

New Paltz Police Department Discipline Matrix

Introduction

Police officers hold a unique position in our society. They are responsible for the safety and security of all of those who work, live, and visit our community. Whether responding to a call of a crime in progress or helping in a medical or other type of emergency, they are the component of government that citizens most frequently interact with and rely upon for help. At the same time, they are given enormous discretion in how exactly to perform their work. They are given the power to seize property, restrict the freedom of individuals, and, under appropriate circumstances, to use force in the course of their duties. With this vast discretion comes a vast responsibility to perform their duties and exercise their discretion within the bounds of the law and New Paltz Police Department policy.

Both the public and our officers must understand and expect that when the bounds of the law or Department policy are exceeded, fair and equitable discipline will result. Similarly, it should be the expectation of all that any discipline imposed will be consistent and based upon reasonable standards. Fairness within a disciplinary system begins with taking the time and making the effort to objectively review the totality of the circumstances surrounding any alleged misconduct. Proportionality of discipline requires that each instance of misconduct be punished in line with the seriousness of that misconduct, including any aggravating and mitigating circumstances. Lastly, equity within a discipline system means that every officer is held accountable for unacceptable behavior, without regard to rank, title, demographic identity, assignment, or membership in any protected class.

It is with these tenets in mind that the department seeks to implement a discipline matrix that reflects appropriate presumptive penalties to be imposed for specific offenses, with potential aggravating and mitigating factors that may be considered when assessing a disciplinary penalty, to meet the goals of the disciplinary system. This matrix may be amended in the future to meet the needs of the Department and the public. These penalties are presumptive, final imposition of disciplinary penalties, under the law, remains with the Town Board in consultation with the Police Commission, Chief of Police, Town attorney and labor attorney. Every case is fact-specific and evaluated on its own merits with potential mitigating and/or aggravating factors taken into consideration.

Discipline System

The disciplinary system is one of the five foundational pillars of the police department. It is an integral part of the system, setting standards of performance and conduct for all members while establishing fair consequences for failing to adhere to Department standards. Members of the public can view the New Paltz Police Department disciplinary system policy at https://www.townofnewpaltz.org/sites/g/files/vyhlf3541/f/pages/14.4_disciplinary_system_0.pdf. The Department's policy is grounded in New York State law and section 6.3 of the Collective Bargaining Agreement between the Town of New Paltz and the Town of New Paltz Police Association (Police Officers and Dispatchers).

The system along with this matrix are intended to promote greater confidence in the process on the part of the officers who will be able to see the system as fair, proportional, and equitable and the public, who will view the process with greater transparency.

A discipline system must be fair and equitable to be effective. Discipline must be fairly administered, reasonably consistent, designed to achieve a desired result and premised upon standards that are generally understood Department-wide. The goals of the disciplinary system include:

- Correcting or modifying inappropriate behavior
- Educating personnel and the community regarding agency standards
- Providing reasonable notice of the standards by which conduct will be judged and the likely consequences of the failure to adhere to Department rules and policies
- Retraining personnel who exhibit a lack of understanding of Department policies and procedures
- Addressing the harm, or risk of harm, arising from misconduct and the effects of misconduct both inside and outside the Department
- Deterring future misconduct
- Imposing appropriate penalties
- Ensuring the good order and efficiency of the Department
- Establishing a culture of accountability and individual responsibility

The purposes to be achieved by the imposition of discipline in a particular case are properly dependent on all the facts and circumstances of each case. Those purposes may vary based upon numerous factors including, but not limited to, the nature and seriousness of the misconduct, the circumstances under which the misconduct was committed, the harm or prejudice arising from the misconduct, and the existence of any relevant mitigating or aggravating circumstances.

Investigative Process

New Paltz Police Department Policy and Procedure “25.1 Internal Affairs Functions” details the investigative process for all internal and external complaint investigations. It can be viewed at [https://www.townofnewpaltz.org/sites/g/files/vyhlf3541/f/pages/25.1 internal affairs functions_0.pdf](https://www.townofnewpaltz.org/sites/g/files/vyhlf3541/f/pages/25.1_internal_affairs_functions_0.pdf).

