

# GENERAL ORDER CHANGE



Subject <b>GOC-17-01 [GO-PER-120.21 (Disciplinary Procedures and Processes)]</b>
Effective Date <b>April 26, 2017</b>

DISTRICT OF COLUMBIA

**I. REMOVE FROM:**

GO-PER-120.21 Attachment A: Table of Offenses and Penalties

**INSERT:**

GO-PER-120.21 Attachment A: Table of Offenses and Penalties (revised 04/26/17)

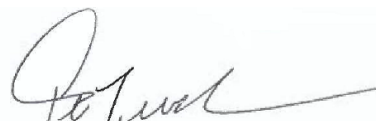
**II. RESCIND: N/A**

**ADD: N/A**

**III. NOTES:**

Line 22 of the Table of Offenses and Penalties has been broken out into two lines to read:

22a.	Negligent Use or Loss of Firearm, Radio, Electronic Control Device, or Soft Body Armor.	Suspension for 10 days to removal	Suspension for 20 days to removal	Removal
22b.	Negligent Use or Loss of Other Department-Issued Equipment. (The negligent use or loss of multiple items may result in adverse action).	Reprimand to 10 days	5 days to removal	10 days to removal



Peter Newsham  
Acting Chief of Police

PN:KDO:MOC:JC

## TABLE OF OFFENSES AND PENALTIES

**A. OFFENSES**

Conduct described below is prohibited, and shall serve as the basis for an official reprimand, or adverse action.

1. Drinking "alcoholic beverage" or "beverage" as described in D.C. Official Code § 25-101 (Alcoholic Beverage Definitions), or being under the influence of "alcoholic beverage" or "beverage" while on duty.
2. Drinking "alcoholic beverage" or "beverage" as described in D.C. Official Code § 25-101, "while in uniform off duty"; or being under the influence of "alcoholic beverage" when off duty.
3. The taking of any drug or substance, on or off duty, as described in D.C. Code § 48-901.02 (Controlled Substance Act Definitions), unless taken upon the prescription of a licensed physician, or registered practitioner authorized to dispense a controlled substance during the course of professional practice.
4. Malingering or feigning illness or disability in order to evade the performance of duty.
5. Willfully disobeying orders or insubordination.
6. Willfully and knowingly making an untruthful statement of any kind in any verbal or written report pertaining to his or her official duties as a Metropolitan Police Officer to, or in the presence of, any superior officer, or intended for the information of any superior officer, or making an untruthful statement before any court or any hearing.
7. Conviction of any member of the force in any court of competent jurisdiction of any criminal or quasi-criminal offense, or of any offense in which the member either pleads guilty, receives a verdict of guilty or a conviction following a plea of *nolo contendere*, or is deemed to have been involved in the commission of any act which would constitute a crime, whether or not a court record reflects a conviction. Members who are accused of criminal or quasi-criminal offenses shall promptly report, or have reported their involvement to their commanding officers.
8. Inefficiency as evidenced by repeated and well-founded complaints from superior officers, or others, concerning the performance of police duty, or the neglect of duty. Three sustained adverse actions within a 12 month period upon charges involving misconduct, as provided in this section, shall be prima

- facie evidence of inefficiency. The adverse action charges need not be related.
9. Receiving money, or other valuable consideration, contrary to the rules and regulations of the Department, or the laws in force in the District of Columbia.
  10. AWOL (Absent Without Leave), i.e., reporting late for duty more than six times within a one year period, an absence from duty without official leave in excess of the first four hours of a scheduled tour of duty, or any unexcused absence from a scheduled duty assignment that is not in the category of "lateness."
  11. Using unnecessary and wanton force in arresting or imprisoning any person, or being discourteous, or using unnecessary violence toward any person, or the public.
  12. Conduct unbecoming an officer, including acts detrimental to good discipline, conduct that would adversely affect the employee's or the agency's ability to perform effectively, or violations of any law of the United States, or of any law, municipal ordinance, or regulation of the District of Columbia.
  13. Willful failure to promptly report to the Chief of Police, or the Assistant Chief of the Internal Affairs Bureau, through channels or directly, any disloyalty, or suspected disloyalty, to the United States or to the Government of the District of Columbia; or to promptly report any violation by any person whomsoever, without or within the Metropolitan Police Department, of the Criminal Code of either the United States, or the District of Columbia; or to report the violation of any section of the rules and regulations of the Department.
  14. Neglect of duty to which assigned, or required by rules and regulations adopted by the Department.
  15. Compromising a felony or any other unlawful act, or to participate in, assent to, aid, or assist any person suspected of a crime to escape full judicial examination by failing to give known facts, or reasonable causes of suspicion, or withdrawing any information relative to the charge or suspicion from the proper judicial authorities; or in any manner to receive any money, property, favor, or other compensation from, or on account of, any person arrested, or subject to arrest, for any crime or supposed crime; or to permit any such person to go at large without due effort to secure an investigation of such supposed crime.
  16. Failure to obey orders or directives issued by the Chief of Police.
  17. Fraud in securing appointment, or falsification of official records or reports.

