

GENERAL ORDER



DISTRICT OF COLUMBIA

Title		
Sworn Employee Discipline		
Topic	Series	Number
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Effective Date		
November 27, 2022		
Replaces:		
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Listed in Part V Rescission		

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I. PURPOSE

The purpose of this order is to establish new policies, rules, and procedures for handling discipline relating to sustained misconduct of sworn employees in a manner that is consistent with the mission of the Metropolitan Police Department (MPD) and District of Columbia (DC) law concerning disciplinary appeals. Penalties imposed under this new policy are not bound or limited by any prior outcomes that occurred under the previously negotiated disciplinary process or resulting arbitration.

The policy of the MPD is that sworn employees shall be subject to disciplinary action for cause. The department recognizes the distinction between those misconduct matters that warrant a serious disciplinary response at the department level, and those types of misconduct that may be handled effectively by the member's assigned element or that permit non-disciplinary action such as counseling and performance improvement. Discipline shall be prompt, consistent, fair, and equitable, and the department shall use progressive discipline as appropriate. Members shall have the opportunity to present a response, or a defense, and to appeal disciplinary actions.

II. PROCEDURES

A. General

- Disciplinary action shall be administered by the department for sustained misconduct in a manner, and at a level, appropriate with the member's past record and the seriousness of the offense, giving due consideration to mitigating and aggravating factors. Notwithstanding any other provisions contained in this order, the chief of police is the designated final authority with respect to discipline. Such authority may

be delegated.

2. The department issues two types of disciplinary action: corrective action and adverse action. Both types of discipline shall be considered in the relevant year’s performance evaluation, may be considered in personnel assignment decisions, and shall be considered in deciding greater degrees of disciplinary action for offenses pursuant to the table below from the date of issuance.

Disciplinary Action		
Type	Definition	Time Period for Consideration
Corrective action	Unit-level, progressive discipline that ranges from the administration of a PD Form 750 (Dereliction Report), to a letter of reprimand (LOR), to an official reprimand (OR).	PD Form 750 – 1 year
		LOR – 2 years
		OR – 3 years
Adverse action	Department-level discipline that includes any fine, suspension, reduction in rank or pay, or termination. The procedures for adverse action do not apply to allegations of unsatisfactory performance or misconduct on the part of probationary members. Allegations involving probationary members shall be handled in accordance with the applicable provisions in GO-PER-201.07 (Police Officer Probationary Board) .	Adverse action for the purpose of deciding greater degrees of disciplinary action for similar conduct – no time limit, but time since last occurrence shall be weighed in the Douglas Factor analysis Adverse action for all other purposes – 3 years

3. The department also administers education-based development (EBD) in lieu of discipline, when appropriate. EBD shall be administered as outlined in Part II.B.5 of this order.

Education-Based Development	
Education-based development	Alternative to discipline in lieu of corrective action or a recommended suspension of one to 10 business days. The program focuses on re-training the member and may be offered in one or more of the following methods as selected by their commanding officer or the Disciplinary Review Division (DRD) director: <ol style="list-style-type: none"> a. Completing in-person or online training offered by the Metropolitan Police Academy (MPA); b. Reviewing relevant MPD policy with a commanding officer or his or her designee; and c. Attending specified, free, outside training (e.g., courses offered by the DC government).

4. No disciplinary action against a sworn employee shall be commenced more than 90 or 180 business days, as applicable in accordance with [DC Official Code §5-1031 \(Commencement of corrective or adverse](#)

[action](#)), not to include Saturdays, Sundays, or legal holidays, after the date that the MPD has notice of the act or occurrence allegedly constituting cause.

- a. For the purposes of this order, the “notice of the act or occurrence allegedly constituting cause” is the date MPD generates an internal incident summary (IS) tracking number for the act or occurrence.
- b. In the event that there is an ongoing criminal investigation into the act constituting cause by the MPD or any other law enforcement agency with jurisdiction within the United States, the United States Attorney’s Office, or the DC Office of the Attorney General, or is the subject of an investigation by the Office of the Inspector General, the Office of the DC Auditor, or the Office of Police Complaints (OPC), the 90 or 180 business day time period, as applicable, shall be tolled until the conclusion of the investigation.

