



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-46

Effective: 06/27/16 Expires: 12/20/16 Replaces: 05/13/16

**3-46 DISCIPLINE SYSTEM**

**3-46-1 Purpose**

The purpose of this policy is to describe how discipline will be evaluated and imposed in response to violations of department policy.

**3-46-2 Policy**

Department policy is to ensure that disciplinary action is taken in a prompt, resolute, fair, and consistent manner. To provide a framework for this approach, the Department established a Chart of Sanctions. Using the chart as a benchmark will enable the Department to retain discretionary authority for imposing individualized disciplinary action while ensuring a systematic and equitable administration of discipline for all employees.



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### 3-46-3 Definitions

#### A. Aggravating Circumstances

Aggravating circumstances are factors related to the officer, his or her conduct, or the effect of the conduct on others, that serve to increase the seriousness of the conduct and the severity of the discipline imposed pursuant to the Chart of Sanctions. Aggravating circumstances cannot be defined for every possible incident; therefore, it is necessary that the reviewing supervisor fully articulate the significant factors that increase the seriousness in the investigations they review.

For example, consider two employees driving city vehicles who become distracted by their mobile data terminals. One employee strikes a curb while the other runs over a pedestrian within a cross walk. Both violations are technically the same; however, the circumstance of running over a pedestrian would be aggravating, justifying more severe discipline in addition to that noted in the Chart of Sanctions.

An employee's past disciplinary history, liability exposure, intent, injuries caused, Department exposure to liability or damage to its reputation comprise some of the conditions which may be considered when determining aggravating circumstances.

#### B. Chart of Sanctions

The Chart of Sanctions is the appendix to this policy, which identifies levels of disciplinary action to be imposed based on sanction classification and frequency of occurrence of the misconduct.

#### C. Mitigating Circumstances

Mitigating circumstances are accompanying events, facts or conduct that do not justify, exonerate, or excuse the act, but should be considered in potentially reducing the culpability of the actor or the severity of the penalty associated with the act under the Chart of Sanctions. Mitigating circumstances cannot be defined for every possible incident; therefore, it is incumbent upon reviewing supervisors to fully articulate the precise mitigating circumstances in the investigations they review.

For example, consider two employees who miss court. One employee misses court because his or her child was in the hospital overnight with pneumonia while the other employee misses court because he or she forgot to set the alarm clock. Both violations are technically the same; however, staying up all night with a sick child would be mitigating, justifying less severe discipline from that noted in the Chart of Sanctions.

An employee's past disciplinary history, liability exposure, intent, injuries caused, Department exposure to liability or damage to its reputation comprise some of the conditions which may be considered when determining mitigating circumstances.



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D. Sanction Classification

A sanction classification is a level of seriousness and corresponding level of discipline designated to each type of misconduct. Sanction classifications range from 1 (most serious) to 7 (least serious). Sanction classifications form the rows of the Chart of Sanctions.



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**3-46-4 Rules and Responsibilities**

A. Observation of Department Rules

The Department maintains rules intended to encourage professional standards. Personnel will observe and comply with Department rules. Fair, neutral and impartial enforcement of the rules serves as a cornerstone for the operation of an efficient and transparent police department, and the systemic and equitable application and enforcement of discipline.

B. Reviewing Supervisors' Responsibilities

The reviewing supervisors' responsibility is to ensure fair, impartial, consistent, enforcement of the rules.

C. Disciplinary and Grievance Systems

1. Disciplinary and grievance systems are designed to promote the fair, equitable and consistent enforcement of rules and imposition of discipline.
2. Personnel are to familiarize themselves with the policies and procedures outlined in the City Merit System Ordinance.



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### 3-46-5 Procedures

#### A. Chart of Sanctions

The Chart of Sanctions identifies levels of disciplinary action to be imposed based on class designation and frequency of occurrence of the misconduct. The Chart of Sanctions is appended to this policy.