The public may file a complaint against a member using the “Compliment/Complaint/Suggestion Form” which is available on the Department website at https://www.townofnewpaltz.org/sites/g/files/vyhlf3541/f/uploads/policecommissioncomplaintform2020_0.pdf, or at the Town and Village Halls and Town website. Complaints may also be received in person, via telephone or in writing, and may be lodged anonymously or by any other means. Complaints can range from simple violations of Department policies and procedures to more serious allegations of misconduct. Investigation of alleged unlawful behavior or criminal conduct will involve the Ulster County District Attorney’s Office and/or the Office of the New York State Attorney General, Special Investigations and Prosecution Unit. In these cases,

administrative charges citing violations of Department policy and procedure may be levied because of, in conjunction with or in the absence of criminal charges.

If a member of the Department is charged with a crime, the Department will conduct an internal investigation to determine if internal disciplinary charges are warranted against the member because criminal conduct always includes a corresponding violation of the Department's internal rules. The Department will conduct an internal investigation in consultation with the charging entity, proceeding on a parallel track to the criminal case. However, in some cases, the disciplinary case may be deferred until after the criminal prosecution has been fully resolved. The determination to move ahead with a disciplinary proceeding is fact-specific and will be undertaken if the disciplinary proceeding can be accomplished without compromising the criminal prosecution. In making the decision, the Department will always consult with, but not necessarily defer to, the appropriate prosecutorial authority and will consider any issues or concerns presented.

An investigation involving allegations of workplace violence or sexual harassment may involve the New York State Division of Human Rights. The reporting and investigation process for these types of allegations are found in New Paltz Police Department Policy and Procedure, "14.7 Sexual Harassment and 18.2 Workplace Violence Prevention and Safety. These policies can be viewed at

https://www.townofnewpaltz.org/sites/g/files/vyhlf3541/f/pages/14.7_sexual_harassment.pdf

and

https://www.townofnewpaltz.org/sites/g/files/vyhlf3541/f/pages/18.2_workplace_violence_prevention_and_safety.pdf.

Internal investigations are initiated immediately upon becoming aware of misconduct or an allegation of misconduct. The Police Commission is promptly notified of the allegation and kept apprised of the investigation. Police Commission members are privy to all materials related to an internal investigation. When an allegation(s) of misconduct against a member is investigated and evidence is found to show that the event did occur, that the member in question engaged in the action, and that the act itself was a violation of Department guidelines, the allegation is deemed to be "substantiated." Depending upon the seriousness of the allegation, substantiated allegations of misconduct will result in verbal counseling up to termination.

Discipline Matrix Explained

The discipline matrix is non-binding and does not supersede section 6.3 of the Collective Bargaining Agreement or State and Federal law. The matrix is intended to provide guidance and may be periodically revised to better inform members as to the expectations placed upon them and to provide greater transparency regarding the Department's disciplinary process.

Awareness of the likely consequences associated with violations of Department policy promotes greater efficiency, certainty in decision making and facilitates the consistent application of penalties and the administration of behavioral standards. The matrix is designed to provide notice of the standards upon which disciplinary outcomes are based and to establish expectations for all involved.

Presumptive Penalties

The guidelines set forth presumptive penalties for acts of misconduct and violations of Department policy. A presumptive penalty is the assumed penalty generally deemed appropriate for the first instance of a specific proscribed act. The presumptive penalty serves as the starting point for analysis during the penalty phase of a case, which must include consideration of the totality of the circumstances and any aggravating and or mitigating factors that may be relevant. The Town Board is statutorily empowered to adjudicate discipline and makes the final determination. In consultation with the Police Commission, the Chief of Police, the Town Attorney and Town Labor Attorney, the Board may deviate from the presumptive penalties set forth in the guidelines. The penalty determination and the bases for deviations are memorialized as part of the final adjudication of the case.

