosponsored a conference on the use of a disciplinary matrix as an effective accountability tool. The matrix was described as follows:

A discipline matrix is a formal schedule for disciplinary actions, specifying both the presumptive action to be taken for each type of misconduct and any adjustment to be made based on an officer's previous disciplinary record.

The primary purpose of a discipline matrix is to achieve consistency in discipline: to eliminate disparities and ensure that officers who have been found to have committed similar forms of misconduct will receive similar discipline.

Conference participants concluded that a matrix has the potential to improve accountability and consistency. They also cautioned that successful implementation is not guaranteed, as many of the precise details of using a matrix to guide disciplinary decisions remain to be worked out.

Several police departments are moving forward in an effort to work through the details required to put a discipline matrix in place. Denver's efforts represent one of the most comprehensive revisions of the disciplinary process that includes a matrix. The Denver Manager of Safety appointed an 80-member Disciplinary Advisory Group to review the entire process in an effort to administer discipline in a fair and timely manner. It was a diverse group that represented all of the stakeholders. The members worked for more than three years to understand the process that was in place and develop a process that included spelling out sanctions in a matrix.

The Washington State Patrol adopted a discipline matrix in January 2002 that contains three different levels of misconduct from minor to major and defines sanctions for each level based on the number of offenses. The resulting process provides an opportunity for officers to "admit their mistake and move on." Officers can choose to acknowledge their mistake and accept the sanction from the matrix without a lengthy investigation and hearing. In 2002, the patrol resolved 43 percent of its complaints without a formal investigation and most were resolved in less than 14 days. The process also facilitated resolution of level 3 (minor) complaints at the first line supervisory level rather than through a fullscale investigation as required by the old system. The first full year of implementation saw a reduction in lengthy investigations, reduced costs, a reduction in citizen complaints and considerable cost savings.

More recently, the Tucson Police Department adopted a matrix to guide disciplinary decisions. Union President Jim Parks said, "While no disciplinary system will ever be foolproof, I believe that we at the Tucson Police Department took a step in the right direction." Tucson followed the lead of the Phoenix Police Department, which began using the matrix several years before. Table 1 is an example of a discipline matrix recommended to the Vancouver (Wash.) Police Department. The "Offense Class" represents the seriousness of the offense.

Overall, matrices have become a more commonly used device for improving disciplinary decision making processes for police agencies, and it seems many officers see this as an improvement. They provide a better sense of what the range of sanctions might be for classes of misconduct, which officers generally believe is a positive step. Even so, in some cases, the old system has been re-arranged to fit in a matrix and the punishment orientation remains. Although a discipline matrix provides a range of sanctions, it does not remove discretion entirely (nor should it) and leaves the department open to the criticism of inconsistent application of discipline when the luster of a new approach begins to fade.

Table 1. Vancouver Discipline Matrix

Offense Class	First Offense		Second Offense		Third Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1	N/A	Memo of Correction	N/A	Written Reprimand	Memo of Correction	1-Day Suspension
2	Memo of Correction	Written Reprimand	Memo of Correction	Written Reprimand	1-Day Suspension	3-Day Suspension
3	Memo of Correction	1-Day Suspension	Written Reprimand	3-Day Suspension	1-Day Suspension	5-Day Suspension
4	Written Reprimand	3-Day Suspension	1-Day Suspension	5-Day Suspension	3-Day Suspension	15-Day Suspension
5	1-Day Suspension	5-Day Suspension	3-Day Suspension	15-Day Suspension	10-Day Suspension	Termination
6	5-Day Suspension	Termination	15-Day Suspension	Termination	Termination	N/A
7	Termination	N/A	N/A	N/A	N/A	N/A

Link to Full Report: <https://www.ncjrs.gov/pdffiles1/nij/234052.pdf>

Police Employee Disciplinary Matrix: An Emerging Concept

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<http://pqx.sagepub.com>


Jon M. Shane¹

Abstract

This article explores the concept of a rational sentencing structure for imposing internal police discipline that helps practitioners make more reasoned and consistent decisions when dispensing discipline. The data consists of 360 hr of participant observation of police trials involving sworn police officers and civilian employees in the Newark, New Jersey Police Department. Various agency records provide an understanding of the formal influences surrounding police discipline. The findings suggest a disciplinary sentencing matrix is more rational than the traditional discretionary method, which is largely informal and relies on best estimates. The matrix may increase consistency in disciplinary sentences, which is an important aspect of organizational justice that leaves police employees with a sense of fairness in management's disciplinary decisions.

Keywords

police management, discipline, sentencing matrix, proportionality, just deserts theory, accountability, organizational justice

Introduction

How police employees are treated by their organization during disciplinary proceedings is an understudied topic. Some research suggests there may be a direct correlation between the way employees are treated by their organization and the employee's behavior, which may influence the employee's commitment to organizational goals (Greenberg, 1990). Organizational justice describes a series of related processes and behaviors that take place in the work environment that influence employee behavior,

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such as treating employees fairly, reaching equitable decisions, and imposing proportionate penalties for wrongdoing (Folger & Greenberg, 1985). Achieving greater employee commitment and organizational goals may be predicated on whether those employees hold favorable or unfavorable perceptions of trust, citizenship, and legitimacy in the organization (Kwong & Leung, 2002; Moorman, Neihoff, & Organ, 1993). The general belief is that the more an employee feels affiliated and embraced by the organization, the more positive their performance. Conversely, when employees feel disconnected, alienated, or not part of the “in group,” there may be an increase in disaffection and a decrease in performance.

Although the management and organizational psychology literature are replete with studies showing the interaction between negative attitudes and behaviors in the workplace (Cropanzano & Greenberg, 1997; Folger & Greenberg, 1985; Greenberg, 1986), except for two technical reports (Providence External Review Authority, 2005; Walker, 2003a) and one article appearing in a trade publication (International Association of Chiefs of Police, 2006), there were no peer-reviewed articles located that discuss solutions for reducing disparity in police disciplinary sentences, which is an aspect of organizational justice.

This is a neglected area of police management research and is the focus of this article, which explores a single question: What is the prospect for increasing consistency in police discipline through a rational-technical framework? Designing the model then encouraging police executives to implement it could add value to the largely unknown dimension of internal police discipline, as well as extend the organizational justice literature. A rational sentencing framework is also an important and overlooked aspect of police employees’ procedural due process that may keep management’s disciplinary decisions from being reduced or overturned (Bohlander, 1994; Dhanoa & Kleiner, 2000; Fairbanks & Stewart, 1979; Florey, 1999).

Literature Review

Background

The majority of historical and contemporary literature on police discipline is focused on accountability systems that address how complaints against the police are handled, public access to the complaint process, citizen oversight, and how citizens are treated by the police during the complaint process (e.g., American Civil Liberties Union of New Jersey, 2009; Chevigny, 1969; De Angelis, 2009; Finn, 2000; Fogel, 1987; Human Rights Watch, 1998; McCoy, 2010; Noble & Alpert, 2009; Page & Swanton, 1983; Smith, 2001; Stone, 2007; U.S. Department of Justice, 2001; U.S. Civil Rights Commission, 1981; Walker, 1997, 2001, 2003b, 2005).

The focus has not been about administering internal discipline fairly and consistently, such as the limits of upper police management’s discretion to impose discipline; how officers are treated during the disciplinary process; what punishment is “just” given the infraction; and the consequences of disproportionate sentences, such as

stress, cynicism, and lack of organizational commitment. In their book on police accountability systems, Noble and Alpert (2009, pp. 232-233) devote just two paragraphs to “penalty guidelines” and do not delve deeply into this emerging concept. Previous studies examining the causes for reducing or reversing management-imposed discipline reveal some consistencies over time, most notably the presence of mitigating circumstances, due process violations, excessive punishment, and lack of evidence (Bohlander & Blancero, 1996; Karim & Stone, 1988; Stone, 1969).

Moreover, police management is frequently spared the criticism and accountability for the failings of its members, notwithstanding the influence management has over the organizational atmosphere and socialization process (Armocost, 2004; Bayley, 1996; Chemerinsky, 2001; Ford, 2003; Goldsmith, 2002; Jermier & Berkes, 1979, p. 3; Walker, 1993). It is far easier to point to the moral failings of individual officers by labeling them *disciplinary problems* and branding them “rotten apples” (Sherman, 1974) than it is to acknowledge that management may be systematically turning its officers into behavior problems by treating them unfairly.

Administering fair and consistent discipline is an important aspect of organizational justice and citizenship, which has implications for the employer–employee relationship (Schalk & Rousseau, 2001). Doing so may reduce perceived disparities in disciplinary sentences (Hickman, Piquero, & Greene, 2000), reduce real or perceived workplace inequity and discrimination, particularly among minority officers (Adarlo, 2009; Anglen, 2002; Bolton, 2003; Bolton & Feagin, 2004; Dulaney, 1996; Fenton, 2009; Jackson, 2008, 2009; Johnson, 2010; Marzulli, 1999; Mollen Commission, 1994, pp. 99-101; Queally, 2010; Rampart Independent Review Panel, 2000, pp. 9-11; Rojek & Decker, 2009; Wilber, 2005), and may raise organizational commitment by raising police officers’ faith in the internal system of justice (Eskew, 1993; Moorman et al., 1993).

As the disciplinary and sentencing processes are laden with informalities and discretion, the decision to impose a specific sentence in the instant matter is not typically guided by a decision rubric and may result in disparate treatment among similarly situated officers. Police officers are likely to appeal sanctions they perceive as unfair in administrative court or file a union grievance that is subject to an arbitrator’s review. The officers are frequently victorious in their appeal; in some cases, arbitrators reduce management-imposed discipline by as much as 50% to 70% (Iris, 1998, 2002; Pinkerton, 2011).

While this raises the impression that overall arbitrators may be lenient (Weisbord, 1995), or that arbitrators may reduce sentences to appear fair and impartial (Elkouri & Elkouri, 1985, pp. 125-126), or that police discipline may be lenient compared with other municipal employees (LaVan, 2007), it also raises another hypothesis: Arbitrators recognize inconsistent and disparate treatment among similarly situated officers and the sentences are reduced to restore equity and balance between labor and management (Blancero & Bohlander, 1995; Bohlander & Blancero, 1996). Self-imposing sentencing standards that limit police managers’ discretion, which might reduce disparity in punishment is an emerging practice, one that finds favor in a sentencing matrix (Kraus, 2007).

Results of Disparate Sentencing Practices

With the growth of police officers' rights and due process protections in labor and employment law (e.g., *Cleveland Board of Education v. Loudermill*, 1985; Florey, 1999; *Gardner v. Broderick*, 1968; *Garrity v. New Jersey*, 1967; Morcos, 1999; *NLRB v. Weingarten*, 1975), police officers are more willing to challenge the utility of the agency's disciplinary practices through established means such as civil lawsuits and administrative processes (e.g., mediation; merit system protection board; arbitration; union grievance; unfair labor practice) instead of passively accepting the punishments rendered by management, whom they see as distant, illegitimate authorities (Peak, 1990, p. 64; Thibault, Lynch, & McBride, 1985, p. 4).

Police officers may realize that the agency for which they work does not necessarily support their plight, nor is it a source of comfort and fairness during disciplinary proceedings. In both "distributive" terms (the fairness of outcomes) and "procedural" terms (the fairness surrounding procedures in reaching those outcomes; Folger & Greenberg, 1985), extraneous factors such as length of service, rank, race, sex, kinship, and other favoritism play a role in meting out discipline; favoritism in particular has been cited as an organizational stressor (Klockars, Ivkovic, & Haberfeld, 2006, chapter 10; Kroes, Margolis, & Hurrell, 1974) and as a corrosive management practice that leads to corruption (Khatri & Tsang, 2003; LaFraniere, 1995; Mollen Commission, 1994; Philadelphia Police Study Task Force, 1987).

Two prominent investigative commissions (e.g., Mollen Commission, 1994, pp. 63-64; Rampart Independent Review Panel, 2000, p. 9) drew similar conclusions about unequal treatment during the disciplinary process. The Commissions' findings are also consistent with one earlier study that revealed differential treatment during the disciplinary process may arise from ". . . special interests and politics . . ." (Melnicoe & Menning, 1978, p. 193) that are unrelated to the merits of the allegation.

In Los Angeles (Los Angeles Police Department [LAPD]), the Rampart investigation concluded the most contentious defect in the disciplinary system, from the employees' perspective, was the department's failure to confine and structure discretion within a matrix of sentencing/punishment options for personnel whose allegations of wrongdoing are sustained. Police personnel felt there was a ". . . widely perceived double standard: Staff and command officers were almost universally thought to receive more lenient sanctions than rank and file" (Rampart Independent Review Panel, 2000, p. 97). Top executives of the LAPD confirmed that when dispensing sanctions the Department would ". . . 'come down hard' on an officer with little time in service, but officers who have been with the LAPD for many years would 'catch a break'" (Rampart Independent Review Panel, 2000, p. 97). This sort of differential treatment implies the merits of the case mean less than who the officer's "hook"² might be.

The Mollen Commission (1994, pp. 63-64) investigating corruption in the New York City Police Department found that favoritism in the disciplinary process at the upper ranks of the agency contributed to officers' cynicism, which helped corrupt officers neutralize their deviant behavior (e.g., Sykes & Matza, 1957) while keeping honest

officers silent about other officers' behavior. The officers' appeal to each others' loyalty instead of to the profession arose from negative personal or vicarious interactions with police administrators. Political affiliations and favoritism tend to influence the disciplinary process to such a degree that those without such affiliations (i.e., "hooks") may be dealt with more harshly.

Disparate treatment also creates an air of unpredictability, which forces the recipient to absorb a great deal of uncertainty since fair warning of the consequences for behavior are not promulgated (Karim & Stone, 1988; Stone, 1969). If notice of the consequences of disciplinary action are withheld from the employee, or if the employee does not know what consequences to expect from their behavior, or if the sentences are shrouded in secrecy, then the employees' perception is that the agency is their adversary and is out to harm them rather than embrace them as a valued member. This may raise due process violations that results in reversing discipline and may create apprehensive feelings and anxiety that lowers an employee's support for the organization and commitment to its goals (Armeli, Eisenberger, Fasolo, & Lynch, 1998; Eskew, 1993; Moorman et al., 1993; Tansky, 1993).

Policies created by and decisions executed by supervisors and managers on behalf of the organization are seen as "indicators of the organization's intent" (Armeli et al., 1998, p. 288; see also Levinson, 1965). The intent conveyed by the organization when its disciplinary practices are perceived as unfair is that the employees are expendable and are not valued. Conversely, when the agency's policies and decisions indicate concern for the employee, and strong employee-supervisor relationships exist, perceived organizational support and performance tend to increase (Tansky, 1993; Wayne, Shore, & Linden, 1997). How employers craft disciplinary sentencing policies is important because employers are responsible for promulgating reasonable and fair policies and procedures that ultimately bind employees. There is some evidence to suggest that police chiefs' perceptions of agency policies may promote positive organizational change in police departments (Time & Payne, 2002).

Lower Standard of Proof in Police Disciplinary Cases

The lower standard of proof required to sustain a disciplinary charge and the strict liability nature of agency rules and policies facilitates the perception that the agency is, at best, the officer's adversary. Regardless of an officer's culpability, he or she is responsible for their acts or omissions and the resulting loss due to their conduct. This limits the officer's ability to mount an adequate defense as his or her intent need not be proven by the agency or considered as a mitigating factor. The agency must show only by a "preponderance of the evidence" that the officer acted in a manner proscribed by a rule or policy, not "beyond a reasonable doubt," which reduces the agency's burden. This is partly why administrative investigations are often perceived as more intrusive than criminal investigations since they are not subject to the same Constitutional guarantees and rules of evidence as a criminal trial (Wechter, 2004). Therefore, finding an officer guilty during disciplinary proceedings is easier since the

officer has fewer protections, and once a guilty finding is rendered the choice of sentence is left to the chief's discretion.

The Influence of Police Unions on Discipline

Sentencing police officers in an informal manner has caused an internal hue and cry against unfair treatment and disproportionate discipline from individual officers and organized labor unions (e.g., Jackson, 2008, 2009). American police unions have grown in size and strength since the Boston police strike of 1919, with an upsurge following the tumultuous 1960s. Police unions now occupy a central role in collective bargaining and the policy-making process, including the right to negotiate disciplinary practices (Bouza, 1985; Finnane, 2001; Jacobs, 1985; LaVan, 2007; Russell, 1975; Schachter, 1980; Walker, 1978, 2008; see Kliesmet, 1985 for an opposing view).

Police unions also expend considerable political, managerial, and judicial capital to protect their members and to improve working conditions, including aggressive lobbying efforts. Those lobbying efforts are reflected in the "Law Enforcement Officer's Procedural Bill of Rights Act of 2009," introduced by the 111th U.S. Congress (2009-2010).³ If adopted, the law will afford police officers increased workplace protections, particularly against the internal affairs and administrative disciplinary processes. Congress found significant shortcomings in police officers' due process rights including unfair treatment and a loss of trust and confidence among officers during internal affairs investigations and disciplinary proceedings, which is consistent with earlier studies (Bohlander & Blanco, 1996; Karim & Stone, 1988; Stone, 1969). These shortcomings figured prominently in a federal lawsuit filed by the American Civil Liberties Union of New Jersey against the Newark Police Department in September 2010. The lawsuit alleges, in part, that there is

. . . recurring conflict between officers and superiors, which has manifested in charges and countercharges of discrimination, retaliation, gross disparities and iniquities in the police disciplinary system, and other improper conduct, along with cases seeking substantial damages for the violation of federal labor and employment laws. (p. 2)⁴

The same Congress also introduced the Public Safety Employer–Employee Cooperation Act of 2009 and companion legislation (S-3194) which is intended to compel collective bargaining between police unions and their employer for cities and states that do not already have collective bargaining.⁵

The broad language in the proposed legislation, as well as existing contractual language in some police labor agreements such as "maintenance of standards," "working conditions," "terms and conditions of employment," and "prevailing benefits," covers a wide variety of employment articles and ensures the union retains the right to negotiate the terms of employment, including disciplinary policies.⁶ While some see this as

labor's encroachment on management's rights, others see it as off-setting management's natural authority over the workforce.

Theoretical Framework

Resolving issues of fairness when imposing internal police discipline are rooted in equity theory, which describes the perceived fairness in processes and outcomes in the workplace (Adams, 1965; Greenberg, 1988). The notion of organizational justice is embedded in equity theory, where two distinct constructs—distributive justice and procedural justice—have been identified. Distributive justice refers to the outcome of a particular decision (e.g., the type discipline imposed; Folger, 1977; Jones, 1998), and procedural justice refers to the manner in which the decision was reached (Cropanzano & Greenberg, 1997; Folger & Greenberg, 1985). The manner in which outcomes are decided is important because although officers may disagree with the outcome they are likely to accept it if they believe they have been treated fairly (Greenberg, 1986; Tyler, 1990, 2006).

