

S O U T H B E N D  
**P O L I C E**  
D E P A R T M E N T

DISCIPLINE MATRIX

# South Bend Police Department Discipline Matrix



## Purpose

This police discipline matrix aims to achieve consistency in discipline and to provide predictability to officers. This matrix provides a range of possible sanctions for various types of violations. By state law (I.C. § 36-8-3-3 and 36-8-3-4, *et seq.*), the Chief of Police has authority to recommend discipline for police officers, however, final approval of discipline is the purview of the Board of Public Safety.

## Procedure

- The matrix provides discipline Levels I through VI, with Level I being the least severe and Level VI being the most severe. It is understood that no document can list every possible situation that could happen. For violations not specified on the matrix, the discipline will be determined using the closest comparable item from the matrix.
- In the case of an incident involving several violative acts, the discipline should be no less than that for the highest-Level violation.
- To achieve consistency, these presumptive penalties are presumed to be the reasonable and appropriate penalties that should be given. The Board of Public Safety may consider aggravating or mitigating factors expressed in writing and adjust discipline accordingly. Any adjustment should be no more than one level below or above.
- On limited occasions, there will be extraordinary circumstances which would justify a penalty less than or greater than that allowed under the matrix. The authority to declare extraordinary circumstances is within the discretion of the Chief and Board of Public Safety.
- Mitigating, aggravating and extraordinary circumstances relied upon to deviate from the matrix must be articulated in writing and presented to the Board of Public Safety.
- Coaching, training, counseling, Performance Improvement Plan (“PIP”), or other tools may be included with any discipline in Levels I-V. Counseling is mandatory for suspensions.
- Reduction of rank or transfer may be included with discipline in Levels III-V or under aggravating circumstances in Levels I-II.

Levels	Description	Examples of Violations	Presumptive Discipline		
<b>I</b>	Single minor policy violation  Minimal negative impact on Department image or operations	<ul style="list-style-type: none"> <li>• Seatbelt violation</li> <li>• Non-criminal traffic infractions</li> <li>• Low-speed at-fault traffic collision without injury</li> <li>• Rude comments, gestures, or lack of courtesy</li> <li>• Tardiness</li> <li>• Clothing or uniform violations</li> <li>• Loss or damage of low value property of City or public</li> <li>• Loss of Badge</li> <li>• Failure to advise of address or telephone change</li> </ul>	<i>Consider prior 3 years for Level I</i>		
			1st violation:  Oral Reprimand	2nd violation:  Written Reprimand	3rd violation:  2-day unpaid suspension
<b>II</b>	Repeated minor policy infraction  More than minimal negative impact on Department image or operations, relationships with other officers, or the community	<ul style="list-style-type: none"> <li>• Repeated violations from Level I</li> <li>• Property damage/loss of department property</li> <li>• Preventable at-fault collision with minor injury</li> <li>• Unauthorized leave</li> <li>• Failure to have secondary employment approved</li> <li>• Late submission of report</li> <li>• Using Dept. equipment during secondary employment without prior authorization</li> <li>• Failure to follow proper procedures in recovery or collection of evidence</li> <li>• Failure to respond to radio</li> <li>• Failure to properly maintain issued equipment or gear</li> <li>• Failure to follow procedures for preliminary or follow-up investigations</li> <li>• Absent without leave or permission</li> <li>• Failure to appear in court or lack of preparedness for court</li> <li>• Unauthorized ride-a-long</li> <li>• Sleeping on duty</li> <li>• Improper pursuit without injury or damage</li> <li>• Failure to follow chain of command or obtain supervisor's approval</li> </ul>	<i>Consider prior 5 years for Level II</i>		
			1st violation:  Written Reprimand	2nd violation:  3-day unpaid suspension	3rd violation:  5-day unpaid suspension

<b>III</b>	<p>Major policy infraction</p> <p>Pronounced negative impact on Department operations, relationships with other officers, or the community</p>	<ul style="list-style-type: none"> <li>• Repeated violations from Level II</li> <li>• Loss of gun</li> <li>• Insubordination</li> <li>• Prohibited secondary employment</li> <li>• On leave without authorization</li> <li>• Improper recovery of found or abandoned property</li> <li>• Improper storage or release of property</li> <li>• Accidental discharge of weapon</li> <li>• Failure to secure firearm on or off duty</li> <li>• Failure to take police action while on duty</li> <li>• Failure to submit a report</li> <li>• Failure to make required arrest</li> <li>• Improper search, seizure, or entry</li> <li>• Failure to identify self to civilian</li> <li>• Failure to ensure functional recording equipment</li> <li>• Failure to upload recording without documented technological issue</li> <li>• Failure to take appropriate action as a supervisor</li> <li>• Failure to provide appropriate scene supervision</li> <li>• Unauthorized or improper access of BMV history or other law enforcement database</li> <li>• Unauthorized or improper dissemination of Department information</li> <li>• Leaving assignment without permission</li> <li>• Purchase or consumption of an intoxicant while on duty</li> <li>• Failure to perform assigned duties as a supervisor</li> </ul>	<i>Consider prior 10 years for Level III</i>		
			<p>1st violation:</p> <p>3-day unpaid suspension</p>	<p>2nd violation:</p> <p>6-day unpaid suspension</p>	<p>3rd violation:</p> <p>10-day unpaid suspension</p>