Given the complexity of some events and significant permutations across fact patterns, it is not possible to predetermine the outcome or the relative weights of potential aggravating and mitigating factors for every disciplinary matter. In select areas of misconduct, presumptive penalties for common aggravating factors are delineated, but even in these cases, there may be additional aggravating factors or mitigating factors that bear upon the ultimate penalty recommendation.

Similarly, the weight of the evidence must be assessed, and the availability of witnesses must be considered when contemplating the appropriate penalty in a case. Factors that are likely to impact the ability to sustain a violation on the merits of the case during an administrative hearing may be considered when evaluating the presumptive penalty and any potential departures from that penalty. These factors may likewise influence the ultimate resolution in a negotiated settlement of the matter.

All disciplinary matters must be evaluated on a case-by-case basis, considering all relevant factors, and using this rubric as a guide. As a rule, Department policies, including these guidelines, should not be interpreted, or applied in a manner that leads to an unjust or unreasonable result, or is otherwise contrary to the goals of the disciplinary system outlined above.

Potential Mitigating Factors

It is impossible to pre-determine the mitigating and aggravating circumstances in particular cases. However, as a rule and considering the totality of the circumstances, potential mitigating factors may include, but are not limited to, the following:

- The knowledge, training and experience of the respondent involved
- The nature of the event was such that it was unpredictable, volatile, or unfolded rapidly not allowing time for deliberate reflection
- The area of law or policy implicated in the matter is novel or complex
- The mental state of the respondent, including the absence of intent to cause harm
- The primary motivation for the action is premised upon emergency response or service

- The veracity of the respondent and the respondent's level of cooperation with the investigation
- The acceptance of responsibility and any mitigating or remedial actions taken by the respondent
- Any positive employment history including any notable accomplishments
- The nature and extent of the consequences or harm caused by the violation
- The impact of the violation upon the Department and its mission
- The lack of low-level of prior disciplinary history
- Any extraordinary circumstances or hardships that may be relevant
- The potential for rehabilitation

Potential Aggravating Factors

In considering the totality of the circumstances, potential aggravating factors may include, but are not limited to, the following:

- The knowledge, training and experience of the respondent involved
- The nature of the event is such that it allowed time for deliberate reflection or action
- The culpable mental state of the respondent, particularly if the actions evince an intent to engage in proscribed conduct, circumvent a policy, or exhibit a reckless disregard of an individual's wellbeing, demonstrate bias or prejudice, or constitute harassment or retaliatory conduct
- Any prejudicial or biased conduct
- The veracity of the respondent and level of cooperation with the investigation
- The nature and extent of injury or endangerment to a member of the service or civilian
- The nature and extent of any property damage
- The impact upon the Department regarding its mission, reputation, credibility and relationship with the community and the impact on public trust
- Any actual or demonstrable financial risk or cost
- The result of a criminal or administrative proceeding related to the underlying conduct
- Any negative employment history including prior discipline
- The role or status of the respondent in the event
- Any failure to turn on body-worn camera or failure to prepare a required report or otherwise document an incident, to obfuscate misconduct

These are guidelines that should be followed in determining appropriate discipline. However, mitigating, or aggravating circumstances of the instant case and previous discipline should be considered in determining whether a lower or higher level of discipline is appropriate that what is called for in the below guidelines.

Deviations from the guidelines must be thoroughly documented and memorialized as part of the final adjudication of the case.

Supervisors

A member's rank and their role in an event are factors to be considered when assessing an appropriate disciplinary penalty. An individual respondent's status as a supervisor will generally be viewed as an aggravating factor, particularly for on-duty misconduct, which may warrant a penalty higher than the presumptive penalty for the cited violation(s).

Supervisors are expected to lead by example, and they are responsible for holding their subordinates accountable. The Department has higher expectations for supervisors, including their ability to exercise sound judgment and to be more deliberate in their actions than subordinate members. Potential mitigating factors described above should be considered as well.