Building trust and legitimacy from a distributive and procedural perspective requires police managers to impose disciplinary sentences that are commensurate with the infraction and the culpability of the officer, a process grounded in the “just deserts” philosophy of punishment (International Association of Chiefs of Police, 2007b; Sandurski, 1985; von Hirsch, 1976). This model of sentencing is straightforward: The agency is justified in punishing the officer because the officer deserves it. Violating agency policy creates an organizational imbalance. Punishment is intended to restore equilibrium, where the penalties set matters right by either removing the gains or benefits derived from the infraction or by levying some disadvantage (Walker, 1991, p. 25). Punishment is also intended to convey a message to the workforce and to the public that officers cannot unjustly infringe on the agency or the citizens with impunity.

Applying the desert model to a public bureaucracy, it is easy to envision the justification for punishing police employees who violate the rules and policies of the agency. Police management has the obligation to punish those who violate the rules from a technical and legal perspective. As people are moral agents bestowed with free will to act or refrain from acting, punishment is due when someone makes wrong choices, just as they deserve rewards and praise when they make right choices. As members of a police organization, officers willingly—either implicitly or explicitly—submit to the rules and policies that govern the agency and agree to uphold them as expressed in the law enforcement code of ethics (e.g., International Association of Chiefs of Police, 1992) and their oath of office, something that has been upheld by U.S. courts (e.g., *Tooele County v. Jones*, 1986).

Although the justification for punishment is clear, how much punishment is deserved is more ambiguous, yet still must be measured to ensure fairness. For a sentence to be fair, it must be proportionate in severity to the seriousness of the infraction; thus,

proportionality must determine the quantity of punishment (von Hirsch, 1976, 1992; von Hirsch & Ashworth, 1992, p. 182; Weisbord, 1995, p. 68). A sentence is proportionate, and consequently justified, when the punishment is commensurate with the officer's culpability and the amount of resulting harm while considering aggravating and mitigating circumstances. Sentences that are disproportionate—too lenient or too severe given the harm and culpability—are not justified (Hospers, 1977, p. 23; von Hirsch, 1976, p. 66).

Disproportionate sentences send a confusing and inconsistent message to the wider workforce that may ultimately bring scorn and disobedience for the agency's rules, as well as repeat offending from the employees as they act out in defiance (Sherman, 1993). Just deserts places proportionality at the forefront; it is proportionality that embodies the sense of fairness and justice that police officers seek in their disciplinary matters and which the agency seeks in commanding respect for its rules and policies. Punishments that are scaled to the gravity of the infraction compared with those that are not are perceived as fair, and it is the scale itself that provides uniformity. Proportionality implies rank-ordering the infractions and the levels of punishment to ensure the least serious infractions correspond to the least serious punishment; as the seriousness of the infraction increases, so does the punishment. Matching these elements relies on the principle of "commensurate-deserts" (von Hirsch, 1983, p. 212), which requires affixing cardinal and ordinal proportionality, as well as parity.

Method

The data for this study were collected from two sources at the Newark (NJ) police department: (a) complete participant observation (Gold, 1969) with both sworn police officers and supervisors and civilian personnel and (b) official agency records. Three hundred sixty hours of participant observation were conducted between October 2000 and June 2004 while serving as a precinct commander and a rotating member of the Newark Police Department's Trial Board, a triumvirate of command-rank officers who act as fact finders and impose discipline on police officers and civilian employees charged with administrative policy violations. The trial board is a formal organizational element intended to ensure employees' due process rights are honored, while holding members accountable for their decisions.

Champion (2006) noted that participant-observation often leans on the expertise of the observer who typically has firsthand experience in the field. Such experience is crucial in this research to grasp significant events that tend to indicate the shortcomings and tension associated with existing police disciplinary systems. My position afforded me unique access to the internal disciplinary system of a major urban police department from the executive level, which provided a distinct perspective on the backstage setting, politics, and administration that occur when dispensing discipline. My familiarity with the field presented a unique opportunity to view police administration, internal affairs, and disciplinary matters firsthand as these functions are difficult to observe in most other ways and are often hidden from outsiders (Shils, 1975).

Observations were conducted during 41 department trial board hearings and 7 command-level disciplinary conferences involving 363 sworn officers (98%) and civilian employees (2%) and 1,080 individual charges and specifications. The employees represented nearly every operational and administrative element of the agency, except the patrol force was overrepresented (76.4%) and the penalties ranged from counseling to termination. The sample was not representative of the entire agency and the observations came from a convenience sample, not a random sample (Maxfield & Babbie, 2001). Field notes were recorded while reviewing individual disciplinary cases; the case files were prepared by the police department's Advocacy Section of the Internal Affairs Bureau. The notes contained thick descriptions of the context and incident that led to the charges, and the conversations among the officers, union officials, trial board members, and attorneys who were present at the hearings.

The official agency records consisted of the labor agreement, memoranda, internal investigations, disciplinary histories, psychological reports, driving record, and formal policies governing the internal affairs function and the disciplinary process. In addition to the agency records, the New Jersey Attorney General's policy on internal affairs investigations was also a source document. These documents provided an historical overview and reflected incremental changes as the form of internal investigations and the disciplinary process changed. When this study began, the internal affairs and disciplinary processes had been well established for several years. Today, internal affairs and the disciplinary process exist as they did at the time of the observations.

Participants and Protection

Neither were any personal data, unique organizational identifiers, or personal attributes collected nor were any conversation tape-recorded; therefore, it was not possible to identify a given officer or connect individual disciplinary action or comments to a specific officer. As the observations were conducted in a natural setting and the officers were not approached for their reaction or perspective, informed consent was not obtained. In addition, the research did not extend beyond participant observation into informal conversations, interviews, or focus groups that would have required informed consent. Last, the research was not intended to report on individual disciplinary decisions; rather, in the aggregate, it was intended to form the basis for a model to guide disciplinary sentences and improve consistency.

Findings

Informal Nature of Police Disciplinary Policy

The Newark Police Department operates a bifurcated disciplinary process, where minor discipline (infractions that are subject to less than 5 days suspension) is disposed of at the division level and major discipline (infractions that are subject to more than 5 days suspension) is disposed of before the department's trial board. The Newark police

disciplinary policy states that “Disciplinary Conferences and Trials shall be informal and administrative,” and where the customary rules of evidence do not apply, repetitious evidence may be excluded and the disciplinary hearing officer may establish additional “reasonable rules” to expedite the matter at his or her discretion (Newark Police Department, 2010, pp. 7-8).

This leaves each individual trial to vary subject to the vagaries of each hearing officer or the trial board members, which may be influenced by any number of biases, personal sentiment, and ulterior motives. The disciplinary policy does not define “reasonable rules” and does not codify previously established rules that may have been set by hearing officers. Although this process may be efficient, it is explicitly informal, governed by unwritten rules, institutionally accepted past practices, and unfettered discretion that are consistent with previous studies about how disciplinary sentences are exacted in police agencies.

Lack of Direction for Imposing Sentences

In its current form, there is no systematic process to compare past sentences for similarly situated officers to ensure continuity, or to guide sentencing during the instant matter; 100% of the cases adjudicated relied on anecdotes and recollections from supervisors and trial board members about previous dispositions and the type and length of sentence that should be imposed. Also, 100% of the cases were compared with each other regardless of the contextual factors to arrive at a sentence instead of being compared with an independent and articulated standard. The process is further convoluted by (a) paper-based disciplinary files that are scattered throughout each organizational division and were not collated; (b) no centralized system for aggregating sentences among all similarly situated officers; and (c) frequent involvement of superior officers who are witnesses in the instant matter in determining the officers’ penalties. The result is, at best, an educated guess about what sentence is appropriate given the context and is not predicated on rational management.

The disciplinary policy only directs the type of adjudication that must commence if the infraction is likely to result in a sentence less than 5 days suspension (a disciplinary conference for minor discipline), or termination, demotion, or more than 5 days suspension (a department trial for major discipline). Major and minor discipline are defined by the length of a potential sentence. Individual rule and policy infractions are interchangeable as major and minor based on the disciplinary history of the individual officer, except that major discipline is defined by five infractions based on their seriousness: (a) aggravated insubordination; (b) criminal acts; (c) unauthorized discharge of firearms; (d) refusal to submit to drug screening; and (e) violations of radio discipline.⁷ If a given infraction may result in (a) suspension or fine of 5 working days or less where the aggregate number of days suspended or fined in any one calendar year is 15 working days or more or (b) the last suspension or fine where an employee receives more than three suspensions or fines of 5 working days or less in a calendar year, then the infraction is deemed major discipline; otherwise it is deemed minor discipline. This

process identifies whether a trial board or disciplinary conference will convene but not what sentence is appropriate on a guilty finding; the sentence is discretionary.

Arriving at a Sentence

Arriving at a given sentence was an iterative process between trial board members, the city's attorney, the hearing officer, and the union representative. There was no algorithm, weighting process, or predefined guide but informal banter. Each trial board member read through the investigation, then reviewed the officer's disciplinary history, and came to consensus about a penalty instead of impartially listening to the evidence presented by both sides and rendering a verdict. Consensus was reached by discussing several factors including the quality of the investigation and whether the police department would have the sentence overturned on appeal because the investigation was weak; whether the officer was known to any trial board members and what they personally thought of the officer; the officer's longevity; the length and severity of the officer's disciplinary history; and the nature of the infraction.

Another factor determining sentence was whether the police department could afford to lose the officer to suspension due to staffing constraints. As a matter of economics, during periods of peak vacation and holidays, sentences were more likely to be nonsuspensory or suspensions held in abeyance so the department did not lose the officer, which would leave the individual divisions to resort to overtime to fill the vacancy. This practice may reduce the deterrent effect of discipline and may send the message that certain infractions mean less depending on when they occur. Furthermore, the policy was silent as to how multiple infractions should be handled (i.e., merged, dismissed). In 97% of the cases, multiple infractions were present and they were merged or dismissed with the same informal discussion as imposing a sentence.

My observations suggest there is widespread belief from police officers that the agency does not give them a fair chance to prevail against complaints lodged against them. This may be rooted in the structural differences between investigating criminal conduct and investigating an internal complaint, where the disciplinary process comports more like an inquisitorial system than an adversarial system (Wechter, 2004).

No Ordinal Proportionality Among Infractions

The Newark Police Department's disciplinary policy identifies the cardinal magnitude of penalties—oral reprimand, warning notice, written reprimand, suspension, fine, reduction in rank, and discharge/termination—but does not identify ordinal proportionality of the infractions. The Newark Police Department (2006) rules and regulations system is 18 chapters with 1,028 rule infractions; the general order system contains 265 policies and neither of the systems orders infractions according to their relative severity. Only the five aforementioned infractions are identified as major discipline; the remaining 1,023 rules and regulations and the 265 policies are not accounted for in terms of seriousness and the actual or anticipated harm that may

result from violating them. Except for the five aforementioned infractions, all other infractions are relatively equal; individual infractions are not weighted for the actual or potential harm they cause the agency or the community, which means, all things being equal, using excessive force and being tardy may receive the same sentence based on the extent of the officer's disciplinary history.

The Proposed Disciplinary Matrix

The purpose of a disciplinary matrix is to leave the police department with a predictable, progressive, and uniform guide for dispensing discipline that accounts for the seriousness of the infraction, the prior disciplinary history of the officer involved, and the aggravating and mitigating circumstances. Standards such as those enunciated in a disciplinary matrix may reduce internal dissention and make sentencing decisions more fair and consistent (e.g., Jones, 1998). Other purposes aimed at achieving distributive and procedural justice are as follows:

1. Promoting positive progressive discipline and correction through counseling and training for personnel;
2. Insuring community safety and department reputation by preventing infractions through the deterrent influence of proportionate sanctions;
3. Safeguarding personnel against excessive, disproportionate, or arbitrary sanctions;
4. Providing personnel with fair warning of the nature of the sanctions that may be imposed on a sustained finding of an internal investigation;
5. Differentiating among the seriousness of infractions with a view toward just individualization in correction (for similarities, see Walker, 2003b, pp. 4-5).

Table 1 is the proposed disciplinary sentencing matrix. The model was developed using the Minnesota sentencing guidelines grid,⁸ where the penalty levels represent cardinal proportionality and the infractions represent ordinal proportionality. The Minnesota model was selected for its rational design as a whole, which provides a clear standard for measuring how well internal discipline is dispensed. The penalty levels, infractions, sentencing presumptions, and prior record of sustained charges are hypothetical, except that the penalty levels and infractions were modified from those used in the Newark Police Department to provide some perspective on how such a model might look.

Cardinal Proportionality and the Principle of Endangerment

Cardinal proportionality concerns the upper and lower anchoring points for each penalty level on a seriousness scale. This sets limits on the severity or leniency of the sanctions appropriate for each infraction by examining the nonrelative proportionality, where the overall level of punishment is addressed from least to greatest on an exhaustive scale (Levels 1 through 6; von Hirsch, 1992). Cardinal proportionality

Table 1. Sample Progressive Disciplinary Sentencing Matrix

Penalty level	Infractions	Sentencing presumptions and prior record of sustained charges								
		0	1	2	3	4	5	6	7	
Level 6 DIS	Conviction for state-codified felony									
	Aiding or abetting a criminal (conspiracy)									
	Perjury (criminal or administrative hearing)	DIS								
	Driving while intoxicated									
Level 5 RED	Chronic inefficiency or incompetence									
	Financial conflict of interest									
	Unauthorized release of police intelligence	RED +5	DIS							
	Tampering with evidence (administrative)									
Level 4 SUS	Official inefficiency or incompetence									
	Inefficiency or incompetence of superior officers	SUS 13-20	RED +5	DIS						
	Driving while intoxicated									
	Drag racing									
Level 3 SUS	Using excessive force	SUS 10-12	SUS 13-15	RED +5	DIS					
	Unauthorized strip/body cavity search									
	Conviction for state-codified misdemeanor									
	Unlawful entry of home or business	SUS 7-9	SUS 10-12	SUS 13-15	RED +5	DIS				
Level 2 SUS	Unauthorized discharge of firearm									
	Carrying unauthorized firearm or weapon									
	Unfit for duty	SUS 4-6	SUS 7-9	SUS 10-12	SUS 13-15	RED +5	DIS			
	Unauthorized release of prisoner									
Level 1 SUS	Violation of pursuit policy									
	Differential treatment									
	Failing to answer subpoena	SUS 1-3	SUS 4-6	SUS 7-9	SUS 10-12	SUS 13-15	RED +5	DIS		
	Intoxicated while on duty									
Level 0 SUS	Unauthorized disposition of police equipment									

(continued)

Table 1. (continued)

Penalty level	Infractions	Sentencing presumptions and prior record of sustained charges							
		0	1	2	3	4	5	6	7
Level 3 REP	Proffering derogatory references/demeanor Insubordination Failing to preserve crime scene	REP	SUS 1-3	SUS 4-6	SUS 7-9	SUS 10-12	SUS 13-15	RED +5	DIS
Level 2 WAR	Loss of city-issued equipment (except firearm) Feigning illness or injury/malingering Leaving assigned post/sector/zone Sleeping on duty	WAR	REP	SUS 1-3	SUS 4-6	SUS 7-9	SUS 10-12	RED +5	DIS
Level 1 COU	Proffering insolent language Accepting gifts and gratuities Improper wearing of department uniform Punctuality/tardiness	COU	WAR	REP	SUS 1-3	SUS 4-6	SUS 7-9	RED +5	DIS
Penalty levels		COU	COU	WAR	REP	SUS 1-3	SUS 4-6	RED +5	DIS
COU = counseling		Principle of Endangerment							
WAR = warning notice		Penalty Levels 1 and 2: Low risk of community harm and to department integrity							
REP = written reprimand		Penalty Levels 3 and 4: Medium risk of community harm and to department integrity							
SUS = suspension from duty		Penalty Levels 5 and 6: High risk of community harm, judicial and department integrity							
RED = reduction by a single rank for superior officers and detectives; +5 days suspension from upper limit of previous grade for police officers		Merging charges and concurrent sentences shall be guided by the principle of endangerment							
DIS = dismissal									
Multiple charges across penalty levels shall require the sentence to start at the beginning of the highest charge sustained									

(continued)

anchors the magnitude of the punishment scale and is typically determined by accepted past practices of the agency, legal mandates, collective bargaining agreements, or organizational consensus, as well as research findings, expert opinion, or an ethical basis. The accepted penal traditions of the agency are a worthy starting point since sanctions are a social convention, and like any other social conventions, they will be influenced by normative behaviors and customary practice.

Although it is easy to envision more, fewer, or different penalties, this model offers six levels that move from least serious (counseling and warning notice), to moderately serious (written reprimand and suspension), to most serious (reduction in rank and dismissal) in a graduated manner. In a reasoned system of internal discipline, the seriousness of infractions should be governed by the “principle of endangerment,” which determines where the infractions will be situated in a given punishment level. The principle of endangerment accounts for the actual harm that was committed, or for the anticipated harm that could have resulted (risk), as well as the culpability of the officer.

Factors of intent, motive, and circumstance should determine the extent to which officers are penalized for their actions. The intrinsic qualities of the anchoring points show that as the penalties move from least to greatest, there is a concurrent rise in actual or potential harm that may be visited on the agency or the community, which requires increased sanctions.

Ordinal Proportionality and Parity

Ordinal proportionality concerns how infractions are sanctioned relative to each other moving from the least serious to most serious, through each penalty level. This orders (i.e., ranks) the amount of punishment proportionate to culpability in terms of parity between police officers committing infractions of similar gravity, such that the relative severity of punishment reflects the seriousness of the infraction. The internal architecture of infractions is not universal among police agencies and will expectedly vary, including their arrangement in terms of seriousness, except that infractions must be mutually exclusive to a single penalty level to ensure there is no overlap. Affixing ordinal proportionality may be dictated by accepted past practice, labor agreement, or organizational consensus.

Ordinal proportionality also insists on a spacing requirement within and between punishment levels, so that each incremental increase in punishment reflects the progressive seriousness of the infractions and punishment for repeated offenses. The spacing and sanctions must be reasonable, although “reasonableness” is admittedly an imprecise notion that has not received much attention (von Hirsch, 1992, p. 94). The space between sentences may be fixed or proportional, but more importantly it must be reasonable and consistent. Arriving at a reasonable width for sentences is a value judgment that is best satisfied by consensus between labor and management and guided by the mean sentence length of past infractions.