#### B. Process and Criteria

1. A supervisor considering imposition of discipline will consult the Chart of Sanctions. To determine the appropriate discipline, the supervisor will:
  - a. Determine from the Chart of Sanctions the minimum and maximum disciplinary action applicable for the violation;
  - b. Consider the seriousness of the violation;
  - c. Consider mitigating and aggravating circumstances;
  - d. Consider the disciplinary record of the individual involved;
  - e. Consider whether the conduct was intentional or merely negligent;
  - f. Consider whether the violation caused injury to another; and
  - g. Consider whether the conduct damaged the department's reputation.
2. Supervisor will identify the violation and will charge the employee with the SOP violation that covers the highest class violation applicable to the act or omission. Lesser SOP violations, which are included in the highest class violation, should not be considered when identifying the level of sanction.
3. Once this process is completed, the supervisor will impose the appropriate disciplinary action unless the penalty should be increased due to aggravating circumstances or reduced due to mitigating circumstances.
4. Reviewing supervisors must explain and justify any deviation from the Chart of Sanctions on a supplemental narrative addendum and attach the explanation for the deviation to the Supervisor Recommendation form.

#### C. Using the Chart of Sanctions

1. Supervisors will determine the class designation of the offense(s) from the Chart of Sanctions.
2. The supervisor will then determine whether the violation is a first, second, or third offense within the class, based on the officer's record in the officer's internal affairs file. The applicable sanction for the offense is found at the intersection of the offense column and the class row on the Chart of Sanctions.



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Examples:

- a. The sanction for the second offense of a Class 5 violation is suspension for 40-80 hours; for the third offense of a Class 7 violation suspension will be for 8-32 hours.
- b. A fourth offense within the same class will be sanctioned as a third offense of the next higher class; a fifth offense within the same class will be sanctioned as a third offense, two classes higher. For example, a fourth offense, Class 7 would move up one class on the third offense column and be sanctioned as a suspension for 40-80 hours. A fifth offense, Class 7 would move up two classes on the third offense column and be sanctioned as a suspension for 88-160 hours.

3. Time Limitations on Chart of Sanctions

- a. Class 1, 2, 3, and 4 offenses are considered when using the Chart of Sanctions throughout an officer's career with no time restrictions on prior offenses.
- b. For class 5 and 6 offenses: If two years have passed since the last offense within these classes, a subsequent offense will be considered a first offense for determining sanctions.
- c. For class 7 offenses: If one year has passed since the last offense within this class, a subsequent offense will be considered a first offense for determining sanctions.

4. Whenever violations of any class are still within time guidelines, and a subsequent violation of any class occurs, the subsequent violation will be considered as the next higher sanction.

Examples:

- a. An employee with previous offenses in Classes 6 and 7, still within those time guidelines, and who commits a second offense, Class 7 violation would be sanctioned as a second offense, Class 6 (suspension for 8-32 hours).
- b. Given the same circumstances, if the offense is a first offense, Class 5, it would be sanctioned as a first offense, Class 4 (suspension for 40-80 hours).

5. Multiple Offenses

- a. Multiple offenses occur when an employee commits more than one act or omission that violates department policy.
- b. If multiple offenses arise from the same incident or investigation, each offense will be sanctioned separately by class. Therefore, both reprimands and suspensions can be administered for two or more violations in one incident or investigation.



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- c. If multiple offenses from the same incident are within the same class, each will be considered as an additional offense on the Chart of Sanctions.

Examples:

- i. Three offenses, Class 7 in a single incident would be sanctioned with a suspension 8-32 hours.
- ii. Two offenses, Class 7 and one offense, Class 5 in the same incident (assuming no prior offenses) would require a written reprimand for the two Class 7 offenses and a suspension of 8-32 hours for the Class 5 offense.
- iii. When reviewing the disciplinary history of personnel to establish the number of offenses in a given time frame, only separate incidents will be counted, and the highest class offense will be used.

D. Assignment of Sanction Classifications to Policies

1. Violations subject to disciplinary action are identified by sanction classification and noted in writing located to the left of the text, next to applicable subsections in the SOP manual.

All of the material within a subsection will be subject to the same sanction classification unless otherwise noted.