Consistent with this philosophy, the presence or participation of a supervisor in an event may be a mitigating factor when evaluating the culpability of a subordinate. A downward departure from a presumptive penalty may be warranted when a subordinate is acting under the close supervision or direction of a superior.

Prior Disciplinary History

A member's prior disciplinary history is considered when assessing an appropriate penalty. A lack of, or minimal, history may be a mitigating factor. Prior misconduct may increase the disciplinary penalty for a current violation. Factors to be considered when determining the relevance of prior discipline and the impact upon the penalty include:

- The number of prior disciplinary events
- The nature and seriousness of the prior event(s)
- The same misconduct was repeated
- Any similarities between prior and current acts of misconduct
- Any disciplinary history indicative of a pattern of behavior demonstrating an inability or unwillingness to conform to the Department's expectations for the position
- The time elapsed between prior event(s) and current misconduct
 - Disciplinary matters that went beyond the scope of command discipline should generally not be considered an aggravating factor if adjudicated more than 10 years in the past
 - Disciplinary matters handled as command discipline should generally not be considered an aggravating factor if adjudicated more than 5 years in the past

Discipline is progressive. Penalties are increased for subsequent violations of the same/similar misconduct or when a pattern of misconduct is demonstrated. If a significant amount of time has elapsed between prior and present misconduct and the prior misconduct was minor, the prior misconduct will generally not be considered as an aggravating factor, except if the prior misconduct, even if remote/minor, evidences a pattern of misconduct.

Application of Aggravating and Mitigating Factors

Any relevant aggravating or mitigating factors are considered with regard to one another and within the context of the misconduct in question. The presence of one or more mitigating

circumstances, along with one or more aggravating circumstances, may or may not offset or result in imposition of the presumptive penalty. In addition to the universal factors listed, there may be some factors that are unique to a particular category or act of misconduct. Such factors will be identified in the sections dealing with each category of misconduct.

For some categories of misconduct, there are additional presumptive penalties for enumerated aggravating factors. In other categories of misconduct, penalty ranges for aggravation or mitigation are provided.

This matrix is intended to ensure consistency among similarly situated respondents, while allowing for varying degrees of mitigation and aggravation. If the guidelines fail to appropriately address the conduct of a particular respondent, the penalty imposed may be greater or lesser than contemplated within the matrix. This is based upon the totality of facts and circumstances of the case. The application of aggravating factors may increase the penalty up to and including termination.

Consequences of Disciplinary Action

Members should be aware that the imposition of discipline may have an impact on their future status, including but not limited to, assignments and promotions. The imposition of discipline may have ancillary consequences that are not regarded as part of the disciplinary system or calculated within the context of these guidelines as included in any disciplinary sanction. The potential future impact of a disciplinary penalty will generally not be considered in determining what the appropriate penalty should be at the time of imposition.

The New York State Division of Criminal Justice Services maintains a “Police Officer and Peace Officer” registry. The registry includes information regarding police officers who were terminated by the Department as well as those who separated from the Department as a result of a disciplinary proceeding or with a disciplinary matter pending that could have resulted in termination.

Misconduct resulting in termination – member on entry-level probation

Probationary Status: Termination Misconduct
Criminal Association
Misconduct Resulting in a Penal Law Charge for a Crime
Domestic Incident with Aggravating Factors (e.g. injury, OP violation, stalking, harassment, etc.)
False or Misleading Statements
Impeding an Official Department Investigation
Insubordination
Larceny

Poor Performance
Any misconduct for which a minimum of a 30-day suspension is the presumed penalty for a tenured member