The first step toward establishing ordinal proportionality is to inventory the rules and policies of the agency, then parse each rule and policy for its purported harm

against the agency and the community. Ordering the infractions from least to greatest in terms of seriousness expresses the agency's degree of disapproval for that conduct. To do otherwise is to introduce bias, where some infractions may receive more or less punishment since there is no comparison point, which is unfair.

Part and parcel of ordinal proportionality is parity among infractions. Parity insists that when police officers who are similarly situated have their charges sustained, they must incur punishment of equal severity. The only justification for departing from the parity requirement, either upward or downward, is the presence of aggravating or mitigating circumstances in the given context (von Hirsch, 1976, pp. 72-74; 1983, p. 74). Parity is a key feature of a desert-based model (Kleinig, 1973; Singer, 1979) and is critical to designing a formal sentencing structure that provides relief from disparate sentences. To ensure parity, when the agency decides to depart from the guidelines, they must confine their decision to the predefined circumstances promulgated by the agency and not depart capriciously. This ensures that the agency departs only for good cause, which ultimately results in more uniform punishment and fewer successful appeals. When the agency encounters novel circumstances in the instant matter that necessitates departure, the agency must reevaluate the current matrix and issue clear policy statements to guide nonlinear considerations before imposing a sanction.

Ancillary Elements of the Matrix

The remaining elements of the disciplinary matrix that must be defined are (a) the employee's prior disciplinary record, (b) aggravating and mitigating circumstances, and (c) time limitations. My observations suggest that the employee's prior record is a contentious and overlooked element. Those sitting in judgment of the employee routinely had full access to the employee's complete disciplinary history; indeed, determining whether an infraction merits major or minor discipline is predicted on reviewing the employee's disciplinary history. Although only prior sustained charges should be considered when determining a sentence, ranking officers who impose sanctions reviewed the entire disciplinary record *before* rendering a finding, which included charges that were dismissed, not sustained, unfounded, and exonerated.⁹

Relying on prior dispositions other than sustained charges introduces bias; once the previous dispositions are reviewed, it is virtually impossible to ignore them as if they had never been seen. This unfairly influences the outcome of the hearing before it even begins by interfering with the fact finder's ability to remain impartial and objective. By making the complete prior record available beforehand, there is great temptation to "see what kind of officer we are dealing with," instead of rendering a finding on the merits of the case.

Mitigating circumstances are factors that tend to be ignored in disciplinary matters because the employee's intent need not be proven and violations of rules and policies are strict liability offenses. The fact that many disciplinary actions arise naturally during the course of business is also not a defense. Yet the logic of mitigating circumstances implies that when an infraction occurs that is accompanied by, for example,

mistake of fact, or direct orders from a superior, the severity of the punishment must decrease. A police officer who collides with another car while responding to a call surely cannot be offered the same punishment when he or she is intoxicated (aggravating) or when he or she mistakenly hits a deep pothole filled with water (mitigating). While the outcome may be the same (property damage and perhaps personal injury), the principle of endangerment suggests the former is more culpable and deserving of harsher punishment than the latter (Noble & Alpert, 2009, pp. 229-230).

Last, affixing time limitations allows the agency a reasonable amount of time to commence adjudication after an infraction has been discovered, recognizing that the amount of time is not limitless. Time limitations represent another display of self-imposed restraint against management's discretion and convey a sense of procedural fairness to the workforce. The purpose is to ensure that the possibility of punishment for an infraction committed sufficiently in the past cannot activate the agency's disciplinary apparatus. Time limitations should be sufficiently wide to allow management time to uncover, investigate, and sanction acts of misconduct, but not overly wide to leave officers at the whim and caprice of zealous managers. The Newark policy did impose time limitations, and 2.4% of the cases were dismissed for this technical violation.

Discussion

This article presents a rational and systematic structure for imposing police discipline that can be evaluated empirically, which is a departure from most existing police disciplinary systems, which are arbitrary. Rational in this sense is aimed at creating a predictable and uniform framework that improves equity and reduces disparity in disciplinary sentences. Some police agencies may rely on informal sentencing practices that are laden with unfettered discretion. The result is disparity in punishment for similarly situated officers, which may result in antagonistic relationships between labor and management and lower performance and increased stress from officers. Moreover, as disparity in disciplinary sentences rises, police unions and arbitrators are likely to get involved to the point where management has their sentences reduced or overturned, which may perpetuate the antagonism.

From a self-interested perspective, police administrators may find as they promote organizational citizenship behaviors (OCB) they concurrently promote better performance in their officers. OCB are those "job-related behaviors which are discretionary, not formally recognized by the organizational reward system, and in the aggregate, promote the effective functioning of the organization" (Moorman et al., 1993, p. 210). Essentially, these are the things employees do above and beyond their job description—*going the extra yard*—that make for a harmonious and efficient workplace, where attitudes of commitment, trust, and altruism predominate (Brower, Lester, Korsgaard, & Dineen, 2009). The organization cultivates a stronger work ethic in its employees because the employees perceive the organization's decision-making systems as fair; therefore, they are more committed to organizational goals (e.g., strong community relationships). The outgrowth of this perceived fairness is workforce motivation; when

employees feel affiliated and their efforts are appreciated, they strive to do their best, which is consistent with Herzberg's (1968) theory of productivity. Speculating further, if the community perceives the police department to be more equitable and responsive, then they may reciprocate by being more willing to get involved in crime-prevention activities, increasing their reporting practices and voting in the affirmative for the police budget.

The hallmark of a well-developed and mature police management structure is the discipline to self-impose standards and limits on managers' behavior. This ensures equity and fairness and keeps management from arbitrary behavior. A disciplinary matrix is one development in that direction, which may improve accountability by establishing transparency in the typically secret and discretionary world of police discipline. Promulgating a standardized structure gives the public, individual officers, and police managers a sense of what to expect when disciplinary sentences are handed down. Police management retains the ability to impose discipline as necessary, and individual officers are granted a safeguard against disproportionate sanctions.

Adopting formal sentencing structures has been slow; a few major U.S. and Canadian police departments have begun experimenting with a disciplinary matrix (e.g., Los Angeles County [California] Sheriff's Office; Phoenix, Arizona; Providence, Rhode Island; Baltimore, Maryland; Denver, Colorado; Vancouver, British Columbia; Washington State Patrol), and recommendations to implement such a model are evident by police advocacy groups (International Association of Chiefs of Police, 2007a, 2007b; Police Executive Research Forum, 2010, p. 3), but adoption is far from universal and outcomes have not been evaluated. Aside from some large departments, the extent to which a disciplinary matrix is being used in smaller departments, which comprise the majority of U.S. police agencies, is not known. Top police administrators must embrace the matrix as a tool that strengthens their ability to impose discipline instead of looking on it as a constraint that impinges on their discretion. By seizing the initiative and breaking from the makeshift and haphazard sentencing practices that rely more on informalities than rationality, police administrators will build more trust and legitimacy between management and labor, which engenders a culture of self-discipline rather than relying on negative discipline for compliance.

Limitations

Despite its potential benefits, this research is theoretical and has some limitations. First, the competing interests surrounding consistency and fairness are difficult to reconcile. Although a disciplinary matrix strives for consistency and parity in sanctions, inconsistency may arise in outcomes. Although similarly situated officers may be *subject* to the same sanctions for a given infraction, aggravating and mitigating circumstances, as well as culpability may not result in similar sanctions. Every conceivable combination of sanction, multiple charges, culpability level, and aggravating and mitigating circumstance has not been explored, but thinking through the myriad permutations is dizzying and will ultimately necessitate some discretion.

Similarly, although the principle of consistency remains paramount, there may be some measure of inconsistency when dispensing individualized correction, after accounting for variations in training, education, and performance evaluations. There is also a moral/human dimension that should be considered, which is whether the agency should be permitted to depart downward when the officer is remorseful, apologetic, cooperative, and likely to benefit from retraining; when the officer pleads guilty; or when their prior record is qualitatively less serious than the current charge. If these dimensions will be considered, then they must be defined and promulgated beforehand. By way of comparison, the inherent tension between consistency and fairness has not been entirely resolved in criminal sentencing practices that have received quite robust academic attention. Also, the just deserts philosophy itself has been questioned for the psychology that flows from two-dimensional grids, like the one presented here, and for ethical differences between cases that present linear solutions to complex non-linear issues (Tonry, 1996, pp. 13-24; also see Spohn, 2002).

Second, there is no U.S. or international data-collection standard for internal affairs and disciplinary sentences. Because of this limitation, it is not possible to establish baseline measures or sentencing trends and patterns from which to design a matrix. Therefore, neither is it possible to compare disciplinary sentences with and without a matrix across states and jurisdictions nor is it possible to determine parity and identify departures from “the norm.” Data from internal affairs investigations and disciplinary hearings are often not public record. Simply because an agency implements a disciplinary matrix as an accountability mechanism does not mean that dispositions will become public, even if the matrix itself is public. Various state laws and labor agreements keep individual personnel records sealed from public view and may only be accessed with a subpoena, a much higher standard than is established by most open public records acts, which inhibits timely research.

Third, although implementing a disciplinary matrix appears to be a sound management practice, it is merely a policy. The real test of police leadership comes not from implementing it but from adhering to it and abandoning any irresistible impulse to punish officers for “a pound of flesh” while hiding behind the right to decide on punishment based on discretion. Police officers today are less willing to immediately accept sanctions they believe are harsh and oppressive; they are more likely to fight administrators and may have their sentences reduced or overturned by a court or an arbitrator (Pinkerton, 2011). It is overly optimistic to believe that all police administrators who adopt a sentencing matrix will follow it. It is more realistic to believe that at least some administrators will depart from the proportionality requirements—to a greater or lesser degree—with merely facile justification, thus invalidating its true principles. The silver lining in this cloud is that when (not if) this occurs, affected employees will be on firm ground to affirmatively appeal their sentence and reclaim a sense of justice.

Fourth, neither is the sentencing matrix intended to enhance, hasten, or increase the frequency of punishment or to increase sustained findings during internal affairs investigations nor is it intended to vindicate officers who are unjustly accused. Although it

is intended to improve transparency and accountability, accountability is not synonymous with punishment. Accountability means to subordinate to a process, where the subject bears an obligation or willingness to accept responsibility and to proffer a statement or explanation of the reasons, causes, or motives for their actions (e.g., Walker & Katz, 2005, p. 473). Accountability is not the type and amount of punishment imposed; whether a police officer has their disciplinary charges sustained or dismissed is independent of the matrix. From this perspective, the matrix should be used to manage the public's expectations about the sentences officers receive after disciplinary charges are sustained. The public may expect that officers will have their charges sustained more frequently because the agency is using a "disciplinary matrix," which is a misperception. In this sense, the matrix becomes more impression management than substantive management; public satisfaction with the police complaint process is not easily resolved (De Angelis, 2009).

Fifth, this research relies on a nonprobability sample (i.e., convenience) of cases, not a random sample. As cases arising from department trials and disciplinary conferences were not randomly assigned, it is not possible to draw definitive inferences about the sentencing practices from the sample. This introduces systematic bias and the inferences based on this type of sampling must be accepted with caution; strictly speaking, inferences cannot be drawn from a nonprobability sample.

Last, quantitative data were not recorded and interrater reliability was not available. Although an observation protocol was used to focus field notes and document review, there was no opportunity to cross-reference the observations with empirical data on sentences from each disciplinary file or to conduct post hoc interviews of individual officers for their reaction. The observations were confined to a single urban police agency, so the findings may not be generalizable to smaller, or suburban and rural police agencies.

Directions for Future Research

A few unanswered questions about using a police sentencing matrix exist (Walker, 2003a, pp. 14-15). To date, the extent of their use in law enforcement agencies is not known and the concept remains untested; currently there are no estimates on the prevalence of sentencing matrices, so it is not possible to establish baseline measures for comparison or to conduct an impact evaluation. Without the ability to compare disciplinary sentences with and without a matrix, it is not possible to say with any degree of confidence that the matrix is better than existing practices or suggested alternatives.

Another avenue for research is to determine the benefits and unintended consequences from the employees' perspective. Perhaps the most important point in assessing different perspectives is to determine whether the matrix is achieving its goals: (a) increasing consistency in punishment; (b) reducing arbitrators' reversal or reduction of punishment; and (c) improving perceptions of fairness. Equally important is the extent to which predefined aggravating and mitigating circumstances and the officer's

prior sustained charges will be considered, as well as the time limitations to initiate discipline. Failing to account for these elements may foreclose the prospect of equity and fairness the matrix seeks to resolve. Quantitative data on individual disciplinary cases must be collected and analyzed to determine variability; the hypothesis being that a disciplinary matrix will reduce the standard deviation for sentences involving similar circumstances.

From a practical perspective, a process evaluation is important to assess the course of development, the key decisions, and the obstacles to implementation that affect replication and adoption. The often intractable nature of management–labor relationships and the prevalence of police unions necessitates that in certain parts of the United States unions are key stakeholders that must be consulted. The strength of both accepted past practice (unionism and union semantics) and police leadership (managerialism and management rhetoric) will affect the decision to compromise in a given case; compromise is key to overcoming status quo and obstinacy, which may affect the future of police disciplinary matrices, including the extent of their implementation (e.g., Polzin & DeLord, 2006).

Determining reasonable punishment and the spacing width for infractions must be analyzed more closely. Reform efforts, innovation, and best practices necessarily involve analyzing data on the patterns and magnitude of the existing issue before changes can be made; however, that necessitates knowing how others who are similarly situated address the situation. It is quite likely that police departments will develop punishments and spacing width in relative isolation from their counterparts across the country by resorting to rather parochial analysis and internal comparison instead of having a larger sample from which to make estimates.

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Notes

1. Politics in this sense means to deal with people in an opportunistic, manipulative, or devious way for career advancement.
2. A *hook* is a derogatory term in police vernacular for someone who looks after a member of the police department and has the ability to advance the member's career. A hook can equally get someone out of trouble or into a preferred assignment, or set along a particular career path by influencing decision makers (see Price, 1972, p. 166). Hooks are typically established through informal associations that are often cultivated by money, cronyism, nepotism, or "partisan balance" (i.e., "political patronage," meaning they are usually intimately tied to political influence and motivated by partisan or self-serving objectives) and are looked upon with disdain because the influence they exert is rarely ever merit based. Hooks often connote that the member receiving preferential treatment is not necessarily experienced, qualified or deserving of the position; the member is absolved from responsibility for their

share of the work while in the position; and the member is insulated from disciplinary action. Someone who has a hook is termed to be *hooked up*. Similar police vernacular includes being “connected,” as in he or she is politically connected (see Berkley, 1969, p. 17); having a “Rabbi,” as in who is his or her Rabbi? and “political Godfather,” as in he or she has a political Godfather. Neiderhoffer (1967) discussed how officers in the New York City Police Department sought to “. . . arrange contracts with Rabbis” to get out of uniform and into a “. . . good detail to escape from foot patrol duty. The lower ranks tend to believe that special assignments depend on ‘whom you know,’ and not on merit” (p. 77). A “detail” in the police department is a preferred or special assignment, typically a desirable one that may also bring a promotion, and a “Rabbi” is someone with influence in the department that can make that happen, in other words a “hook.”

3. H.R. 1972, introduced on April 2, 2009; legislation is pending as of July 2010. Retrieved on July 24, 2010 from http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1972ih.txt.pdf. This legislation is considered a “top priority” for the national Fraternal Order of Police as part of their legislative agenda. Retrieved from <http://www.fop.net/publications/archives/legislation/111support.shtml> on July 24, 2010.
4. In The Matter of a Petition For An Investigation Into The Newark, New Jersey Police Department by The U.S. Department of Justice Pursuant to 42 U.S.C. § 14141, American Civil Liberties Union of New Jersey, Petitioner. Before the U.S. Department of Justice (DOJ), Civil Rights Division, Special Litigation Section (Filed September 9, 2010). On May 9, 2011, the DOJ formally announced it was investigating the Newark Police Department based on the ACLU-NJ complaint.
5. See H.R. 413, introduced on January 9, 2009 and Senate companion Bill S.1611 introduced on August 6, 2009; both pieces of legislation are pending as of July 2010. Retrieved on July 24, 2010 from http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h413ih.txt.pdf and http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:s1611is.txt.pdf. Both HR 413 and S-3194 are considered a “top priority” for the national Fraternal Order of Police as part of their legislative agenda. Retrieved from <http://www.fop.net/legislative/issues/bargain/index.shtml> on July 24, 2010.
6. See, for example, Newark Superior Officer’s Association Labor Agreement (2009-2012).
7. Aggravated insubordination involves using or threatening to use physical force. Violations of radio discipline include any intentional interception, interference, or disruption of radio transmissions that would jeopardize, or otherwise put at risk, a police officer or citizen’s safety or impugn the reputation and professional standards of the department (Newark Police Department, 2010, pp. 2-3).
8. See <http://www.msgc.state.mn.us/msgc5/guidelines.htm>. Retrieved on December 4, 2010.
9. Dismissed = disposing of the matter without a hearing; Not Sustained = The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation; Unfounded = the alleged incident did not occur; Exonerated = The alleged incident did occur, but the actions of the officer were justified, legal, and proper; Sustained = The investigation disclosed sufficient evidence to prove the allegation, and the actions of the officer violated a provision of the agency’s rules and regulations or procedures.