18. Improper political activity or engaging in a strike.
19. Willful misuse or mutilation, or willful or neglectful destruction of District of Columbia property or funds.
20. Misuse of official position, or unlawful coercion of an employee for personal gain or benefit.
21. Undependability as evidenced by repeated and well-founded tardiness complaints from superior officers, which results in adverse action. Three such complaints within a 12 month period shall be prima facie evidence of undependability. The member shall be cited for undependability on the fourth such instance.
- 22a. The negligent use or loss of a firearm [see DCMR 6A-207 (Use of Firearms and Other Weapons) and GO-RAR-901.01 (Handling of Service Weapons)], radio, electronic control device, or soft body armor.
- 22b. The negligent use or loss of other Department-issued equipment. The negligent loss of multiple items of may result in a recommendation for adverse action.
23. The refusal of a member to submit to urinalysis testing, breathalyzer test, or other tests that measure drugs or alcohol in the system (e.g. an intoxilyzer test) when required, at the Medical Services Division.
24. A finding that a member has violated Department Equal Opportunity policies, the D.C. Human Rights Act, or equivalent federal laws or regulations. This includes the provision of equal services as required by District or federal law.
25. Any conduct not specifically set forth in this order, that is prejudicial to the reputation and good order of the police force, or involving failure to obey, or properly observe any of the rules, regulations, and orders relating to the discipline and performance of the force.

**B. PENALTIES**

The following “Table of Offenses and Penalties” shall be used as specified in this order. Use of this table shall be mandatory as applicable. Where an individual order or directive provides for penalties, such penalties will supersede those contained in this table. However, the Chief of Police, or the Director of the Human Resource Management Division (HRMD) (as appropriate), may, without regard to the provisions of this section, in extraordinary circumstances when confronted by a unique factual situation:

1. Determine that a penalty less than that established in the “Table of Offenses and Penalties” shall be imposed, provided that such authority finds that, under all circumstances of the case, the mitigating considerations outweigh the aggravating considerations; or
2. Determine that a penalty greater than that established in the “Table of Offenses and Penalties” shall be imposed, provided that such authority finds that, under all the circumstances of the case, the aggravating considerations outweigh the mitigating considerations. Such considerations shall be set forth on the record with particularity, and such findings shall be made by a preponderance of the evidence.

TABLE OF OFFENSES AND PENALTIES GUIDE

#	Violation (abbreviated)	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
1.	On-Duty Alcohol	Suspension for 3 days to removal	Suspension for 10 days to removal	Removal
2.	Off-Duty Alcohol	Suspension for 3 days to removal	Suspension for 10 days to removal	Removal
3.	Drug Use	Removal		
4.	Malingering	Reprimand to removal	Removal	
5.	Insubordination	Suspension for 10 days to removal	Suspension for 15 days to removal	Removal
6.	Untruthful Statement	Suspension for 15 days to removal	Suspension for 30 days to removal	Removal
7.	Conviction	Removal		
8.	Inefficiency	Reprimand to removal	Suspension for 10 days to removal	Removal
9.	Receiving Consideration/Gratuity	Reprimand to removal	Removal	
10.	AWOL	Reprimand to removal	Suspension for 5 days to removal	Removal
11.	Unnecessary or Wanton Force	Suspension for 3 days to removal	Suspension for 10 days to removal	Removal
12.	Conduct Unbecoming	Suspension for 3 days to removal	Suspension for 5 days to removal	Removal
13.	Failure to Report Certain Violations	Reprimand to removal	Suspension for 10 days to removal	Removal
14.	Neglect of Duty	Reprimand to removal	Suspension for 15 days to removal	Removal

15.	Compromising a Felony	Removal		
16.	Failure to Obey Orders & Directives of COP	Reprimand to removal	Suspension for 1 day to removal	Suspension for 15 days to removal
17.	Fraud in Appt. or Falsification of Records	Suspension for 30 days to removal	Removal	
18.	Improper Political Activity or Strike	Removal		
19.	Misuse or Mutilation of D.C. Property or Funds	Reprimand to removal	Suspension for 10 days to removal	Removal
20.	Misuse of Position	Removal		
21.	Undependability (Tardiness)	Reprimand to removal		
22a.	Negligent Use or Loss of Firearm, Radio, Electronic Control Device, or Soft Body Armor.	Suspension for 10 days to removal	Suspension for 20 days to removal	Removal
22b.	Negligent Use or Loss of Other Department-Issued Equipment. (The negligent use or loss of multiple items may result in adverse action.)	Reprimand to 10 days	5 days to removal	10 days to removal
23.	Refusal to Submit to Urinalysis/Breathalyzer/Intoxilyzer	Removal		
24.	Sustained EEO Complaint	Reprimand to removal	Removal	
25.	Prejudicial Conduct	Reprimand to removal	Suspension for 15 days to removal	Removal