5. When determining the appropriate level of disciplinary action, the department uses a table of penalties (TOP) (Attachment A) as a guide to ensure fairness and consistency. Members shall receive the presumptive penalty listed for the offense, but consistent with the TOP, appropriate consideration shall be given to aggravating or mitigating circumstances that, when weighed, would require disciplinary action at the appropriate aggravated or mitigated penalty.
6. Investigations sustaining misconduct shall be reviewed by the investigating member’s commanding officer to determine the recommended disciplinary action based on the TOP.
7. No disciplinary action shall be rescinded for error in the department’s application of its rules, regulations, or policies if the department can demonstrate that the error was harmless. Harmless error shall mean an error in the application of the department’s procedures, which did not cause substantial harm or prejudice to the employee’s rights and did not significantly affect the department’s final decision to take the action.

B. Disciplinary Process

1. The Internal Affairs Bureau (IAB) shall forward all sustained investigations where adverse action is the appropriate level of disciplinary action to DRD. DRD will coordinate all disciplinary direction and monitor all cases up through any final agency action.
2. Prior to the imposition of discipline, members may elect to participate in a resolution conference. Members’ participation in a resolution conference is voluntary. If the member elects not to have a resolution conference the proposed penalty shall be imposed. A member may appeal discipline to the chief of police or his or her designee pursuant to Part II.B.12 of this order.

3. Resolution conferences shall be scheduled within 20 business days whenever practical and in all cases within 30 business days. Resolution conference officials shall notify the subject member of the conference date. Resolution conference officials shall be designated pursuant to the following:

Resolution Conference Officials	
Corrective action	Conference conducted by members' chain of command official the rank of captain or above or civilian command staff member.
Proposed suspensions for 10 business days or less	Conference conducted by members' chain of command official the rank of inspector or above or civilian command staff member.
Proposed suspensions for more than 10 business days, termination, or disciplinary action recommended by the OPC, or by a commanding officer other than the one to whom the member is permanently assigned	Conference conducted by DRD director or designee the rank of inspector or above.

4. Commanding officers are authorized to issue corrective action or impose education-based development, consistent with the range specified in the TOP, after holding a resolution conference consistent with this order. Members shall have the option to hold the conference in-person or remote.
5. Education-Based Development
 - a. EBD may be offered to members by their commanding officer or the DRD director as an alternative to discipline in lieu of recommended corrective action or a recommended suspension of one to 10 business days.
 - b. Members' participation in EBD shall be in lieu of, and not in addition to, receiving corrective action or serving the proposed suspension. Members shall only be eligible to participate in EBD one time within a three-year period for similar conduct regardless of who issued the EBD (e.g., OPC, DRD, Use of Force Review Board). The issuing official shall ensure MPA is notified via the MPA Adminbox of any training-related EBD to be held at MPA upon issuance for scheduling purposes.
 - c. Participation in EBD by a member is voluntary. However, once a member agrees to EBD and signs the resolution conference worksheet, he or she must successfully complete the agreement to include training and any required written examination.
 - d. EBD is a duty assignment, and members who need to

reschedule their EBD due to emergency circumstances shall contact their watch commander for approval.