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Bio

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Appendix F - Penalty Table and Discipline Matrix

Penalty Table

Discipline Level	Mitigated Penalty	Presumptive Penalty	Aggravated Penalty
1		Oral Reprimand	Written Reprimand
2	Oral Reprimand	Written Reprimand	1-3 Fined Days
3	Written Reprimand To 1 Fined Day	2 Fined Days	4-6 Fined Days
4	2-4 Fined Days	3 Days Suspension	5-7 Days Suspension
5	4-6 Days Suspension	10 Days Suspension	14-16 Days Suspension
6	18-22 Days Suspension	30 Days Suspension	38-42 Days Suspension
7	43-47 Days Suspension	60 Days Suspension	Termination
8	90 Days Suspension	Termination	



DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



Categories, Violations and Level Assignments Table

CATEGORY A

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

<u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u>		1st Violation	2nd Violation	3rd** Violation
RR-102.1	Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	in 3 Years	in 3 Years	in 3 Years
RR-102.2	Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*	-Level-	-Level-	-Level-
RR-103	Aid Another to Violate Rule (A-F)*			
RR-105	Conduct Prejudicial (A-F)*			
RR-108.1	Plainclothes Officers - Identification			
RR-115.1	Conduct Prohibited by Law (A-F)*	1	2	3
RR-116	Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*			
RR-121	Off Duty in Uniform (A-F)*			
RR-129	Giving Name and Badge Number			
RR-136	Use of Tobacco Products in Police Facilities			
RR-205	Giving Testimonials, Seeking Publicity			
RR-314	Providing Assistance Outside the City			
RR-501	Personal Appearance in Court			
RR-612	Answer to Official Communications			
RR-614	Publication of Articles			
RR-616	Police Bulletin			
RR-802	Uniform Restrictions While Off Duty			
RR-805	Equipment Carried on Person			
RR-1001	Testifying in Civil Cases			
RR-1002	Service of Civil Processes			
RR-1003	Initiation of Civil Cases			
RR-1104	Location When Ill			
RR-1105	Reporting During Illness or Injury			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

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

**The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



Categories, Violations and Level Assignments Table

CATEGORY B

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

EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:

- RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*
- RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*
- RR-103 Aid Another to Violate Rule (A-F)*
- RR-105 Conduct Prejudicial (A-F)*
- RR-108.2 Protecting Identity of Undercover Officers
- RR-115.1 Conduct Prohibited by Law (A-F)*
- RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*
- RR-121 Off Duty in Uniform (A-F)*
- RR-122.1 Respect for Fellow Officer
- RR-126 Amusement Places Restrictions
- RR-127 Responsibilities to Serve Public
- RR-128.1 Impartial Attitude
- RR-132 Purchase of Forfeited Property
- RR-140.1 Discourtesy
- RR-206 Soliciting Business
- RR-303 Trivial Offenses
- RR-304 Traffic Enforcement When Not in Uniform
- RR-309.1 Suggesting Bondsmen or Attorneys
- RR-605 Removal of Reports and Records
- RR-607 Failure to Make, File or Complete Official Reports
- RR-613 Unauthorized Use of Department Letterheads
- RR-703 Soliciting Money for Political Purposes
- RR-704 Soliciting for Promotion, Appointment
- RR-806.1 Alteration or Exchange of Badge Prohibited
- RR-807 Loss or Damage to Badge
- RR-808 Equipment and Property Restrictions on Use
- RR-809 Rough or Careless Handling of City or Departmental Property
- RR-902 Department Vehicle Operation
- RR-1101 Reporting Absence Prior to Roll Call
- RR-1102 Reporting for Duty (B-D)*

1st
Violation

in 4 Years

-Level-

2nd
Violation

in 4 Years

-Level-

3rd**
Violation

in 4 Years

-Level-

2

3

4

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

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

**The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



Categories, Violations and Level Assignments Table

CATEGORY C

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

<u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u>		1st Violation	2nd Violation	3rd** Violation
		in 5 Years	in 5 Years	in 5 Years
		-Level-	-Level-	-Level-
RR-102.1	Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	3	4	5
RR-102.2	Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*			
RR-103	Aid Another to Violate Rule (A-F)*			
RR-104	Contacting of Supervisor			
RR-105	Conduct Prejudicial (A-F)*			
RR-107	Always on Duty			
RR-109.1	Commission of an Offensive Act While Intoxicated			
RR-115.1	Conduct Prohibited by Law (A-F)*			
RR-116	Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*			
RR-117	Disobedience of an Order (C-F)*			
RR-119	Sleeping on Duty			
RR-121	Off Duty in Uniform (A-F)*			
RR-122.2	Abuse of Fellow Officers			
RR-138	Discrimination, Harassment and Retaliation (C-F)*			
RR-140.2	Verbal Assault and Abuse of the Public (C-D)*			
RR-141.2	Reporting of Prohibited Associations			
RR-142	Soliciting Preferential Treatment (C-F)*			
RR-204	Soliciting, Accepting Gifts, Gratuities			
RR-307	Posting Bail			
RR-310	Mistreatment of Prisoners/Suspects			
RR-401	Display of Firearms			
RR-402	Careless Handling of Firearms (C-F)*			
RR-403	Restrictions on Auxiliary Weapons			
RR-702	Using Police Position to Gain Political Office			
RR-1102	Reporting for Duty (B-D)*			
RR-1004	Testifying for Defendant			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

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

**The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



Categories, Violations and Level Assignments Table

CATEGORY D

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

<u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u>	1st Violation in 7 Years	2nd Violation in 7 Years	3rd** Violation in 7 Years
RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	-Level-	-Level-	-Level-
RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*	5	6	7
RR-103 Aid Another to Violate Rule (A-F)*			
RR-105 Conduct Prejudicial (A-F)*			
RR-106.1 Immoral Conduct			
RR-109.2 Unfit for Duty			
RR-112.1 Misleading or Inaccurate Statement (D-E)*			
RR-115.1 Conduct Prohibited by Law (A-F)*			
RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*			
RR-117 Disobedience of an Order (C-F)*			
RR-121 Off Duty in Uniform (A-F)*			
RR 122.3 Insubordination			
RR-128.2 Impartial Attitude - Bias			
RR-130.1 Aiding and Protecting Fellow Officers – Unreasonable			
RR-138 Discrimination, Harassment and Retaliation (C-F)*			
RR-140.2 Verbal Assault and Abuse of the Public (C-D)*			
RR-141.1 Prohibited Associations (D-F)*			
RR-142 Soliciting Preferential Treatment (C-F)*			
RR-306 Inappropriate Force (D-F)*			
RR-311.1 Compromising Criminal Cases			
RR-312.1 Interfering with Case Assigned to Other Officers			
RR-402 Careless Handling of Firearms (C-F)*			
RR-601.1 Communication of Confidential Information, Generally			
RR-603 Destruction of Evidence			
RR-806.2 Use of Badge by Person other than Officer			
RR-1102 Reporting for Duty (B-D)*			
RR-1106 Feigning Illness or Injury			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

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

**The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



Categories, Violations and Level Assignments Table

CATEGORY E

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

EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:

	1st Violation	2nd Violation	3rd** Violation
RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	No Time Limit	No Time Limit	No Time Limit
RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*	-Level-	-Level-	-Level-
RR-103 Aid Another to Violate Rule (A-F)*			
RR-105 Conduct Prejudicial (A-F)*			
RR-109.3 Drinking on Duty or While in Uniform (E-F)*			
RR-112.1 Misleading or Inaccurate Statement (D-E)*			
RR-114 Intimidation of Persons			
RR-115.1 Conduct Prohibited by Law (A-F)*	6	7	8
RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*			
RR-117 Disobedience of an Order (C-F)*			
RR-120 Appropriating Property (E-F)*			
RR-121 Off Duty in Uniform (A-F)*			
RR-123 Assault of Fellow Officer			
RR-138 Discrimination, Harassment and Retaliation (C-F)*			
RR-141.1 Prohibited Associations (D-F)*			
RR-142 Soliciting Preferential Treatment (C-F)*			
RR-203 Accepting Gifts from Persons of Bad Character			
RR-302 Personal Family Disputes			
RR-305 Duty to Protect Prisoner			
RR-306 Inappropriate Force (D-F)*			
RR-309.2 Suggesting Bondsmen or Attorneys for Profit			
RR-402 Careless Handling of Firearms (C-F)*			
RR-601.2 Communication of Confidential Information that May Jeopardize a Police Action (E-F)*			
RR-606 Destruction of Reports or Records			
RR-609 Altering Information on Official Documents			
RR-1107 Physical or Mental Examination (E-F)*			
RR-1108 Release of Medical Information			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

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

**The 4th or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



Categories, Violations and Level Assignments Table

CATEGORY F

ANY VIOLATION OF LAW, RULE OR POLICY WHICH: FORESEEABLY RESULTS IN DEATH OR SERIOUS BODILY INJURY TO ANOTHER PERSON; OR CONSTITUTES A WILLFUL AND WANTON DISREGARD OF DEPARTMENT VALUES; OR INVOLVES ANY ACT WHICH DEMONSTRATES A SERIOUS LACK OF THE INTEGRITY, ETHICS OR CHARACTER RELATED TO AN OFFICER'S FITNESS TO HOLD THE POSITION OF POLICE OFFICER; OR INVOLVES EGREGIOUS MISCONDUCT SUBSTANTIALLY CONTRARY TO THE STANDARDS OF CONDUCT REASONABLY EXPECTED OF ONE WHOSE SWORN DUTY IS TO UPHOLD THE LAW; OR INVOLVES ANY CONDUCT WHICH CONSTITUTES THE FAILURE TO ADHERE TO ANY CONTRACTUAL CONDITION OF EMPLOYMENT OR REQUIREMENT OF CERTIFICATION MANDATED BY LAW.

EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:

- RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*
- RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*
- RR-103 Aid Another to Violate Rule (A-F)*
- RR-105 Conduct Prejudicial (A-F)*
- RR-106.2 Sexual Misconduct
- RR-109.3 Drinking on Duty or While in Uniform (E-F)*
- RR-109.4 Under the Influence
- RR-111 Controlled Substances
- RR-112.2 Commission of a Deceptive Act
- RR-115.1 Conduct Prohibited by Law (A-F)*
- RR-115.2 Aggravated Conduct Prohibited by Law
- RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*
- RR-117 Disobedience of an Order (C-F)*
- RR-120 Appropriating Property (E-F)*
- RR-121 Off Duty in Uniform (A-F)*
- RR-130.2 Aiding and Protecting Fellow Officers – Intentional
- RR-137 Collective Bargaining Fair Share Fee
- RR-138 Discrimination, Harassment and Retaliation (C-F)*
- RR-141.1 Prohibited Associations (D-F)*
- RR-142 Soliciting Preferential Treatment (C-F)*
- RR-202 Soliciting or Accepting a Bribe
- RR-306 Inappropriate Force (D-F)*
- RR-308 Aiding an Escapee
- RR-311.2 Interference with Prosecution
- RR-312.2 Interfering with Internal Investigation/Questioning
- RR-312.3 Failure to Provide a Statement
- RR-402 Careless Handling of a Firearm (C-F)*
- RR-601.2 Communication of Confidential Information that May Jeopardize a Police Action (E-F)*
- RR-803 Uniform Restrictions for Officers Under Suspension
- RR-1107 Physical or Mental Examination (E-F)*
- RR-804 Exercise of Authority While Under Suspension
- RR-1103 Constructive Resignation
- RR-1201 POST Certification

1st
Violation

-Level-

8

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

Scheduled Discipline

The following violations are subject to Scheduled Discipline as set forth in the Denver Police Department Operations Manual, rather than the Disciplinary Matrix set forth above.

- 1) OMS 116.11(1)(a)(2) - Required Minimum Annual Continuing Education
 - 1st Offense – 8 Fined Hours
 - 2nd Offense (in subsequent calendar years) – 24 Fined Hours
 - 3rd Offense – “Subsequent violations may be dealt with more severely”

- 2) OMS 116.11(1)(b)(2) - CEP Cancellation / CEP Failure to Attend
 - 1st Offense – Written Reprimand
 - 2nd Offense (within 1 year) – 8 Fined Hours
 - 3rd Offense – “May be dealt with more severely”

- 3) OMS 105.07(5)(a) - Failure to Shoot for Efficiency
 - 1st Offense – 1 Fined Day
 - 2nd Offense – (within 12 months) - 3 Fined Days
 - 3rd Offense – (within 5 consecutive years) – Chronic Offender

- 4) OMS 103.01 - Failure to Appear in Court (*filed under RR-502*)
 - 1st Offense – Oral Reprimand
 - 2nd Offense – Written Reprimand
 - 3rd Offense – (within 12 months) – 8 Fined Hours
 - 4th Offense – (within 12 months) – 40 Fined Hours

- 5) OMS 203.09(2)(a)(5)(d) - Preventable Accidents (*filed under RR-809*)
 - 1-4 Points – Oral Reprimand
 - 5-9 Points – Written Reprimand
 - 10-15 Points – A fine of one to five days
 - 16-20 Points – Suspension from three to ten days without pay
 - 21+ points – Minimum 5 day suspension without pay or more stringent action as appropriate.

- 6) OMS 112.09 - Photo Radar
 - 3rd Offense – Oral Reprimand
 - 4th Offense – (within 12 months) – Written Reprimand
 - 5th Offense – (within 12 months) – 8 Fined Hours
 - Subsequent, or flagrant violations may result in more severe disciplinary recommendations

7) OMS 502.01(3) - Punctuality (filed under RR-125)

1st Offense – Oral Admonition

2nd Offense - Oral Reprimand

3rd Offense – Written Reprimand

4th Offense – 8 Fined Hours

- “Subsequent violations may be dealt with more severely.”
- 6 offenses within 12 months or 9 offenses within 3 years = Chronic Offender.

8) OMS 112.12 - Safety Restraining Devices

1st Offense – Oral Reprimand

2nd Offense (within 12 months) – Written Reprimand

3rd Offense (within 12 months) – 1 day suspension

- “Subsequent violations will be dealt with more severely.”

See PAGES 3 & 5

DISCIPLINE MATRIX PILOT POLICY		Operations Order 3.18
PHOENIX POLICE DEPARTMENT	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

DISCIPLINE PROCEDURES PILOT POLICY		Operations Order 3.18
PHOENIX POLICE DEPARTMENT	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.

DISCIPLINE PROCEDURES PILOT POLICY		Operations Order 3.18
PHOENIX POLICE DEPARTMENT	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

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

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

DISCIPLINE PROCEDURES PILOT POLICY		Operations Order 3.18
PHOENIX POLICE DEPARTMENT	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

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

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.

DISCIPLINE PROCEDURES PILOT POLICY		Operations Order 3.18
PHOENIX POLICE DEPARTMENT	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:

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



**CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**



Professional Standards and Internal Affairs Discipline Matrix

Eff. Date 01/09/2020

Purpose

This procedure outlines the guidelines and expectations for the Madison Police Department’s (MPD) response to complaints and the steps involved in the investigation of complaints. Investigatory responsibilities, the Police Bill of Rights, and the Seven Steps for Just Cause are also detailed. This procedure begins with a description of the Discipline Matrix. A police discipline matrix aims to achieve consistency in discipline and to eliminate the appearance of disparity. This matrix does not remove discretion; it provides a range of possible sanctions, thus providing clarity.

Procedure

The matrix lists both code of conduct violations and Standard Operating Procedural (SOP) violations. It then provides sanction categories **A** through **E**. The least punitive sanctions are category **A**, with sanctions becoming more severe as the categories progress to category **E**.

In each category, there is a recommended guideline of sanctions. These guidelines are based on comparable sanctions for each violation from Professional Standards & Internal Affairs (PSIA) cases in years past.

This matrix captures most violation sanctions that have occurred in the past 25 years. There are code of conduct/procedural categories that are not covered in this matrix. There is the expectation that all policies and procedures will be followed. MPD understands that as times change, policies and expectations will change, and there will be violations that are not covered on the matrix. These violations shall be added to the matrix as deemed appropriate. For code of conduct violations not specified on the matrix, the sanction will be determined by the Chief of Police.

Sanction Categories

Category A	Category B	Category C	Category D	Category E
<p>Conduct violation in a single incident that has a minimal negative impact on the operations or reputation of the MPD. Sanctions listed in the below categories are not considered discipline. Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Verbal Counseling • Mediation • Documented Counseling <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate. Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that have more than minimal impact on the operations or reputation of the MPD or that negatively impacts relationships with other officers, agencies, or the public. This includes repeated acts from Category A within time frames listed below. Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Verbal Counseling • Mediation • Documented Counseling • Letter of Reprimand (First Level of Discipline) <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate. Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that have a pronounced negative impact on the operations or reputation of the MPD or on relationships with employees, other agencies, or the public. This includes repeated acts from Category B within time frames listed below. Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Letter of Reprimand • Suspension without pay for one to five days <p>A single sanction or a combination of the above listed sanctions may be deemed appropriate. Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that are contrary to the core values of the MPD or that involve a substantial risk of officer or public safety. This includes repeated acts from Category C within the time frames listed below. Sanctions guidelines may include:</p> <ul style="list-style-type: none"> • Suspension without pay for five to fifteen days <p>Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>	<p>Violations that are contrary to the core values of the MPD. This includes acts of serious misconduct or acts of criminal conduct. This also involves any conduct that will effectively disqualify an employee from continued employment as a law enforcement officer. Sanction guidelines may include:</p> <ul style="list-style-type: none"> • Suspension without pay for fifteen days or more • Reduction in rank • Separation from service <p>Training and/or Work Rules can also be ordered in conjunction with any sanctions listed above.</p>

Repeated Acts

Repeated acts of category **A** violations within **one year** will increase the repeated violation into category **B**.

Repeated acts of category **B** within **two years** will increase the violation to category **C**.

Repeated acts of category **C** within **three years** will increase the violation to category **D**.

Repeated acts of category **D** within **five years** will result in **separation of service**.

This matrix does not apply to employees with a last chance agreement.

The matrix categories may not be sequentially followed in cases where there may be a number of violations or in cases where there are particularly egregious circumstances. The matrix is considered a guideline only and it is within the Chief of Police's discretion to deviate from the matrix based on the individual case.