Misconduct Type	1st Offense	2nd Offense	3rd Offense	4th Offense
Minor Policy Violations <ul style="list-style-type: none"> • Tardiness • Grooming violation • Uniform Violation • Lacking required equipment • Discourteous remarks (Does not include profanity) • Minor Traffic Infractions • Use of profanity at individual 	Verbal Counseling (To be documented in Progressive Training File)	Written Note of Counseling (To be placed in Officer Training File)	Command Discipline	Command Discipline
Violations of 14.1 Rules of Conduct (violations of sections other than those noted above) Misuse of Department Equipment Violation of 28.4 Social Media Moving Traffic Violations	Command Discipline up to termination	Command Discipline up to Termination	3-day Suspension Up to Termination	
Unexcused Absence from Mandatory Department Training	Command Discipline	Command Discipline	Command Discipline	Command Discipline up to termination
Accident with Police Vehicle (Officer at Fault)	Command Discipline And/or In-Service Training with EVOC Instructor	Command Discipline and/or Written Warning if attended in-service training with EVOC Instructor	Command Discipline	Command Discipline up to termination
Unintentional Discharge of a Firearm, including less lethal munitions, or any less lethal device or substance (No injury, On or Off Duty)	Command Discipline	Command Discipline	Suspension of more than 3 days up to termination	Termination (If within 3 years of first offense)
Driving While Intoxicated or Driving While Ability Impaired by Drugs	Command Discipline along with mandatory EAP	Command Discipline And 4-year last chance agreement	Termination	
Accessing DMV or Criminal History Records for Personal Use	Command Discipline	Command Discipline	Command Discipline up to Suspension	Suspension up to Termination

Violation of Body Worn Camera Policy	Command Discipline	Command Discipline	Command Discipline up to Suspension	Suspension up to Termination
Violation of In-Car Camera Policy	Command Discipline	Command Discipline	Command Discipline up to Suspension	Suspension up to Termination
Violation of Right to Know Policy	Verbal Counseling (To be documented in Progressive Training File)	Written Note of Counseling (To be placed in Officer Training File)	Command Discipline	Command Discipline
Violation of Defensive Action Policy (No injury)	Written Note of Counseling (To be placed in Officer Training File) up to loss of 3 days	Command Discipline	Command Discipline up to suspension	Suspension up to termination
Violation of Defensive Action Policy resulting in physical injury, serious physical injury, or death	Suspension up to termination	Termination		
Failure to Intervene in Unauthorized Use of Deadly Physical Force resulting in physical injury, serious physical injury, or death	Suspension up to termination	Termination		
Failure to Intervene in Unauthorized use of Physical Force resulting in serious physical injury, or death	Suspension up to termination	Termination		
Failure to Intervene in Unauthorized use of Physical Force resulting in physical injury	Command Discipline up to suspension	Suspension up to termination	Termination	
Failure to Intervene in Unauthorized use of Physical Force resulting in physical injury	Command Discipline up to suspension	Suspension up to termination	Termination	

Sexual Harassment/Workplace Violence	Command Discipline And Mandatory EAP	Command Discipline And Mandatory EAP	Command Discipline up to Suspension	Suspension up to Termination
Domestic Incident (violation offense only)	Command Discipline And Mandatory EAP	Command Discipline And Mandatory EAP	Command Discipline up to Suspension	Suspension up to Termination
Domestic Incident (Misdemeanor or Felony)	Command Discipline up to Suspension And Mandatory EAP	Suspension up to Termination And Mandatory EAP And Last Chance Agreement	Termination	
Domestic Incident involving use, threatened use, or menacing with a firearm	Suspension up to Termination And Mandatory EAP And Last Chance Agreement	Termination		
Domestic Incident involving violation of Order of Protection	Suspension up to Termination And Mandatory EAP And Last Chance Agreement	Termination		

False, Misleading and Inaccurate Statements

The following serves as guidance to determine the applicable charge(s) when a member makes a false, misleading, or inaccurate statement, written or spoken, during an official investigation. The goal of any internal investigation is to get to the truth. False, misleading, and inaccurate official statements are antithetical to this goal. The legitimacy of the system is reliant upon the public's trust that members provide truthful and accurate information in a wide variety of contexts and circumstances. False, misleading, and inaccurate statements impede the internal investigation's goal of truth and undermine legitimacy of the process. Therefore, the penalty for members of the who are found guilty of making false or misleading official statements will be presumed to be termination, absent extraordinary circumstances, as determined by the Town Board in consultation with Police Commission, Chief of Police, Town Attorney and/or Labor Attorney on a case-by-case basis.