- e. Absent exigent circumstances (e.g., availability of training), EBD shall be completed within 15 business days of the member signing the worksheet. Commanding officers shall ensure a signed copy of the resolution conference worksheet and the completed EBD worksheet are emailed within 30 business days of the signing to the DRD director.
 - f. Completion of EBD in lieu of discipline shall be entered in the Personnel Performance Management System (PPMS). Completion of training-related EBD shall be entered in Acadis.
 - g. Participation in EBD shall be removed from PPMS three years after the incident date as long as the member does not engage in similar conduct resulting in a sustained investigation. However, member's participation in EBD shall be maintained in the member's training record in accordance with the department's records retention schedule.
 - h. During the three years that EBD is in the PPMS, the EBD may be considered in applicable selection processes for specialized assignments or programs with the exception of participation in the Motor Vehicle Take Home Program.
 - i. Members who fail to successfully complete EBD by the assigned deadline without approval shall receive the original discipline and may be subject to an administrative investigation. The EBD official shall notify the DRD director when a member fails to successfully complete EBD by the assigned deadline. The DRD director shall determine if IS numbers should be obtained. The member's element shall be responsible for completing the administrative investigation for failure to successfully complete EBD.
6. In cases where adverse action is recommended, commanding officers shall forward the investigation to the DRD director through the chain of command, but shall not specify, recommend, or suggest a penalty or penalty range. The only exception is when commanding officers recommend a reduction in rank, or removal from a specialized position/unit; in those cases, commanding officers shall articulate the reason for these recommendations.
 7. The DRD director shall review investigative reports with disciplinary recommendations for completeness and accuracy. The DRD director may recommend that cases be returned for further investigation or for other disciplinary action as the director deems appropriate, or recommend that the charges be dismissed due to extenuating circumstances.

8. When the DRD director determines adverse action is appropriate he or she shall assess the appropriate penalty based on the TOP. The DRD director shall have sole discretion to determine applicable disciplinary charges and specifications. In cases where adverse action is recommended, the DRD director shall issue a notice of adverse action (NAA) to the subject member. Electronic service is authorized. NAAs shall contain:

Notice of Adverse Action (NAA) Requirements for Non-Termination Cases
a. Charges – specific policies alleged to have been violated;
b. Specifications – the dates and locations of the alleged acts or omissions, and a statement of the alleged acts or omissions;
c. The adverse action to be imposed;
d. Copy of the investigative report;
e. The opportunity to have a resolution conference before the action becomes final;
f. The effective date of the adverse action if the member elects to waive the resolution conference; and
g. The member’s rights to appeal a final adverse action to the chief of police or his or her designee, and the Office of Employee Appeals, as applicable.

9. Members may review the NAA (if applicable) and investigative report of the subject incident prior to the resolution conference. Upon request, members shall be granted administrative leave to review case materials as outlined in the table below. If the member requests the assistance of a union representative, the representative shall be granted official time within his or her regularly scheduled hours up to the same amount of time as the member he or she is representing.

Administrative Leave for Case Review
a. Up to ten hours to prepare for his or her defense against any proposed suspension of more than 30 business days
b. Four hours to prepare his or her defense against any proposed fine or suspension of ten through 30 business days
c. Two hours to prepare his or her defense against any proposed fine or suspension of less than 10 business days

10. Resolution conference officials shall attempt to resolve disciplinary matters during resolution conferences with affected members and their union representative, unless the member voluntarily waives representation. Transfer, reassignment, change of days off, and nontraditional remedies that include, but are not limited to, community service, counseling, training, or professional assistance, may be employed when voluntarily agreed to by a member during a resolution conference. Resolution conference officials are authorized to reduce the retention period for a corrective action as part of the agreement with the member.
11. In cases involving adverse action, resolution conference officials may elect to have an additional three business days after the conference to consider information provided during the conference before rendering their decision. In these cases, officials shall notify the affected member

and their union representative of their decision in writing. Email notification is authorized.

12. In cases where no agreement is reached, the subject member may appeal corrective actions to their bureau head and adverse action to the chief of police or his or her designee. Appeals must be submitted in writing within 25 business days of the resolution conference.
13. The deciding official shall respond to the appeal within 15 business days and may affirm or modify the findings and the penalty imposed, or remand the case to a previous step in the process, as he or she deems appropriate.
14. Members may request to forfeit accrued annual leave or compensatory time (not including sick leave) in lieu of suspension for any period up to 10 business days in discipline cases. Members may not work extra duty to compensate for suspended days.
15. Discipline held in abeyance shall be held for a minimum of 12 months from the date the agreement was reached or from the date of the letter from the chief of police, or designee, imposing the discipline.
16. If, upon review by the chief of police or his or her designee, a disciplinary recommendation should be reduced to any level of corrective action, the DRD director shall impose such action and ensure the member is served with the appropriate documentation. If, upon review, a disciplinary recommendation is for adverse action, the Human Resources Management Division (HRMD) director shall impose such action and have the member served with the appropriate documentation. In both instances, a final decision of the penalty imposed will be forwarded to DRD for appropriate disciplinary record retention.