Discipline Matrix

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
2.	Truthfulness					
	Failure to be truthful.					X
	Employees shall not make false reports or knowingly enter false information into any record.					X
3.	Performance of Duties					
	Failure to respond to dispatch.		X			
	Failure to properly perform duties assigned.		X			
	Failure to meet expectations of special initiatives.	X				
	Failure to notify supervisor of custodial arrest.	X				
	Failure to obtain supervisor approval for strip search.			X		
	Failure to assist as backup officer(s).			X		
	Failure to make an effort to check email and mailbox once per shift and respond accordingly.		X			
	Failure to pursue flagrant law violations that they are aware of.		X			
	Engaging in activity on duty that does not pertain to MPD business.		X			
	Employees shall not sleep, idle, or loaf while on duty.		X			
	Supervisors shall not knowingly allow employees to violate any law, code of conduct, or procedure.			X		
	All employees shall report fit for duty.				X	
All MPD members shall not be impaired as a result of any drug usage or alcohol. All employees are prohibited from having any measurable amount of alcohol in their system while on-duty. No MPD member shall consume or purchase any intoxicants while in uniform. No MPD member shall consume intoxicants while armed except with the approval of the Chief of Police. It is the responsibility of the employee to consult with their physician to determine their fitness for duty based on their medical condition and/or prescribed treatment.				X		
4.	Absence from Duty					
	Employees shall not be late or absent from duty without prior permission from a supervisor or the Officer in Charge (OIC).		X			
	Failure to respond to subpoena or scheduled training.		X			
5.	Unlawful Conduct					
	Employees shall not engage in conduct that constitutes a violation of criminal law, or ordinance corresponding to a state statute that constitutes a crime.				X	

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
	Employees convicted of first offense OWI.			X		
	Failure to immediately notify a supervisor whenever investigating an incident involving a law enforcement officer who is a suspect in any criminal activity or OMVWI.			X		
6.	Notification Required of Law Enforcement Contact					
	Failure to notify of contact by any law enforcement agency regarding their involvement as a suspect, witness, victim, or contact in criminal conduct, or violation of municipal ordinance for which a corresponding state statute exists (ex. OWI or Hit and Run). The employee SHALL report the incident to their commanding officer or the OIC within 24 hours of the contact, or their return to duty, whichever comes first. This must be done in person or via telephone.		X			
7.	Equal Protection					
	Employees shall not show bias based on relationships in investigative decisions, or assist in investigations or enforcement decisions.		X			
	Employees are prohibited from interfering in the normal processing of traffic/parking citations or otherwise disrupting enforcement of the law by other members of the MPD. If a supervisor orders a change in an enforcement decision and a subordinate feels it is wrong, it should be reported to a commanding officer.		X			
9.	Harassment					
	Employees shall not engage in harassment or to retaliate against an employee who reports such harassment. (For definition of harassment, see APM 3-5.)			X		
	Supervisors shall not allow employees under their command to engage in harassment or permit retaliation against an employee who reports such harassment.			X		
	Employees shall not engage in sexual harassment; this includes unwanted sexual advances.			X		
10.	Courtesy, Respect and Professional Conduct					
	Failure to be courteous to the public and to coworkers and shall avoid the use of profane language or gestures. Employees shall also avoid actions that would cause disrespect to the MPD.		X			
	Employees shall not act so as to exhibit disrespect for a supervisor.		X			
	Employees shall not speak derogatorily to others about orders or instructions issued by supervisors.		X			
	Employees shall use police communications systems, email, and radios only for official police business and shall exhibit courtesy during the transmission of all messages.		X			
11.	Public Criticism					
	Employees shall not publicly criticize the operations or personnel of the MPD if such criticism undermines the discipline, morale, or efficiency of the MPD. This applies both on duty and off duty.		X			
12.	Use of Force					
	9A Employees shall not use deadly force when a lesser degree of force was reasonable.					X
	9B Employees shall not use excessive force when a lesser degree of force was objectively reasonable.				X	
13.	Vehicle Operation					
	Employees shall operate city vehicles with due regard for safety.			X		

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
14.	Insubordination			X		
	Failure to promptly obey lawful orders from any supervisor. This includes violations of work rules. If these orders conflict with code of conduct or procedure, the ordered member shall call attention to this conflict. Any unlawful orders shall be promptly reported to the Chief of Police.			X		
16.	Criminal Association			X		
	Failure to avoid regular or continuous associations or dealings with persons known to be engaged in ongoing criminal activity, under indictment, on probation, parole, house arrest, or Huber. Association consists of more than a single occurrence.			X		
20.	Cooperation with Investigations Required					X
	Failure to cooperate in internal investigations of alleged misconduct, illegal activity, or code of conduct violations. This includes failure to answer questions or submit to proper investigative techniques.					X
21.	Access to Police Records			X		
	Employees shall not access MPD official records for any reason inconsistent with their professional duties.			X		
	Employees shall not release official records of the MPD for reasons inconsistent with their professional duties.			X		
	Employees shall not tamper with any MPD records system.			X		
STANDARD OPERATING PROCEDURES						
SOP	Transportation and Treatment of Prisoners		X			
	Failure to take all reasonable precautions necessary to secure and safely transport prisoners in accordance with SOP.		X			
SOP	Status Changes	X				
	Failure to report changes in address or telephone number within 24 hours after making such changes by submitting in writing the changes to the Chief of Police's Office, their commanding officer, and the shift OIC. All employees shall maintain a working telephone number. Officers shall promptly notify their commanding officer if their drivers license status changes.	X				
SOP	Search and Seizure		X			
	Failure to obtain Command Approval for search warrants for any building or dwelling. This does not include search warrants for property or vehicles that are already in MPD custody. Tactical execution of warrants will only be performed by personnel with appropriate training and who are in uniform or otherwise clearly identifiable as police officers.		X			
SOP	Police Weaponry		X			
	Failure to adhere to the specifics of this procedure as described in the SOP.		X			
SOP	Firearms Safety			X		
	Employees who have been trained in MPD firearms safety shall strictly adhere to all safety guidelines when handling firearms to prevent unintentional discharges. This applies both on and off duty.			X		
	Unintentional discharge on the range line (no injury or horseplay).		X			
	Failure to ensure the security and safe storage of MPD approved weapons. This applies both on and off duty.		X			

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
SOP	Use and Care of City-Owned Property		X			
	Failure to adhere to prescribed procedures for check out and use of any MPD owned property. Members of the MPD are responsible for the good care of MPD property and shall promptly report to their supervisor in writing the loss of, damage to, or unserviceable condition of such property.		X			
	Unintentional discharge of electronic control device if it occurs in the armory during the check out process and no injuries.	X				
	Failure to drive city owned vehicles with due regard for safety at all times.			X		
	Employees shall not use any MPD property for private purposes unless permission is first obtained from the Chief of Police.		X			
SOP	Property Handling		X			
	Failure to take all precautions necessary to guarantee proper handling of evidence and any property seized, received, or found and shall conform to MPD procedure for handling and disposition; a written record of the property disposition shall be included in the employee's report.		X			
	Destruction of property without following normal tagging procedures.			X		
	Failure to adhere to the specifics listed in detail in this SOP.		X			
SOP	Personal Appearance					
	Failure to adhere to personal appearance code of conduct described in the SOP.	X				
SOP	Identification of Employees					
	Failure to identify with name, rank, and employee number when requested to do so. Plain clothes officers will ID themselves with badge and ID card.		X			
SOP	Reporting					
	Failure to write accurate and complete reports and reports shall be completed promptly.		X			
	Failure to complete reports in all arrests, use of force, stops, frisks, criminal investigations, property/evidence handling, and other cases outlined in SOPs.		X			
SOP	TIME System Access					
	TIME system access will be in strict compliance with their procedures and information gleaned shall be disseminated in accordance with the SOP.		X			
SOP	Stop and Frisk					
	Failure to adhere to the specifics listed in this SOP.	X				
SOP	Searches					
	Failure to adhere to the specifics listed in this SOP.		X			
SOP	Handling of Evidence, Contraband, Found or Lost Property					
	Failure to adhere to the specifics listed in this SOP.	X				
SOP	Use of Mobile Data Computers					
	Failure to adhere to the specifics listed in this SOP.		X			
SOP	Off-Duty Officer Responsibilities					
	Failure to adhere to the specifics found in the SOP.		X			
SOP	Traffic/Parking Enforcement and Crash Investigation					
	Failure to promptly report to an on-duty supervisor any accident with damage to any city owned motor vehicle operated by them or in their charge. An employee shall request a field supervisor be dispatched to supervise any accident investigation.		X			
SOP	Outside Employment					
	Failure to adhere to the specifics as described in the SOP.	X				
SOP	In-Car Video System					
	Failure to log into squad video system		X			
	Failure to sync in-car video microphone		X			
	Failure to wear microphone		X			

Corresponding Code of Conduct Manual Listing <i>Categories skipped have not had recent previous discipline associated.</i>		Category				
		A	B	C	D	E
SOP	Social Media – Off Duty Failure of personnel to appropriately represent MPD honestly, respectfully, and/or legally while on- or off-duty through the use of social media. Personnel are expected to represent the Core Values of the MPD at all times even when using the internet for personal purposes.		X			
SOP	Emergency Vehicle Operation					
	Unauthorized Pursuit.		X			
	Improper Use of Warning Devices and Other Safety Equipment.		X			
	Failure to Operate With Due Regard.			X		
	Improper or unsafe routine vehicle operation maneuver.		X			
SOP	Police Vehicle Parking					
	Failure to adhere to the specifics listed in this SOP.		X			
SOP	Domestic Abuse					
	Failure to Complete a Required Report Where No Arrest.		X			

See Code of Conduct manual and SOPs for detailed description of code of conduct/procedures. The above-described policies/procedures are general summaries and are not meant to be all inclusive.

Not all policies are listed in the matrix; however, all code of conduct/procedural violations will be enforced.

Sanction Options in Internal Investigations

These levels **are not considered formal discipline**:

1. Verbal Counseling.
2. Training.
3. Mediation: in minor complaints, if both parties are MPD employees and mutually agree, mediation will be arranged through Employee Assistance Program (EAP) using a professional mediator.
4. Work Rules.
5. Documented Counseling.

The levels covered below **are considered formal discipline** and are placed in the employee’s personnel file:

1. Letter of Reprimand.
2. Suspension without Pay.
3. Reduction in Rank.
4. Separation of Service.

Restorative Performance Initiative

MPD employees who have received a Letter of Reprimand (considered discipline) may be eligible for Restorative Performance based on the Chief of Police’s discretion. By taking part in Restorative Performance, the Letter of Discipline may be reduced to Documented Counseling (not considered discipline).

The following are requirements for successful completion of the Restorative Performance Initiative:

- No prior sustained cases resulting in discipline and no recent (last five years) sustained violations
- Offered at the Letter of Reprimand level of discipline.
- Officer will attend training in a field related to what Code of Conduct, Standard Operating Procedure, or City APM was violated.
- Officer will provide a written summary of the training attended and demonstrate knowledge learned.
- No additional Code of Conduct, Standard Operating Procedure, or City APM violations that result in discipline within one year from date of agreement.

An employee who is participating in the Restorative Performance Initiative will have the PSIA case held in "open" status for one year. If the above listed requirements are met after one year, the Letter of Reprimand is amended to Documented Counseling and the case status will be removed from the employee's personnel file.

If the employee is unsuccessful in completing the program, the discipline will be maintained as a "Letter of Reprimand."

Multiple Violations

In cases where there may be multiple code of conduct/procedural violations involved with a single investigation, each violation may receive a separate and distinct sanction.

Police and Fire Commission (PFC)

The PFC is established by Wis. Stats. Sec. 62.13. The PFC appoints all commissioned officers and establishes hiring guidelines. Charges may be filed against an officer by the Chief of Police, member of the PFC, or by any aggrieved party. These charges may request that an officer be reduced in rank, suspended, or removed. Under the statute, the PFC shall hold a hearing on the charges and evidence shall be presented. After the presentation of evidence, the PFC must determine that the seven just causes (outlined in Wis. Stats. Sec. 62.13(5)(3m)) have been met. If the PFC determines there is just cause to sustain the charges, the PFC may suspend, reduce in rank, suspend and reduce in rank, or remove the officer.

Rights of the Chief of Police/Right of Deviation

The Chief of Police reserves the right of suspension, transfer of assignment and extension of probation, counseling, alcohol/drug assessment, psychiatric evaluation, fitness for duty evaluation, or any other training, treatment, or evaluation reasonably deemed necessary by the Chief of Police, in certain cases. The Chief of Police also reserves the right to file charges with the PFC as outlined above. The Chief of Police also reserves the right to terminate civilian employees for just cause.

The Chief of Police or designee will approve all discipline.

The Chief of Police reserves the right to hold suspension days in abeyance.

The Chief of Police reserves the right to deviate outside the recommended Matrix guidelines. If a deviation occurs, the factors leading to the deviation shall be addressed in the discipline notice to the employee. Deviation may be based on mitigating or aggravating factors.

The Chief of Police will make the final determination of disposition.

EXAMPLES OF MITIGATING AND AGGRAVATING FACTORS

Mitigating factors include but are not limited to:

- Ordered by supervisor.
- Mistake of facts.
- Necessity.
- Unintentional.

Aggravating Factors include but are not limited to:

- Inappropriate use of force.
- Personal motive.
- Intoxication.
- Conspiracy.
- Criminal conduct.
- Deception.
- Intentional act.

Nothing in this code of conduct shall be construed to limit the management prerogative of the Chief of Police, nor any other supervisory officer, to take corrective action whenever appropriate.

The Chief of Police may file formal charges against an employee, with the appropriate authorities, irrespective of an internal investigation.

Civilian Employees

All employees are expected to adhere to the MPD code of conduct, SOPs, city administrative procedural memoranda (APMs), and the City of Madison Employee Benefits Handbooks. This discipline matrix is not meant to cover civilian employees of the MPD. Discipline matters resulting from a sustained finding involving non-commissioned personnel follow the overall City of Madison Personnel Rules.

In situations where there is a conflict between the MPD Code of Conduct, SOP, APM or the Employee Benefit Handbook, the most stringent rule, code, guideline shall apply.

Probationary Police Officers

This matrix SOP may not apply to probationary police officers whose employment status is subject to their probationary performance.

Original SOP: 02/27/2015

(Revised: 02/29/2016, 03/21/2016, 01/06/2017, 06/15/2017, 07/06/2017, 12/06/2017, 06/08/2018, 05/31/2019, 01/03/2020, 01/09/2020)

(Reviewed Only: 01/30/2019)

Misconduct Related Discipline Matrix

These guidelines should be followed. However, Commanding Officers shall consider mitigating or aggravating circumstances of the instant case and previous discipline, in determining whether a lower or higher level of discipline is more appropriate than that called for in these guidelines (Isolated one time incident versus multiple violations). Deviations from the guidelines must be thoroughly documented and approved by the Assistant Chief of the command.

Misconduct Type	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
Tardiness Minor Grooming Violations Minor Uniform Violations Failure to Answer Radio Lacking All Equipment Discourteous Remarks (Not profanity or violation of EEO) Minor Traffic Infractions	Verbal Counseling (With no pattern or history of misconduct)	Note of Counseling	Written Warning	
Minor Policy Violation (With Previous Verbal Counseling or Note of Counseling) Misuse of Department Equipment (Including Non-EEO MCT/CAD messages) Unintentional Discharge of a Taser (No injury) Improper Impounds Discourtesy Unauthorized Outside Employment	Written Warning	Reprimand		
Missed Court	Written Warning	Reprimand (IF within two (2) years of first missed Court)	Suspension (IF within three (3) years of first missed Court)	
Missed Department Proficiency and/or Training Shoot (Missed Dept. Qualification Shoot must be made up)	Written Warning	Reprimand (IF within two (2) years of first missed Shoot)	Suspension (IF within three (3) years of first missed Shoot)	
Police Equipment Collisions (See DP 1.14 & AR 75.12 for definitions of Collision categories and time frames for progressive discipline. Discipline at right is for <u>CATEGORY I PREVENTABLE Collisions</u> only)	Written Warning OR Two (2) hour Driver Training Class through Fleet Safety Sergeant	Reprimand OR Written Warning (IF attended two (2) hour Driver Training Class for first Collision)	Suspension OR Reprimand (IF attended two (2) hour Driver Training Class for first Collision)	Termination OR Suspension (IF attended two (2) hour Driver Training Class for first Collision)
Unintentional Discharge of a Firearm, including less lethal Munitions (On or Off-Duty)	Two (2) Day Suspension	Four (4) Day Suspension	Termination (IF within three (3) years of the first offense)	

Misconduct Type	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
Driving While Under the Influence (DUI – Alcohol/Prescription Medications)	Termination OR Four (4) Day Suspension with a Last Chance Agreement for five (5) years Any aggravating circumstances (DUI in a City vehicle, resistive behavior during arrest, collision with injuries, etc., may result in a more severe response) *Valid CDL required to return to work	Termination (However, possible mitigating factor if the 1 st Offense was more than ten (10) years prior to the 2 nd Offense) *Valid CDL required to return to work	Termination	
Accessing Criminal History for Personal Use (Criminal Conduct)	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Violation of AXON Body Worn Camera Procedures (DP 1.49)	Written Warning, Up to Termination	Reprimand, Up to Termination	Suspension, Up to Termination	Termination
Violating Established Informant Procedures	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Sustained Excessive Force (Low Level/Non-Injury to Suspect)	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Violation of Search and Seizure Procedures	Reprimand, Up to Termination	Suspension, Up to Termination	Termination	
Threats in the Workplace Violation (AR 97.10)	Written Warning, Up to Termination	Suspension, Up to Termination	Termination	
Violation of EEO Procedures	Written Warning, Up to Termination	Suspension, Up to Termination	Termination	
Criminal Conviction of Offenses Involving Moral Turpitude, Theft, Aggravated Assault, etc.	Suspension, Up to Termination	Termination		

Misconduct Type	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
Unbecoming Conduct Policy (DP 9.06) which may also include Obedience to Laws Policy (DP 9.03) (e.g.: Minor Offenses Involving Parking Violations, Traffic Infractions, etc.)	Verbal Warning, Up to Suspension	Reprimand, Up to Termination		
Unbecoming Conduct Policy (DP 9.06) and Obedience to Laws Policy (DP 9.03) (e.g.: Offenses Involving Moral Turpitude, Theft, Aggravated Assault, etc.)	Suspension, Up to Termination	Termination		
Loss of Ability to Perform Functions of an Employee's Position Through Misconduct (e.g.: Right to Possess Firearm, Government Code 1031 , etc.)	Termination			
Untruthfulness (e.g.: Falsification of any Official Document or Report)	Termination			
Unjustifiable Missed Random Drug Test (RDT) SDPOA MOU Article 57	Reprimand & Scheduled for RDT on their next working day after the missed test	Termination (IF within two (2) years of 1 st missed test. AFTER two (2) years of 1 st missed test, Reprimand)	Termination	
Illegal Drug Use (Including Positive RDT for Non-Prescribed Medication)	Reprimand, Up to Termination	Termination		
RDT Alcohol Result of 0.02% or Above	Termination OR Reprimand, Mandatory (EAP) Referral & Last Chance Agreement for five (5) years	Termination		
Refusal to Comply with RDT	Termination			

RESOLUTION NO. R2020- ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,
EXPRESSING THE AURORA CITY COUNCIL'S DIRECTION ON
A POLICE DISCIPLINE MATRIX

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The City Council resolves that the City Manager will ensure that the Aurora Police Department develop, adopt and implement a discipline matrix that sets forth a formal schedule for police officer disciplinary actions, specifying both the presumptive action to be taken for each type of misconduct and any adjustment to be made based on the officer's previous disciplinary record.

Section 2. The City Council resolves that the City Manager or their designee will review and approve the discipline matrix. The City Manager will present the approved matrix to City Council upon initial adoption and any time substantive changes to the matrix are made.

Section 3. The City Council resolves that the initial police discipline matrix will be presented to City Council within 180 days of the effective date of this Resolution.

Section 4. This Resolution shall take effect immediately without reconsideration.

RESOLVED AND PASSED this ____ day of _____. 2020.