2. The employee who drafts or revises an SOP subsection will assign a sanction classification as part of the revision. Both the revision and the sanction classification will be appraised during the review process. The SOP Review Committee will ensure that the Internal Affairs Division reviews the sanction classification to evaluate the consistency and appropriateness of the classification prior to the policy being reviewed and approved by the Policy & Procedures Review Board.
3. Sanction classifications noted by a particular SOP subsection may be inadvertently omitted. If this occurs and a sanction classification is needed, the immediate supervisor of the employee being disciplined will:
  - a. Select a sanction classification from a subsection with a sanction classification notation which most closely approximates the SOP subsection with no sanction notation.
  - b. Document that the unsanctioned subsection was used to determine the sanction classification and forward this documentation up the chain of command.
  - c. If the appropriate Deputy Chief, Major, or Executive Director, concurs with the proposed sanction level, the SOP Liaison will be notified in writing and given the responsibility of appending the sanction classification notation to the unsanctioned section. The SOP Liaison then ensures the Policy & Procedures Review Board re-reviews the policy and sanction classification.



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E. Procedures for Imposing Discipline

1. Verbal Reprimands

- a. All supervisors may give verbal reprimands to employees for minor infractions. When a verbal reprimand is given, the supervisor will explain that the action is a verbal reprimand.
- b. The supervisor will note and initial the verbal reprimand and applicable policy violation on the employee card. Personnel are instructed that more severe disciplinary action will be taken for repeated infractions or omissions of the same policy violation.

2. Written Reprimands

The following steps are taken when supervisors give written reprimands to their subordinates:

- a. Supervisors will write a memo containing the text of the reprimand and will forward it to Internal Affairs Division.
- b. The letter of reprimand is drafted by Internal Affairs Division and forwarded through the appropriate chain of command.
- c. With input from the chain of command, the Commander of the reprimanded employee will approve the letter and will forward a copy of the letter to the employee receiving the written reprimand and to Internal Affairs Division.

F. Suspensions and Termination

A pre-disciplinary hearing will be held for all employees facing suspension or termination. The pre-disciplinary hearing is held to provide the employee an opportunity to provide comments about the proposed discipline. The supervisor conducting the hearing will be the Chief of Police or a designee of the Chief. The Chief or designee will write a memo to Internal Affairs Division indicating their final decision with respect to discipline, including the date any suspension will be served or the effective termination date. Internal Affairs Division administrative staff will send Payroll/Personnel a copy of the memorandum. The employee may have legal and/or union representation during the pre-disciplinary hearing.

G. Non-disciplinary corrective action

In order to promote positive, professional behavior from employees, reviewing supervisors should identify whether any non-disciplinary corrective action is appropriate in addition to any applicable discipline.





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H. Expectations for Employees on Suspension or Relieved of Duty

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1. Personnel relieved from duty or on suspension who are scheduled for court are still responsible for appearing in court and will be paid for their attendance.

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2. Personnel are not eligible for Chief's Overtime while serving a suspension. Personnel scheduled for Chief's Overtime during their suspension must notify the Chief's Overtime coordinator in a timely manner that they are unable to take the assignment, so that a substitute may be obtained.

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3. During a suspension, personnel will not wear any identifiable part of the official uniform. Upon being relieved from duty, personnel will surrender their badge of office, their take home car, and all other departmental property. Personnel will not act in any official capacity, nor represent themselves as police officers in any manner.



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**Appendix  
Chart of Sanctions**

CLASS	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
1	SUSPENSION/ DISMISSAL	N/A	N/A
2	SUSPENSION 168 – 240 HOURS	SUSPENSION/ DISMISSAL	N/A
3	SUSPENSION 88 – 160 HOURS	SUSPENSION 168 – 240 HOURS	SUSPENSION/ DISMISSAL
4	SUSPENSION 40 – 80 HOURS	SUSPENSION 88 – 160 HOURS	SUSPENSION 168 – 240 HOURS
5	SUSPENSION 8 – 32 HOURS	SUSPENSION 40 – 80 HOURS	SUSPENSION 88 – 160 HOURS
6	WRITTEN REPRIMAND	SUSPENSION 8 – 32 HOURS	SUSPENSION 40 – 80 HOURS
7	VERBAL REPRIMAND	WRITTEN REPRIMAND	SUSPENSION 8 – 32 HOURS