Each allegation of a false, misleading, or inaccurate statement shall be charged separately. For example, if the internal affairs investigation demonstrates a statement to be both false and misleading, a charge of false statement and another charge of misleading statement should be filed. Also, if the statement includes multiple separate instances of false statements about different facts, each statement shall be charged separately.

A statement is false or misleading when the investigation evidences the charge is supported by a preponderance of the evidence, including credible witness testimony. The examples provided are for illustrative purposes only and are not exhaustive. Each case is weighed on its own merits after a strong fact-based analysis to determine the appropriate charge(s).

Additional Definitions for False, Misleading and Inaccurate Statements

False Statement – An intentional statement that a member knows to be untrue, which is material to the outcome of an investigation, proceeding, or other matter in connection with which the statement is made.

- **Intent** – A statement is an intentionally false statement when it is the conscious objective to make the false statement. Determining intentionality requires a consideration of the relevant factors. Some factors which may be considered include:
 - Whether the fact(s) at issue is/are memorable
 - The length of time between the event and the statement
 - The significance of the fact(s) at the time that the event occurred
 - Whether the nature of the event allowed for accurate perception or memory
 - The subject's physical, mental, or emotional condition at the time the statement is made
 - Whether the investigator gave the subject memory prompts or cues (e.g., Memo books, video, arrest reports, etc.) to assist their recollection and yet the speaker persisted in making the statement
 - Whether the speaker has a motive to lie or deceive or an interest in the outcome of the investigation, proceeding, or other matter in connection with which the statement was made

Material Fact - A significant fact that a reasonable person would recognize as relevant to, or affecting, the subject matter of the issue at hand, including any foreseeable consequences, or establishment of the elements of some proscribed conduct. It is a fact that is essential to the determination of the issue and where the suppression, omission, or alteration of such fact would reasonably result in a different decision or outcome. A material fact may be distinguished from an insignificant, trivial, or unimportant detail.

- Materiality is fact-specific and must be evaluated on a case-by-case basis
- Examples of material statements include:
 - When the validity of the search of a vehicle is at issue and an officer states they never opened and searched the trunk of a car during a car stop, but video shows

they did in fact open and search the trunk, the officer's statement about their actions is material

- When a member denies to an investigator that they attended a meeting where alleged misconduct occurred, yet independent evidence (e.g., video) indicates the member was in fact present at the meeting, the statement is material

Denial – A distinction must be drawn between a procedural denial of a charge or allegation and denial of facts. A general denial of the commission of misconduct, such as a broad statement of “I didn’t do anything wrong” or a “not guilty” plea, is not to be charged as a false statement. However, if the speaker after being afforded the opportunity to recollect, intentionally denies specific facts that are proven by credible evidence to have occurred, they have made a false statement.

- An example of denial of the facts that would be appropriate for a charge of false statement: A member states, “I did not take any money from the location,” but credible evidence conclusively demonstrates that the member did, in fact, remove money from the location.

Retraction – In an investigation or proceeding, if a member intentionally makes a false statement, but retracts the statement and substitutes a truthful statement during the same interview, deposition, or other session of oral testimony, a charge of false statement is not appropriate if each of the following circumstances is present:

1. The retraction occurs within the same interview or proceeding as the false statement; **and**
2. The member retracts the false statement before the investigator has been deceived or misled to the harm and prejudice of the investigation or proceeding (i.e., the false statement is retracted before it has substantially affected the investigation or proceeding); **and**
3. The retraction and substituted truthful statement are made before the member knows or has reason to know that the investigator is or will be aware of the false statement. The substituted truthful statement must occur at a time when no reasonable likelihood exists that the member has learned that their falsehood has become known to the investigator.