MIKE COFFMAN, Mayor

ATTEST:

SUSAN BARKMAN, Interim City Clerk

APPROVED AS TO FORM:



NANCY RODGERS, Deputy City Attorney



CITY OF AURORA

Public Safety, Courts & Civil Service

Agenda Item Commentary

Item Title: Rocky Mountain Partnership
Item Initiator: Danelle Carrel
Staff Source: Jason Batchelor, Deputy City Manager
Legal Source: N/A
Outside Speaker: N/A
Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

N/A

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

This possibility came out of the meeting that was held by MPT Johnston and the Aurora Chapter of the NAACP this summer to address youth violence. In that meeting, the Collaborative Impact methodology was brought up a way to coordinate and align the different efforts on this area. There was consensus to explore what the collective impact model would look like if it was applied to the youth violence discussions. Subsequently, a discussion was set up for City staff to learn about the Rocky Mountain Partnership and how Adams County and other municipalities use it to implement a collective impact methodology across different areas. Based on that meeting, MPT Johnston wanted to bring this forward for discussion by all of Council. If Aurora joins Rocky Mountain Partnership it would cost \$20,000 and Aurora would have representation within the governance of the partnership and be able to utilize the collective impact methodology and apply it towards the discussions around youth violence. Additionally, a number of other community partners including Adams County and other cities would already be at the table.

QUESTIONS FOR COUNCIL

Does the Policy Committee wish to move this item forward?



Collective Impact and The City of Aurora

November 19, 2020



SETTING THE CONTEXT FOR THIS MEETING

- Opportunity to explore how Rocky Mountain Partnership's **collective impact model could support the collective work** already underway
- AND how the Rocky Mountain Partnership's Backbone Team and the StriveTogether National Network can **support facilitating the dialogue needed** to determine the short-term, immediate work of the group to meet community needs
- **Conversations to Date & Key Updates**



SESSION OUTCOMES

- Further understand Rocky Mountain Partnership's **collective impact model**, and how Aurora coming to the RMP table can **support the current group convened around youth violence, and long-term regional collective work**
- Determine **interest in Aurora joining the RMP table** and identify next steps
- Confirm next steps for **facilitating dialogue with the existing group** convened around youth violence, including determining short-term immediate work that needs to be done to meet needs



RMP Overview and Collective Impact



A MOVEMENT TO IMPROVE ECONOMIC AND SOCIAL MOBILITY FOR ALL COMMUNITY MEMBERS

Rocky Mountain Partnership (RM) is a **coalition of cross-sector leaders and network partners** who believe:

1

Together the community can accomplish more than by working apart.

2

Using a rigorous, **Outcomes Focused** framework is *how* the community can do it.



A NATIONAL MOVEMENT

Strive Together[®]
Every child. Cradle to career.





THEORY OF ACTION





EVIDENCE OF SUCCESS

- Besides trusting the national network, how do we know this roadmap actually works?
- Equal Measure conducted an evaluation to see if communities within the network were making a measurable impact using this Theory of Action.
- What they found is that **the most successful communities within the network had designed and redeveloped the civic infrastructure of their communities in alignment with the framework**, and because their action was based on the Theory of Action, that roadmap, they saw measure improvements in outcomes for their communities.



TRANSFORMING SYSTEMS

Northfield Promise
(Northfield, MN)

Higher Expectations
(Racine County, WI)

Learn to Earn
Dayton
(Dayton, OH)

Summit Education
Initiative (Akron,
OH)

Thrive Chicago
(Chicago, IL)

StrivePartnership
(Cincinnati, OH)

Boston Opportunity
Agenda (Boston,
MA)

Seeding Success
(Memphis, TN)

Spartanburg
Academic
Movement
(Spartanburg, SC)

UP Partnership
(San Antonio, TX)

Commit Partnership
(Dallas, TX)

E3 Alliance
(Austin, TX)

Promise
Partnership of Salt
Lake (Salt Lake,
UT)

Graduate Tacoma
(Tacoma, WA)

Road Map Project
(Seattle, WA)

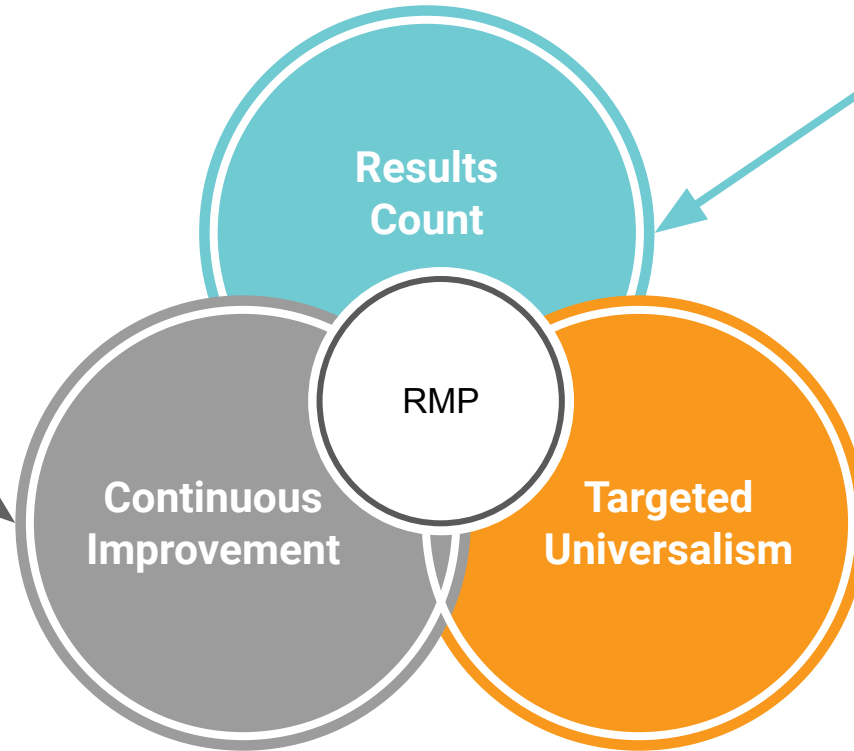
All Hands Raised
(Portland, OR)





OUTCOMES FOCUSED APPROACH

What is the validated problem that needs to be solved? Why is it a problem? AND THEN What is the Partnership going to do about it in small scale.



Being clear about the Impact the Partnership is trying to make

Focused on closing disparity gaps



THERE IS AN OPPORTUNITY TO DO BETTER.

- The COVID-19 Crisis and increasing tensions related to racial disparities marks the need for a **new and reimagined era**.
- In order to improve community level outcomes, collective work must focus on **disrupting systems and shifting power** to those most impacted.
- **We cannot transform systems without addressing the racial inequities that exist at a systemic level.**

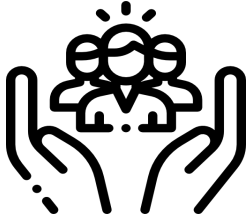


A BROADENED FOCUS

- In order for broad-based economic vitality to be a reality, **economic and social mobility for ALL community members is critical.**
- This requires a holistic, multi-generational approach.



A HOLISTIC APPROACH TO IMPROVING ECONOMIC AND SOCIAL MOBILITY



Basic Needs



**Health & Mental
Health**



**Social & Criminal
Justice**



**Education &
Training**



**Economics &
Workforce
Development**



KEEPING OUR FINGER ON THE PULSE



Basic Needs

- Affordable Housing
- Homelessness
- Poverty
- Environment Quality
- Food Sufficiency
- Public Assistance

Health & Mental Health

- Births
- Mortality
- Obesity
- Health Insurance
- Substance Use
- Mental Health

Social & Criminal Justice

- Crime and Safety
- Judicial Involvement
- Political participation
- School Safety
- Substance Use
- Youth in Justice System

Education & Training

- School Enrollment
- School Achievement
- School Attendance
- Opportunity (Disconnected) Youth
- Third Grade Reading
- Eighth Grade Math Proficiency
- High School Graduation
- Postsecondary/ Credential Enrollment
- Postsecondary Recognized Credential Attainment
- College Affordability
- College Remediation Rates

Economics & Workforce Development

- Innovation
- Income
- Employment
- Unemployment
- Poverty
- Commuter Rates
- Business Expansion
- Commercial Real Estate
- Land Development



STRATEGIC PLAN DEVELOPMENT

- **Illustrates the process for launching collective work**
- **Intended to achieve major system level changes** critical for improving economic and social mobility for the region
- **Timeline can be expanded like an accordion**; the elements and milestones are concrete, however the amount of time needed for meeting milestones can be adjusted based on resources available to support Backbone Team capacity

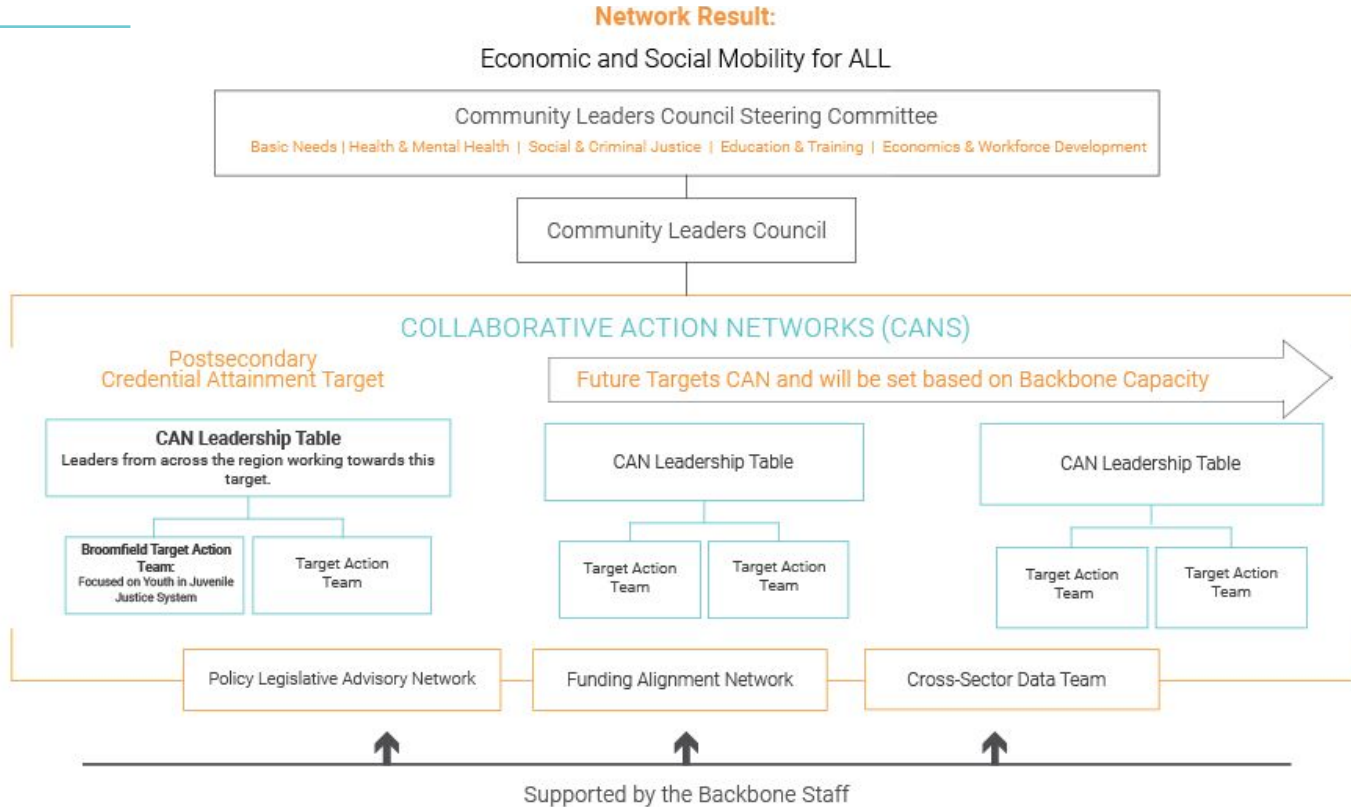
STRATEGIC PLAN



Joining the RMP Table



PARTNERSHIP INFRASTRUCTURE FOR COLLABORATIVE ACTION





A CLOSER LOOK AT THE COLLABORATIVE ACTION NETWORK (CAN) INFRASTRUCTURE

Wondering where your work shows up here? This visualization narrows in on the larger Partnership infrastructure, and shows where CAN work happens to impact shared targets. **Target Action Teams focus on what most impacts the shared target and can be organized either by shared work that originates from the CAN, or work that is developed outside the CAN but aligns to the shared target.** Target Action Team strategies can focus on specific populations, indicators, geographic areas, or the work of a specific organization aligned to the shared target.

Shared Target:
Towards Economic and Social Mobility





COMMUNITY LEADERS COUNCIL - MEMBERSHIP

- Investing partners are invited to appoint their **C-Suite Executive** [*i.e. County/City Manager, Superintendent, President, Chief Executive Officer and/or Executive Director*] to the CLC or a representative who is a direct report
- Designate or encourage representation, *including elected officials and senior leadership*, to participate on the **Policy and Legislative Advisory Network (PLAN)**. (*There is no limit to the individuals who can serve on the PLAN from any one organization.*)
- CLC membership is **one year, renewable** with Annual Partnership
- Time commitment - **quarterly with** additional action commitments as needed



COMMUNITY LEADERS COUNCIL - ROLE

- **Holds accountability and shared responsibility** for improving community-level outcomes
- **Breaks down barriers** for the shared work
- **Aligns funding, resources, and policy** (local, state and national) to support outcomes driven work



POLICY & LEGISLATIVE ADVISORY NETWORK (PLAN)

- Comprised of CLC members or their appointees, who lead the policy and advocacy work for The Partnership
- Works to understand **how policies and legislation impact or could impact community-level outcomes**, and **provide education and awareness** to larger CLC and RMP network
- Supports the Partnership in **identifying shared policy priorities and developing action** towards community-wide change.



THE COMMITMENT

- Identify funding for resources needed to kick this work off
 - What Is Needed
 - Collaborative Action Facilitator
 - Collaborative Action Operations Lead
 - Data Analyst
 - Potential Funding Opportunities
 - RMP is willing to work with City of Aurora Leaders to identify a fund development strategy for targeted work for the Aurora Community.
- Data



**Commitment
to Support with
Immediate
Collective
Work Around
Youth Violence**



COMMITTED FACILITATION SUPPORT

- **Facilitation support from Backbone team and StriveTogether** with the existing group convened around youth violence to:
 - Determine short-term immediate work that needs to be done to meet needs
- **Next Steps:**
 - **Identify a Core Team** from the existing group to develop the session outcomes, identify who else needs to be at the table, and to get action rolling for the next session
 - Core Team meets to **design and prepare for larger session**



Questions



THEY ALWAYS SAY TIME CHANGES
THINGS, BUT YOU ACTUALLY HAVE
TO CHANGE THEM YOURSELF.

- Andy Warhol

 *JOIN THE MOVEMENT*

RMC2C.ORG



November 13, 2020

City of Aurora
Attn: City Manager Jim Twombly

Dear City Manager Twombly,

The Rocky Mountain Partnership (RMP) is a coalition of cross-sector partners who are focused on using a rigorous approach to ensure economic vitality and prosperity for the community, which requires economic and social opportunity and mobility for ALL community members. You, as the City Manager and the City of Aurora play a critical role **in aligning efforts and resources to ensure every community member has the opportunity to succeed and support themselves and their families and we (again) invite you to formally join The Coalition of the Committed / movement for 2021.**

RMP is part of a national movement that is breaking down barriers, changing systems, and improving outcomes for communities. The framework you are committed to has been proven to ensure economic vitality and prosperity for the community through economic and social opportunity and mobility for ALL community members.

RMP Investing Partner organizations hold each other accountable to working together to ensure ALL community members succeed. Specifically, RMP Partners have embraced the opportunity to keep a finger on the pulse of the social and economic well-being of residents through the four holistic outcome areas, and identify where opportunities exist for this Partnership to work collectively to improve systems and outcomes for ALL community members using the rigor of an outcomes-focused approach.

As an Investing Partner, the City of Aurora holds a seat for a C-Suite level executive on the RMP Community Leaders Council (CLC). This leadership table is critical to the success of the Partnership, ensuring top-level, cross-sector representation and leadership in advancing the vision, mission, goals and strategy.

New for 2021 - Organizations that invest in the operations of the Backbone will be recognized with a digital badge, called the 'Coalition of the Committed,' listed on the website, and acknowledged at events through the next calendar year. For example, Partners that invest in 2020, will be recognized throughout 2021. The enclosed documents outline opportunities for our continued commitment to building communities that support ALL community members.

To confirm your annual commitment to the RMP Partnership for 2021, please sign and return the enclosed statement of commitment to beckyhoffman@rmc2c.org or follow up with us directly.

In Partnership,

Pat Hamilton, Co-Chair
RMP Community Leaders Council
COO, Adams 12 Five Star Schools

Raymond Gonzales, Co-Chair
RMP Community Leaders Council
County Manager, Adams County

Becky Hoffman
RMP Backbone
Chief Executive Officer

Enclosed: Statement of Commitment, Community Leaders Council Roles, Partnership Advantage Levels, FAQs



Annual Partnership Statement of Commitment 2021*

As an official Rocky Mountain Partnership (RMP) Investing Partner, you are committing you and your organization to work together with other cross-sector Partners to ensure economic vitality and prosperity for the community, which requires economic and social opportunity and mobility for ALL community members. This nationally proven collective impact framework (StriveTogether) calls for RMP Partner Organizations and Backbone Team to commit to the following:

Will drive the shared work by:

- **Membership:** Appoint a C-Suite executive [i.e. County/City Manager, Superintendent, President, Chief Executive Officer and/or Executive Director] to the RMP Community Leaders Council who:
 - Holds accountability and shared responsibility for improving community-level outcomes
 - Breaks down barriers for the shared work
 - Aligns resources and policy across The Partnership to support this shared work
 - Designate or encourage representation, including elected officials and senior leadership, to participate on the Policy and Legislative Advisory Network (PLAN), a sub-committee of the CLC. There is no limit to the individuals who can serve on the PLAN from any one organization.
- **Term:** One year, renewable with Annual Partnership Investment
- **Time Required on an Annual Basis:**
 - Participate in the RMP Community Leaders Council meetings (approximately four each year)
 - Participate in RMP public events
- **Specific responsibilities include:**
 - Keep a finger on the pulse of the social and economic well-being of community members throughout Adams and Broomfield counties through the four holistic outcome areas, including equity gaps that exist
 - Establish and meet time bound, measurable targets for improvements in each outcome area
 - Nominate and empower representatives from your organization to participate in Collaborative Action Networks (CANs)
 - Advance strategies and make connections to reduce duplication and increase the alignment of programs, policy, and funding to improve critical outcomes for community well-being
 - **Invest in the Operations of the Backbone (See *Rocky Mountain Partnership Advantages.*)**

Member Recognition

Organizations that invest in the operations of the backbone will be recognized with a digital badge, called the 'Coalition of the Committed,' listed on the website, and acknowledged at events through the next calendar year. For example, partners that invest in 2020, will be recognized throughout 2021.