<b>IV</b>	<p>Major misconduct</p> <p>Significant negative impact on Department operations, relationships with other officers, or the community</p> <p>Actions contrary to core City values or involve substantial risk of public or officer safety</p>	<ul style="list-style-type: none"> <li>• Repeated violations from Level III</li> <li>• Preventable at-fault collision with significant injury</li> <li>• Improper use of force or failure to intercede with no injury</li> <li>• Failure to obey non-exigent order</li> <li>• Carrying an unauthorized firearm or ammunition</li> <li>• Arrest without probable cause</li> <li>• Unauthorized or improper dissemination of investigation information or documents</li> <li>• Loss of evidence</li> <li>• Improper storage or release of evidence</li> <li>• Unauthorized or improper use of criminal history databases</li> </ul>			
			1st violation:	2nd violation:	3rd violation:
<b>V</b>	<p>Misdemeanor criminal conduct or severe misconduct</p> <p>Major negative impact on Department operations, relationships with other officers, or the community</p> <p>Includes conduct that could effectively disqualify an officer from continued employment as a law enforcement officer</p>	<ul style="list-style-type: none"> <li>• Repeated violations from Level IV</li> <li>• Improper use of force or failure to intercede resulting in injury</li> <li>• Misdemeanor criminal act not resulting in physical injury</li> <li>• Ethical misconduct</li> <li>• Cheating on tests or other assignments</li> <li>• Deliberate weapon discharge outside use of force policy that does not endanger self or others</li> <li>• Failure to assist another officer while on duty</li> <li>• Failure to report an accident</li> <li>• Failure to report firearm discharge</li> <li>• Obstructing or hindering a criminal or internal affairs investigation</li> </ul>	1st violation:		2nd violation:
			30-day unpaid suspension		<b>Termination</b>

<p><b>VI</b></p>	<p>Felony criminal or severe misconduct</p> <p>Demonstrates serious lack of integrity, ethics, or character and includes conduct that would disqualify an officer from continued employment as a law enforcement officer</p>	<ul style="list-style-type: none"> <li>• Repeated violations from Level V</li> <li>• Deliberate weapon discharge outside of use of force policy that endangers self or others</li> <li>• Preventable at-fault collision resulting in serious injury or death due to gross negligence or violation of pursuit and response-to-calls policies</li> <li>• Abuse/misuse of authority</li> <li>• Felony criminal act</li> <li>• Loss of Indiana Law Enforcement Academy certifications</li> <li>• Working secondary employment while on City time</li> <li>• Failure to obey order in exigent circumstances</li> <li>• Untruthfulness or intentional misrepresentation in reporting</li> <li>• Harassment or discrimination of a protected class</li> </ul>	<p>1<sup>st</sup> violation:</p> <p><b>Termination</b></p>
------------------	--	--	--

**AT A GLANCE:**

Number of violations	Level I (Consider prior 3 years)	Level II (Consider prior 5years)	Level III (Consider prior 10 years)	Level IV	Level V	Level VI
1st	Oral Reprimand	Written Reprimand	3-day unpaid suspension	12-day unpaid suspension	30-day unpaid suspension and reduction in rank	Termination
2nd	Written Reprimand	3-day unpaid suspension	6-day unpaid suspension	30-day unpaid suspension	Termination	
3rd	2-day unpaid suspension	5-day unpaid suspension	10-day unpaid suspension	Termination		

**DISCIPLINE FOR EACH LEVEL OF VIOLATION**

Coaching, training, counseling, Performance Improvement Plan (“PIP”), or other restorative tools may be included with any discipline in Levels I-V. Counseling is mandatory for suspensions.

<p>Mitigating</p>	<ul style="list-style-type: none"> <li>• “Substitution Test” – could this have happened to anyone else in the same circumstance (e.g., system, policy, or training issue)?</li> <li>• Receptive to correction/displayed proper attitude</li> <li>• Efforts were made to correct the problem</li> <li>• Lack of intent</li> </ul>	<ul style="list-style-type: none"> <li>• Acts would not have come to light without self-report</li> <li>• Member new to the assignment</li> <li>• Prior work history, such as positive evaluations and/or work performance, or voluntary, advanced, job-related training</li> <li>• Minimal or lack of prior disciplinary history relative to the officer's years of service</li> </ul>
<p>Aggravating</p>	<ul style="list-style-type: none"> <li>• High degree of operational impact</li> <li>• Unreceptive to correction (attitude)</li> <li>• Uncooperative with investigation</li> <li>• Dishonesty on the part of the officer</li> <li>• Delayed report or attempted cover-up</li> <li>• Loss or damage to city or private property</li> <li>• Injury, harm, or endangerment of a member of the public or an officer</li> <li>• The existence of an actual and demonstrable legal or financial risk to the Department or the City (including, but not limited to, cases involving allegations of civil rights violations, unlawful search and seizure, excessive use of force or unlawful detention or arrest)</li> <li>• Speed (in vehicular accidents)</li> </ul>	<ul style="list-style-type: none"> <li>• Bias- or harassment-based action</li> <li>• Supervisory or command rank, length of time in position</li> <li>• Constitutional implications</li> <li>• Intentional act or lack of due regard</li> <li>• The officer’s prior disciplinary history</li> <li>• Criminal conviction of the involved officer arising out of the underlying event</li> <li>• Prejudicial conduct regarding race, color, creed, national origin, ancestry, gender/sex (including pregnancy, childbirth, or caregiver status), sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other protected classifications</li> <li>• Harassment or retaliatory conduct</li> </ul>