The purpose of this extremely narrow exception is to foster truthfulness when a member provides information in an investigation or proceeding. It encourages and allows the member, on their own initiative, to correct and retract a false statement before it has the potential to do irreparable harm.

Misleading Statement - A statement that is intended to misdirect the investigator and materially alter the narrative by:

- Intentionally omitting a material fact or facts, or

- Making repeated claims of “I do not remember” or “I do not know” when a reasonable person under similar circumstances would recall, or have been aware of, such material facts, or
- Altering and/or changing a prior statement or account when confronted with independent evidence indicating that an event did not occur as initially described, will generally be considered a misleading statement.

Omissions – An omission is a fact material to the investigation and that has been intentionally left out of the member’s statement. Not every omission can be considered misleading. The omitted fact(s) must be material and the omission must be intentional.

Failure to Recollect Considerations - Factors to be considered in determining if a reasonable person would remember or would be aware of the facts include:

- The time that has elapsed between the event and the statement
- How unique or memorable the event is
- The member’s overall ability to recall events before and after the event
- The member’s continued lack of recollection after efforts are made to refresh their recollection by showing video, photos, memo book entries, or other prompts

Inaccurate Statement - A statement that a member of the service knows, or should know, includes incorrect material information. There is no intent to deceive, but rather the member’s actions are grossly negligent.

Mistakes – Mere clerical errors may not be considered inaccurate statements when the statement error is so minor that it has little, or no effect, on the overall intent of the statement. An error will be considered to be an inaccurate statement when a member of the service does not intend to deceive but causes a material variation. Erroneous statements, lacking in willful intent, and not so unreasonable as to be considered gross negligence are not a basis for finding misconduct.

Impeding an Investigation – An investigation is considered impeded when a member makes false, misleading, and/or inaccurate statements, or engages in impeding actions. A member who impedes or attempts to impede an official investigation will face disciplinary action for conduct prejudicial to the good order, efficiency, or discipline of the Department.

- Examples of conduct which impedes an investigation may include:
 - Failure to produce documents in a member’s possession or control that the member knows or has been informed are necessary and relevant to an investigation

- Intentionally making statements that misdirect or misinform the investigator and/or interfere with or undermine the goals of the investigation
- Tampering with a witness by attempting to, or succeeding in, causing the witness to refuse to cooperate with an investigation or proceeding
- Improperly influencing a witness to make false, misleading, or inaccurate statements during an investigation or proceeding

A charge of impeding an investigation may be appropriate even if the member did not ultimately succeed in impeding the investigation. For example, if the Member intentionally attempts to influence a witness, but the witness resists the efforts, a charge of impeding an investigation may still be appropriate.

Misconduct Type	1st Offense	2nd Offense	3rd Offense	4th Offense
Intentionally Making a False Official Statement	Termination			
Intentionally Making a Misleading Official Statement	Loss of 3 days up to Suspension	Termination		
Impeding and Official Department Investigation	Loss of 3 days up to Suspension	Termination		
Making an Inaccurate Official Statement or causing the same to be made by another	Letter of Reprimand up to Suspension	Loss of 3 days up to suspension	Suspension	Termination

Additional Potential Aggravating Factors

- The additional expense in terms of time and resources required to further investigate a matter because of false/misleading/inaccurate statement and impeding actions

- The member's training and experience makes it likely that the member knows or should have known a material fact
- Harm or potential harm caused to the Department or others
- History of making false, misleading, or inaccurate statements

Additional Potential Mitigating Factors

- Complexity and rapidly changing nature of the underlying incident
- Misconduct itself is not a presumptive termination act and the nature of the statement is such that it was made with the intent to avoid embarrassment (particularly in the context of interpersonal relationships)
- The extended length of time that has elapsed between the event and the statement
- The event is relatively routine or not memorable
- The member's inability to recall activities before or after the event.
- Lack of prior disciplinary history
- Positive service record
- Positive evaluations
- A member's unique underlying stressors at the time of the statement
- Material facts would not be discovered but for the officer coming forward and making a truthful statement