*Membership Timeline

Starting in 2022, partners that select not to invest in 2021 will no longer be able to hold a seat on the Community Leaders Council and the Policy Legislation Advisory Network, but will be encouraged to engage in shared work.

Return to RMP CEO, BeckyHoffman@RMC2C.org



Annual Partnership Statement of Commitment 2021 Form

(Draft as of 11.13.2020, formal Statement will be transmitted via DocuSign in December 2020)

1. **C-Suite Executive(s)** [i.e. County/City Manager, Superintendent, President, Chief Executive Officer and/or Executive Director] appointed to the Community Leaders Council (CLC) for 2021:
(To designate more than one individual, separate names, titles, etc. with a semicolon or attach a separate page with all requisite information.)

Name(s): _____

Title(s): _____

Mailing Address: _____

Email Address: _____

Administrative Assistant's Name: _____

Administrative Assistant's Email Address: _____

2. Amount of 2021 Financial Investment: _____

3. Preferred month to invoice your organization: _____

4. Name/department to transmit invoice and W9: _____

5. Mailing Address for invoice and W9: _____



6. Individual(s) appointed to the Policy Legislative and Advisory Network (PLAN)

(To designate more than one individual, separate names, titles, etc. with a semicolon or attach a separate page with all requisite information.)

Name(s): _____

Title(s): _____

Mailing Address: _____ **Email Address:** _____

Administrative Assistant's Name: _____ **Administrative Assistant's Email Address:** _____

By signing and completing the 'Annual Partnership Statement of Commitment 2021 form', our organization and I agree to work within the Rocky Mountain Partnership as outlined above.

C-Suite Executive(s) Signatures:

Name (Print): _____ Date: _____

Title: _____

Signature: _____

Name (Print): _____ Date: _____

Title: _____

Signature: _____

Name (Print): _____ Date: _____

Title: _____

Signature: _____

Name (Print): _____ Date: _____

Title: _____

Signature: _____

PARTNERSHIP LEVELS AND BENEFITS

Join the **Coalition of the Committed!** Join the Partnership in creating lasting social and economic mobility for all Adams and Broomfield County community members.

Do you have questions about the investment levels and benefits? Be sure to review the [Investor FAQs](#).



\$20,000+

Previous levels plus:

- **Customizable support informing organizational work** aligned with the network's shared targets by gathering perspective and elevating voices through **Pulse Voice strategies, including TEGA and ACSS.**
- Organization name and emphasized logo predominately listed as Investing Partner on RMP's website; Verbal recognition at annual event; Full page color ad in event program; VIP event seating.

\$15,000

Previous levels plus:

- **Customizable funding alignment assistance** as national, state, and local funding becomes available that aligns with the Partnership's shared targets.
- Organization name and emphasized logo predominately listed as Investing Partner on RMP's website; Verbal recognition at annual event; Half page color ad in event program.

\$10,000

Previous levels plus:

- **Customizable data support and action plan** to align organizational plans with larger network goals for maximized impact toward systemic change.
- Opportunity to develop organizational capability with **customizable training and coaching** around following the nationally proven outcomes focused approach through the **Institute.**
- **Targeted funding alignment support** as national, state, and local funding becomes available that aligns with the Partnership's shared targets.
- Organization name and emphasized logo listed as Investing Partner on RMP's website; Verbal recognition at annual event; Quarter page color ad in event program.

\$7,500

Previous level plus:

- Customizable strategy meetings for organizational leadership to **evaluate progress toward shared targets and develop and implement effective internal action plans** toward those targets.
- **Data coaching support to scale your organizational data expertise** and increase data alignment to the network's shared targets.
- **Eligibility for funding opportunities** as national, state, and local funding becomes available that aligns with the Partnership's shared targets.
- Organization name and logo listed as Investing Partner on RMP's website.

\$5,000

- **Seat on CLC alongside other C-suite executives and community leaders** who have come together to drive and hold accountability for the Partnership's shared work in improving **economic and social mobility across the region.**
- Opportunity to be nominated to serve on the **CLC Steering Committee**, similar to an executive committee, that **sets strategy recommendations for larger CLC.**
- **Access to disaggregated national, state, and local data**, as well as trends and best practices from professional and academic sources related to the shared work of the network.
- "Opportunity for affiliated students, young people, and marginalized populations to **provide perspective and elevate their voices to decision makers** through Pulse Voice strategies, including **TEGA and ACSS.**
- **Opportunity to develop organizational capability** around following the nationally proven outcomes focused approach with training and coaching through the **Institute.**
- **Designate representation on working groups** referred to as **Collaborative Action Networks (CANs)** alongside other cross-sector practitioners, content experts, and community members to ensure **larger collective targets** are met.
- **Seat on or designate a representative** alongside other community leaders, including elected officials, to the **Policy and Legislative Advisory Network (PLAN)**, a sub-committee of the CLC that makes policy and advocacy recommendations that most impact the targets of the Partnership.
- Invitations to exclusive networking events and special task forces.
- Affiliation with **StriveTogether's** nationally recognized network of more than 70 nationwide communities, providing **access to a proven framework and best practices.**
- **Receive Digital Investing Partner badge to recognize your organization's annual commitment** to the Partnership's shared work in improving economic and social mobility across the region.
- Organization name listed as Investing Partner on RMP's website.

BRIDGE PARTNER

Investment beginning at \$5,000 or reciprocal representation within leadership tables

- **Seat on CLC alongside other C-suite executives and community leaders** who have come together to drive and hold accountability for the Partnership's shared work in improving **economic and social mobility across the region.**
- **Access to disaggregated national, state, and local data**, as well as trends and best practices from professional and academic sources related to the shared work of the network.
- Opportunity for affiliated students, young people, and marginalized populations to **provide perspective and elevate their voices to decision makers** through Pulse Voice strategies, including **TEGA and ACSS.**
- **Opportunity to develop organizational capability** around following the nationally proven outcomes focused approach with training and coaching through the **Institute.**
- **Designate representation on working groups** referred to as **Collaborative Action Networks (CANs)** alongside other cross-sector practitioners, content experts, and community members to ensure **larger collective targets** are met.
- **Mutual representation on your policy committee and on RMP's Policy and Legislative Advisory Network (PLAN)**, a sub-committee of the CLC that makes policy and advocacy recommendations that most impact the targets of the Partnership.
- Eligibility to **collectively leverage national, state, and local funding opportunities** to maximize funding across the region.
- Invitations to exclusive networking events and special task forces.
- Affiliation with **StriveTogether's** nationally recognized network of more than 70 nationwide communities, providing **access to a proven framework and best practices.**
- "Receive Digital Coalition Bridge Partner badge to recognize your organization's annual commitment to the Partnership's shared work in improving economic and social mobility across the region
- Organization name listed as Coalition Bridge Partner on RMP's website.
- Additional benefits negotiable contingent on investment level.



Rocky Mountain Partnership Investment Levels FAQs

Updated 11.2.2020

The following questions and answers provide additional information regarding Rocky Mountain Partnership’s Investment Levels and Benefits. *In the spirit of continuous improvement, this is a working document, and as additional questions are lifted it will be updated.*

Table of Contents

About Partnership Investments	2
Why are partnership investments important and how does the funding support efforts towards social and economic mobility?	2
When and how do partnership investments get recognized?	2
How many partner investments has RMP historically received and from which organizations?	2
What are other ways organizations can support the Backbone?	3
What are other ways individuals can support the Backbone?	3
Financials	3
What are the major sources of income for RMP?	3
What are the overall sources of incomes for RMP?	3
Where can I view the 990?	3
Partnership Infrastructure	4
What organizations signed a Resolution in support of RMP forming as a non-profit?	4
What is the role of the Community Leaders Council?	4
Who are the current Community Leaders Council Members?	5
What is the role of the Board of Directors?	6
Who are the current Board of Directors?	7
National Framework	7
What is collective impact?	7
What is StriveTogether?	7
What is StriveTogether Theory of Action and why do we care?	7
To download the StriveTogether Theory of Action, similar to a logical model, see HERE	7
Where are other StriveTogether partnerships located?	7
For a list of other StriveTogether partnerships visit see HERE .	7

Are there any other StriveTogether partnerships in Colorado?	7
No, RMP is the only StriveTogether recognized partnership in Colorado.	7
About the Backbone Team	7
Where can I view the staff organizational chart?	7
Who is on the Backbone Team?	7
Benefits Listed in Investment Levels	8
What is the Institute?	8
What is Technology Enabled Girl Ambassadors (TEGA)?	8
What is a Collaborative Active Networks (CAN)?	8
What is an Action Team?	8
What is The Pulse?	8
What is The Pulse Speaks / Flash?	8
What is the Adams County Student Survey (ACSS)?	9
RMPs comittment to Anti-Discrimination	9
What is RMPs policy on anti-discrimination?	9

About Partnership Investments

Why are partnership investments important and how does the funding support efforts towards social and economic mobility?

Since 2012, the RMP Backbone, a non-profit / 501(c)(3) (DBA the Adams County Youth Initiative), has relied on investments from foundations, grants, partner organizations, and individuals to have the necessary capacity to support the daily management of the partnership including facilitation, coaching, data support, communication and community engagement. Partner organizations have been invited on an annual basis to provide a partnership investment that demonstrates local partners have ‘skin in the game.’ Often foundations and grants request this information before investing in our community and a requirement of numerous funding opportunities.

When and how do partnership investments get recognized?

Organizations that invest in the operations of the Backbone will be recognized with a digital badge, called the ‘Coalition of the Committed,’ listed on the website, and acknowledged at events through the next calendar year. For example, partners that invest in 2020, will be recognized throughout 2021.

How many partner investments has RMP historically received and from which organizations?

To learn more about historical partner investments click [HERE](#).

What if our organization is not able or interested in making a financial investment to support the operations of the Backbone this year?

We understand that investing in the Backbone's operations is a significant financial commitment, and we value the contributions each organization has historically added to the Partnership, whether or not that included financial support. At the same time, the time and talent of RMP's Backbone is the exact infrastructure needed to interrupt systems and advance the collective work for transformative community-wide change.

Beginning in 2022, partners that choose not to make a financial investment will no longer be eligible to hold a seat on the Community Leaders Council (CLC) and the Policy and Legislative Advisory Network (PLAN). However, we still encourage your organization and representatives to engage in this coalition's shared work and identify opportunities and align resources within your own organization.

RMP is willing to work with your organization's leadership to build a customized plan for your financial investment that may not fall into one of the traditional investment levels or categories.

How are partnership investments different from sponsorships?

Partner organizations also have opportunities to sponsor special events, including the 'Catalyst for Change Breakfast' that was held annually from 2016 - 2019.

What are other ways organizations can support the Backbone?

Organizations can support the operations of the Backbone by providing in-kind support such as providing office space and donating time for special projects. Contact our staff to learn about current opportunities.

What are other ways individuals can support the Backbone?

No single siloed effort, sector, city, or county alone can address or solve inequitable policies, practices, or systems, but, through partnership and collective action, RMP identifies opportunities where the Partnership can work collectively to disrupt and transform systems and outcomes for ALL community members. Our region needs a dedicated group of investors committed to working together as a united community to create lasting systemic change. As an individual, you can align your investment in our community with RMP's commitment to increasing social and economic mobility for ALL.

Join RMP's Coalition of the Committed by making a monetary pledge and becoming a member of our Catalyst Club:

- \$417 per month or \$5,000 per year to remain / become a **Champion Investor**
- \$209 per month or \$2,500 per year to remain / become an **Impact Investor**
- \$84 per month or \$1,000 per year to remain / become an **Inspire Investor**

- \$42 per month or \$500 per year to remain / become an **Activate Investor**
- \$20 per month or \$240 per year to remain / become a **Connect Investor**

Financials

What are the major sources of income for RMP?

RMP is funded by foundations, Partnership investments, and individual investments, in-kind donations, event sponsorships, etc. In 2019, approximately 50% of income was received from foundation grants and 25% of income was received from Partnership investments.

What are the overall sources of incomes for RMP?

To learn more about historical Partner investments click [HERE](#).

Where can I view the 990?

To learn more about RMP's financials and to view previous 990s click [HERE](#).

Partnership Infrastructure

What organizations signed a Resolution in support of RMP forming as a non-profit?

In 2011, the following Partner organizations signed a Resolution to formally establish the non-profit organization (DBA as the Adams County Youth Initiative.)

- Adams 12 Five Star Schools*
- Adams County Education Consortium (ACEC)*
- Adams County Human Services Department*
- Adams County School District 14*
- Adams County Sheriff's Department*
- Bennett School District No. 29J*
- Brighton School District No. 27J*
- City of Brighton
- City of Commerce City*
- City of Federal Heights*
- City of Northglenn*
- City of Thornton*
- City of Westminster*
- Community Reach Center*
- Early Childhood Partnership of Adams County (ECPAC)*
- Mapleton Public Schools*
- The Office of the District Attorney for the 17th Judicial District*
- Westminster Public Schools

*Entity/organization that appointed an individual to the Board of Directors when RMP was formed as a non-profit.

What is the role of the Community Leaders Council?

Rocky Mountain Partnership (RMP) is led by a Community Leaders Council (CLC), a cross-sector group of C-suite executives from investing partner organizations, that holds leadership and accountability and influence for improving four holistic community-level outcomes that most impact overall community well-being: Basic Needs & Social/Criminal Justice, Health & Mental Health, Education & Training, and Economics & Workforce Development. The role of the CLC is to:

- Hold accountability and shared responsibility for improving community-level outcomes
- Break down barriers for the shared work
- Align resources and policy across The Partnership to support this shared work
- CLC membership is one year, renewable with Annual Partnership.
- CLC membership can include elected officials when there is an active C-Level organizational representative.

What is the commitment of the Community Leaders Council members?

Committing you and your organization to work together with other cross-sector Partners to ensure economic vitality and prosperity for the community, which requires economic and social opportunity and mobility for ALL community members. Will drive the shared work by:

- Membership: Appoint a C-Suite executive to the RMP Community Leaders Council who:
 - Holds accountability and shared responsibility for improving community-level outcomes
 - Breaks down barriers for the shared work
 - Aligns resources and policy across The Partnership to support this shared work
 - (Optional) Serve on the Policy and Legislative Advisory Network (PLAN), a sub-committee of the CLC, or appoint representation
- Term: One year, renewable with Annual Partnership Investment
- Time Required on an Annual Basis:
 - Participate in the RMP Community Leaders Council meetings (approximately four each year)
 - Participate in RMP public events (approximately two each year)
- Specific responsibilities include:
 - Keep a finger on the pulse of the social and economic well-being of community members throughout Adams and Broomfield counties through the four holistic outcome areas, including equity gaps that exist

- Establish and meet time bound, measurable targets for improvements in each outcome area
- Nominate and empower representatives from your organization to participate in Collaborative Action Networks (CANs)
- Advance strategies and make connections to reduce duplication and increase the alignment of programs, policy, and funding to improve critical outcomes for community well-being
- Invest in the Operations of the Backbone (*See Rocky Mountain Partnership Advantages.*)

Who are the current Community Leaders Council Members?

Learn more about the individuals on the CLC [HERE](#).

What is the role of the Community Leaders Council - Steering Committee?

Within the CLC, there exists a Steering Committee of leaders, much like an Executive Committee of a Board, who drive the strategy for the larger CLC. The role of the Steering Committee is to:

- Set strategic priorities for The Partnership
- Provide strategic leadership and guidance for the larger CLC
- Hold leadership, accountability and shared responsibility for outcomes
- Break down barriers for the shared work
- Align resources and policy across The Partnership to support this shared work

Steering Committee members are CLC members in good standing self-nominated or nominated by an existing Steering Committee member who commit to serving for a term of two years. Steering Committee membership focuses on the sustainability of organizational engagement, and thus does not include individuals who hold elected positions.

What is the role of the Board of Directors?

The Rocky Mountain Partnership (RMP) Backbone is governed by a Board of Directors (BOD) that is responsible for overseeing the Backbone organization's governance and fiscal strategy, including developing, adopting and enforcing organizational policies, budgets, fund development, sustainability and growth. In exercising their duties as a board member, they are encouraged to put the interests of RMP before their personal and professional interests and make RMP a top five life priority, and a top two philanthropic priority.

As a voting members of the Rocky Mountain Partnership Board of Directors, they agree to the following:

Participation / Leadership

- serve a term of three years, renewable for two additional terms
- prepare for, and participate in, monthly board meetings
- prepare for, and participate in, annual board retreats
- participate in one Board related committee
- participate in the hiring, evaluating and supporting of the Chief Executive Officer
- ensure equity, inclusion, and diversity is incorporated throughout all roles and responsibilities

Stewardship

- regularly review and assess the financial needs of the RMP Backbone and work with the Chief Executive Officer to establish, implement and assess strategic plans, goals and objectives
- recommend potential candidates for Board membership where any such candidate meets the criteria for membership
- champion RMP in my networks

Financial Investment and Investor Development

- make a personal and meaningful financial contribution to the RMP Backbone each year
- participate in investor development events
- solicit a matching or sponsorship from my employer, professional organization, etc., if able
- give or help get a total of \$3,650 a year to support the operations of the Backbone

Who are the current Board of Directors?

Learn more about the individuals on the RMP Backbone Board of Directors [HERE](#).

National Framework

What is collective impact?

To learn about the term collective impact see [HERE](#)

What is StriveTogether?

To learn more about RMP's national affiliate StriveTogether see [HERE](#)

What is StriveTogether Theory of Action and why do we care?

To download the StriveTogether Theory of Action, similar to a logical model, see [HERE](#)

Where are other StriveTogether partnerships located?

For a list of other StriveTogether partnerships visit see [HERE](#).

Are there any other StriveTogether partnerships in Colorado?

No, RMP is the only StriveTogether recognized partnership in Colorado.

About the Backbone Team

Where can I view the staff organizational chart?

See the RMP Backbone Team organizational chart [HERE](#).

Who is on the Backbone Team?

Learn more about the individuals on the RMP Backbone Team [HERE](#).

Benefits Listed in Investment Levels

What is the Institute?

RMP's training Institute is the overarching umbrella under which the RMP Backbone Team provides training, coaching, technical assistance and support for Partners and Backbone Staff in implementing its Outcomes Focused Approach. To learn more about RMPs Institute see [HERE](#).

What is Technology Enabled Girl Ambassadors (TEGA)?

TEGA is a youth led, peer to peer research methodology that RMP uses to garner authentic voice and perspective. To learn more, see [HERE](#).

What is a Collaborative Active Networks (CAN)?

CANs are working groups made up of cross-sector partners that determine and do the work needed to meet shared targets. To learn more, see [HERE](#)

What is an Action Team?

Housed within the CANs are Action Teams, composed of CAN members who have a specific sphere of influence and control over the various strategies being deployed. To learn more, see [HERE](#).

What is The Pulse?

The Pulse is an interactive data dashboard, currently in development, that will be made publicly available and serve as a way to keep a finger on the pulse of community well-being. The Pulse will also serve as a scorecard tracking the improvement of Community Outcomes over time. The

data will be disaggregated by gender, race, ethnicity, socio-economic status, etc. and dropped on maps to illuminate where the greatest disparities exist and for whom. For more information about RMP's Data's support and role see [FAQs Data](#).

Just like a human body's pulse indicates a healthy heart that is pumping blood through the body properly, The Pulse data reveals where the government, organizations, programs, and systems that make up the heart of a community can align and realign to best serve the community members that make up the community body. The Pulse tool allows the Partnership to look at communities by location, identify gaps, target interventions based upon the unique needs of each neighborhood, and track progress.

What is The Pulse Speaks / Flash?

Technology Enabled Girl Ambassador (TEGA) and youth-driven opportunities like the annual Adams County Student Survey, endearingly called 'The Pulse Speaks,' provide opportunities for young people to ask hard questions, have tough conversations, and elevate their voices to adults who are making decisions on their behalf. This also includes talking to community members and leaders about their experiences in the region and gathering perspective from those most impacted by RMP's work.

RMP also gathers community perspective over time through quick surveys, The Pulse Flash, that can be continually tracked and used to inform real-time decisions.

What is the Adams County Student Survey (ACSS)?

The ACSS is an annual survey administered to students in participating school districts as a means of elevating the voices of our most important stakeholders – youth. Learn more about the ACSS [HERE](#).

RMPs comittment to Anti-Discrimination

What is RMPs policy on anti-discrimination?

RMP does not discriminate on the basis of race, color, religion (creed), gender, gender expression, and age 40 and over, national origin (ancestry), disability, marital status, sexual orientation, or military status, genetic information, or any other status protected by applicable state or local law. This prohibition includes unlawful harassment based on any of these protected classes. These activities include, but are not limited to, hiring and firing of staff, selection of volunteers, selection of vendors, and provision of services. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.



CITY OF AURORA

Public Safety, Courts & Civil Service

Agenda Item Commentary

Item Title: Psychological Services
Item Initiator: Danelle Carrel
Staff Source: Jason Batchelor, Deputy City Manager
Legal Source: N/A
Outside Speaker: Dr. Jamie Brower, Psy.D., ABPP
Council Goal: 2012: 1.0--Assure a safe community for people

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

N/A

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Presenation from Dr. Jaime Brower, CEO of Brower Psychological Services, regarding services provided for Job Suitability Evaluations of Civil Service applicants.

QUESTIONS FOR COUNCIL

Information Only.

Suitability Evaluations

Jaime Brower, Psy.D., ABPP

American Board Certified Police and Public Safety Specialist

Board Member, Academy President of the ABPPSP

CEO Brower Psychological Services

Founder of the National Emergency Responder and Public Safety Center
(NERPSC)





- Dr. Brower is the lead evaluator at Brower Psychological services with over 20 years of experience in police and public safety psychology. She has trained five other interviewers/evaluators who conduct various aspects of suitability assessment for her office.
- Dr. Brower is American Board Certified in Police and Public Safety Psychology and serves on their board as the Academy President, responsible for providing continuing education and promoting board certification to other police and public psychologists throughout the country. There are approximately 80 board certified clinicians in the country.
- Brower Psychological Services works with over 100 agencies in the state of Colorado.
- Dr. Brower is known nationally and presents as a keynote speaker on numerous emergency responder and public safety issues, including hiring practices.
- Dr. Brower is the founder of the National Emergency Responder and Public Safety Center (NERPSC), responsible for establishing the only Master level and above certification program for clinicians in the country wishing to work with emergency services and public safety personnel. This National Center also provides supportive resources and training for emergency services personnel, their families and support networks, and retirees.

Type of Process

- Bifurcated (2 Stage Model) – Most often used by the Civil Service Commission and other Colorado agencies
 - 1st Stage Job Suitability Assessment (JSA) – per ADA, no medical information can be asked; non-medical personality characteristics

(background is collected between JSA and Psychological and should be provided for review in the 2nd Stage Psychological)
 - 2nd Stage Psychological – only conducted after a conditional offer of employment; entails medical questioning
- Post-Conditional Offer
 - Combines the process from above in one psychological evaluation

Steps in the Hiring Process

- These steps are required by statute, regulation and nationally recognized professional standards for conducting suitability evaluations:
 - Step 1 – Orient candidate, verify identity, obtain informed consent and waivers
 - Step 2 – Administer computerized tests (CPI-434, 16PF, and/or MMPI-2-RF)
 - Step 3 – Review scored written tests, personal history information, and relevant health records
 - Step 4 – Review additional candidate information from others involved in the hiring process (background and poly/CVSA)
 - Step 5 – Conduct the psychological interview
 - Step 6 – Determine if additional candidate information is needed and/or provide information to others involved in the hiring process
 - Step 7 – Integrate data to make a suitability determination
 - Step 8 – Prepare and submit written report and declaration of candidate suitability
 - Step 9 – Respond to agency requests involving questions or review with hiring panel
 - Step 10 – Review process/quality assurance

Specific to BPS Process

- We determine suitability in a group format, among 3 – 5 interviewers/evaluators, whereby each applicant's data is reviewed multiple times – reducing rater bias by challenging foundation for scoring and clarifying any questions.
- All testing is complete before meeting with the applicant.
- We take time to ask candidates critical item endorsements and allow for explanation.
- We conduct individualized evaluations on each candidate, look for data convergence, and are sensitive to factors that may impact how an applicant scored on evaluative measures (e.g. primary language of origin, cultural factors, maturity, etc.).
- We average five hours of time on each applicant from interview to finalized report.

Standards and Guidelines that Inform Interviewers/Evaluators

• Professional Practice Guidelines for Occupationally Mandated Psychological Evaluations (OMPE)

- first APA policy document addressing recommended practices in both preemployment and FFD evals

Preemployment Psychological Evaluation Guidelines (IACP)

- 200 member IACP Police Psychological Services Section group represents the largest membership group of police psychologists in the US and Canada – Dr. Brower has worked on the committee to ratify and update these guidelines

Standards and Guidelines that Inform Interviewers/Evaluators

- Specialty Guidelines for Forensic Psychology (SGFP)

Standards for Educational and Psychological Testing, 2014


- published jointly by the American Educational Research Association, American Psychological Association, and National Council on Measurement Education

Standards and Guidelines that Inform Interviewers/Evaluators

- National Fire Protection Association (NFPA 1582) – Standard on Comprehensive Occupational Medicine Program for Fire Departments

Our Measures



- Most commonly used for public safety personnel suitability assessments
 - Validated for use with our populations
 - Measures have demonstrated an absence of adverse impact
 - Our measures and procedures are in accordance with ADA, EEOC, and GINA
- 



Evaluative Considerations

Best Practices

Personal History Indicators – CA POST

Psychological Screening Dimensions

Personal History Indicators	
Social Competence	Employment history, difficulty in relationships, court-ordered counseling for anger, altercations – physical and verbal
Teamwork	Military & employment history (co-workers and supervisors), personality conflicts/arguments at work, performance appraisals
Adaptability	College performance, employment history, financial (disciplinary actions, terminations), negative performance evaluations, job changes due to “bad supervisor,” failure to accept responsibility or blame, mental health history
Conscientiousness	Work performance, attendance, tardiness, college performance, terminations, completing job probation, valid auto license and insurance, bounced checks, collections, wage garnishments, unpaid taxes and child support, failure to file income tax, legal history, job and relationship stability
Impulse Control	Driving record, financial record, legal history, school suspensions or expulsions, traffic citations for speeding, reckless driving, number of auto accidents, DUI, restraining orders, number of fights, spousal/child abuse, inappropriate sexual behavior
Integrity	Theft from workplace, paid under table (not reporting income for purposes of income taxes or to maintain unemployment benefits), legal history, illegal sexual behavior, child support, school cheating or plagiarism, spousal/child abuse, omissions or inaccuracies during background investigation, calling in sick when not ill, failure to accept responsibility or blame
Emotional Regulation	Legal record related to aggressiveness, fights since age 18, spousal abuse, restraining orders, mental health history, disciplinary actions, terminations, school suspensions, excessive sick leave and personal time off, arguments, threats of violence, mental health history, medical history, substance abuse, denigration of past supervisors or coworkers
Decision-Making/Judgment	Employment history, illegal activities, arrests, fights, substance abuse
Assertiveness	Military, employment, academic, demotions
Substance Abuse	Drug and alcohol history, DUI, illegal activities, number of arrests, detentions

Additionally

- We ask questions related to emotional intelligence.
 - How do you handle and manage feedback?
 - How do you gain rapport with others?
 - What de-escalation strategies do you use during crisis?
 - How did others perceive your actions?
 - What insight do you have into your own behavior?
- Research has shown that those with higher levels of emotional intelligence are more capable of managing implicit bias and modify their beliefs and attitudes through their use of insight and understanding.
- We look at an 11th screening dimension, multiculturalism. This dimension consists of looking at factors like openness, intellect, empathy, tolerance, flexibility, interpersonal skills, and cognitive control.

Level of concern, given biographical data points. CA POST Screening Manual (2019)

In a national survey of police psychologists (2016), 78.6% reported using the CA POST Psychological Screening Dimensions.

Involved a comprehensive job analysis, meta-analysis of more than 1700 studies on psychological predictors of police officer behaviors, and subject matter expert review.

Test-based evidence of a personality construct, in combination with a behavioral history that is known to be correlated with that construct, strengthens confidence in the risks predicted by the test score.

Table 7.3
Biographical Data Points by Topic

Critical, Serious, Concerning

Employment	
	Terminations/Resignations
Multiple job terminations Termination due to integrity (e.g., theft) Multiple resignations in lieu of termination <i>Two job terminations</i>	Job termination One resignation in lieu of termination Multiple job resignations for "personal reasons"
	Discipline/Complaints
Discipline or termination due to alcohol or substance use on job Multiple written or oral reprimands Multiple suspensions from work Subject of complaints/disciplinary actions for verbal/physical behavior against women or protected groups <i>Multiple unsatisfactory/needs improvement job evaluations</i> <i>Multiple performance evaluations perceived as unfair</i>	<i>Suspension from work</i> <i>Indication of substantial disciplinary or any integrity problems in more than two jobs</i> Formal written disciplines or reprimands – documentation of oral counseling Written documentation of oral counseling Indication of substantial disciplinary or integrity problems in one job Written complaint(s)
	Questionable Work History/Behavior
<i>Tardy several times/month or greater</i> Multiple jobs with brief tenure Incomplete and/or discrepancies in job history Periods or extensive (>90 days) of unemployment or time unaccounted for	Failure to complete probationary period Called in sick when was not sick 2+ times in past year Sleeping on job
	Theft
Theft of goods or merchandise totaling over \$100	<i>Took money without authorization</i>
	Emotional/Mental Issues
Committed (or accused of committing) harm, threats, stalking at workplace Multiple emotional arguments/personality conflicts at work	History of sexual harassment
	Hiring/Selection Issues
Rejected for job due to background investigation, psychological, drug test, polygraph	
Law Enforcement/Public Safety/Criminal Justice	
	Terminations/Resignations
Termination Termination during probation	Termination after probation
	Discipline/Complaints
Multiple suspensions 6+ citizen complaints 2+ substantiated citizen's complaints Multiple unsatisfactory performance ratings <i>Use of force discipline</i> <i>Suspension (lost time) discipline</i>	<i>Civil suits or criminal prosecutions resulting in settlements</i> <i>Subject of internal affairs investigation</i> <i>Loss of rank or discharge</i> Formal written discipline or reprimand without rank loss or discharge 3-6 citizen complaints
	Questionable Work History/Behavior
Alcohol use on duty/in uniform Falsification of official reports/cover-ups/perjury 3+ on-duty traffic accidents Multiple on-duty traffic accidents resulting in injury or death Illegal drug use while an officer	DUI assault/arrest/conviction as peace officer <i>Involvement in 4+ shootings</i> Failed to report damaged equipment/property On-duty traffic accident resulting in serious injury or death Multiple jobs without evidence of career progression
	Emotional/Mental Issues
Filed worker's compensation for psychological stress/trauma	
	Hiring/Selection Issues
Dishonesty in applicant process	Denied employment post-offer/failed polygraph
Military	
	Terminations/Resignations
Less than honorable discharge (excludes pure medical and/or administrative) Discharge for psychological or psychiatric reasons	Multiple disciplinary actions
	Discipline/Complaints
Incarceration(s) in military <i>Summary court martial</i>	Written military discipline Reduction in rank
	Questionable Work History/Behavior
Poor rank progression	

Ratings: Critical, Serious, Concerning

“Psychologists may appropriately give weight to consistent predictive patterns found in validated measures of job relevant constructs; however, it is the psychologist’s responsibility to weigh findings from all data sources—written tests, clinical interview, and personal history (including self-reported history, background investigation, detection-of-deception methods, and psychologically relevant health records)—before reaching a suitability determination.”
 ~ California Regulation 1955€(2)

“Research has consistently shown that individuals with problematic behavioral histories, particularly substance abuse, criminal acts, and employment problems have a higher probability of subsequent disciplinary problems.”
 ~ Corey, Zelig, 2020

“Aggregation of personal history information should occur across items and data sources. For example, in the case where psychological testing indicates a candidate may lack responsibility or interpersonal skills and is prone to violate rules and regulations, the candidate’s employment history, including disciplinary actions, terminations, and arguments with peers and superiors should be reviewed to support or refute this hypothesis. When test results and background predictors agree, there is less probability of error.”
 ~ Corey, Zelig, 2020

Driving Record	
Accidents/Moving Violations	
Multiple at-fault traffic accidents Significant number of moving violations	3+ auto accidents
DUI	
DUI conviction/plead down DUI drug use 3+ times	DUI arrest
Criminal Conduct	
Detentions/Arrests/Convictions	
3+ arrests Arrested for assault, resisting arrest or battery Felony conviction Pleaded guilty or no contest to 2+ misdemeanors or any felony Tried and convicted for vandalism	Pleaded guilty or no contest to a misdemeanor Been on probation Misdemeanor convictions Law enforcement detentions Significant juvenile record in applicants less than 25 (emphasis on larceny, drugs, assault)
Restraining Orders/Domestic Violence/Child Endangerment	
Domestic assault arrest or conviction Restraining order violation <i>Referrals to CPS</i>	Police response to home for domestic abuse Restraining order issued
Fights/Threats	
2+ fights since age 18 Making threats	Disorderly behavior
Theft/Property Crimes	
Theft > \$100 Forgery Embezzlement	Buying or selling stolen property 2+ times Arson Theft < \$100
Inappropriate Sexual Behavior	
Sexual Assault	
Sexual assault Statutory rape (age difference > 3 years)	Child molestation
Sexual Misconduct	
Sexual misconduct/impropriety (e.g. flashing, sexual phone calls to strangers)	Use of prostitutes
Financial	
Multiple failures to file income tax Excessive gambling (e.g., significant loss of money, owing money, causing problems in personal life) <i>Delinquent child support</i> <i>Consistent spending beyond one's means</i>	20+ bounced checks Financial irresponsibility – evidence of money mismanagement (e.g., wage garnishment) Failure to file income tax Frivolous spending
Substance Abuse	
Alcohol	
Multiple episodes of excessive drinking (5+ drinks/day) Missed work due to drinking High tolerance to alcohol (6+ drinks) <i>Alcohol leading to marital difficulties, missing work, fighting</i>	Alcohol-related blackouts Alcohol-related incidents at work, drunk, sick with hangover, calling in sick with hangover Public intoxication
Marijuana	
Marijuana use in past three years (or two years for ages greater than 25) Use of marijuana within past year	Use of marijuana in military
Illegal Use of Drugs/Hard Drugs	
Cocaine use within past three years after age 25 Any hard drug use (heroin, crack, meth) 18 years+ Any use of ecstasy, hallucinogens, and other illegals (e.g., quaaludes) past three years	Any hard drug as adolescent Illegal use of prescription drugs
Employment/Drug Distribution	
Any illegal drug use since applying for, training for, or employed by public safety agency	Sold drugs within past 3 years Failed a drug test
Mental Health	
Suicide Attempts/Psychiatric Conditions	
Suicide attempts within past 5 years <i>Suicide attempts/threats ever</i> <i>Psychiatric hospitalization</i>	Stress-related medical conditions Mental health treatment
Other Disorders	
<i>Eating disorders</i>	Diagnosed/treated for dyslexia, ADD/ADHD, hyperactivity

Ratings: Critical, Serious, Concerning

Factors for Consideration

1. The nature, extent, and seriousness of the conduct;
2. The circumstances surrounding the conduct;
3. The frequency and recency of the conduct;
4. The individual's age and maturity at the time of the conduct;
5. The extent to which participation was voluntary;
6. The presence or absence of permanent behavioral changes;
7. The motivation for the conduct;
8. The degree to which the behavior violates societal and cultural norms;
9. The likelihood of continuation or recurrence; and
10. The relevance of the behavior to one or more of the POST Psychological Screening Dimensions.

Other Factors for Consideration



- **Colorado Peace Officer Standards in Training** – evaluations must be conducted within one year prior to the date of appointment
 - An individual convicted of any felony and certain misdemeanors is ineligible for POST certification in Colorado and cannot request a variance.
 - During the 2019 legislative session Senate Bill 19-166 was passed, expanding the P.O.S.T. Board’s jurisdiction to revoke certification for official findings of untruthfulness..
- **Federal Law** – felony convictions
- **Colorado Revised Statutes** - Under [Colorado Revised Statutes 18-12-108 C.R.S.](#), convicted felons in Colorado are prohibited from knowingly possessing firearms or weapons. This law is abbreviated [POWPO in Colorado](#) for possession of a weapon by a previous offender.
- **Civil Service Commission Rules**
 - Grounds for disqualification – no appeal.
 - Falsification, misleading statements, omissions, misstatements, conflicting information, or discrepancies of information required on the application and/or on other forms or documents in any portion of the examination process; or evidence of falsification, fraud or deceit in any portion of the application and examination process.
 - Felony convictions
 - Excessive driving offenses
 - Marijuana in last year from date of application
 - Illegal drug use in last 3 years
 - Dishonesty or integrity issues