C. Termination Cases

1. In cases where the DRD director determines that termination is the appropriate recommended penalty, he or she shall issue an NAA to the subject member as follows:

Notice of Adverse Action (NAA) Requirements for Termination Cases
a. Charges – the specific policies alleged to have been violated;
b. Specifications – the dates and locations of the alleged acts or omissions, and a statement of the alleged acts or omissions;
c. Proposed adverse action;
d. Copy of the investigative report;
e. The opportunity to have a resolution conference before the action becomes final;
f. Initial hearing date, hearing waiver, and the name and rank of each hearing panel member;

g. Notice that the member has a right to be represented by an attorney licensed to practice in the District of Columbia or by a union representative at all steps of a hearing;
h. Hearing procedures to be used;
i. Statement that the accused member must furnish any pertinent documents, or copies thereof, that he or she wishes to offer as evidence;
j. Statement that the names of any witnesses he or she wishes to testify on his or her behalf must be submitted, in writing, to the DRD not less than five business days prior to the time set for the hearing; and
k. The effective date of the adverse action if the member elects to waive the resolution conference and/or hearing, as applicable.

2. In cases where the alleged misconduct threatens the integrity of department operations, the department may use an enforced leave/suspension pending removal action. Such action may be taken following arrest or indictment, where the member's conduct compromises the department's public safety mission.

NOTE: If the department suspends a member without pay during the resolution of a criminal indictment, and the criminal indictment is dropped or in any way resolved, then the department will return the member to a pay status or issue notification of the charges and proposed action within 30 business days of the date the indictment was either dropped or resolved. Likewise, if the department suspends a member without pay after the member has been convicted of criminal charges, the department agrees to either return the member to a pay status or issue notification of the charges and proposed action within 30 business days of the date it removed the member from the pay status.

3. Upon request, the subject member shall be granted up to ten hours of administrative leave to review case materials. If the member requests the assistance of a union representative, the representative shall be granted official time within his or her regularly scheduled hours up to the same amount of time as the member he or she is representing.
4. The subject member may elect to have a resolution conference with the DRD director before the first termination hearing date consistent with the procedures outlined in Part II.B of this order.
5. Termination Hearings
 - a. To support the operation of termination hearings, the DRD director shall issue a manual setting forth the authority of hearing panels and hearing procedures. The DRD director is authorized to schedule hearings, grant continuances, administer the oath of office to members of the hearing panel with authority to delegate the same, and order any department member to appear before him or her, or before any person designated by him or her, to give testimony and to produce all official books, records, papers, or documents pertaining to the case.
 - b. Termination hearings shall be conducted by a hearing panel as a

fact-finding forum to make a non-binding recommendation to the chief of police or his or her designee to sustain or dismiss the charges and specifications along with a recommended penalty consistent with the TOP for any sustained charges. The panel shall include documentation supporting their recommendations for mitigated or aggravated penalties.

- c. Hearing panels shall consist of a member the rank of commander or inspector who shall serve as the chairperson and two members the rank of captain. Members shall be selected by the DRD director. Members currently assigned to DRD, the Internal Affairs Division (IAD), and the HRMD are ineligible to serve as hearing panel members.
- d. Hearing panels are empowered to do the following:

Termination Hearing Panel Authority
(1) Summon department members to give testimony and produce all records and documents relating to the case;
(2) Enter into the record pleas of guilty or not guilty to the charges and specifications, which may be with or without extenuating circumstances. Hearing panels shall have no authority to agree to any penalty in exchange for a guilty plea or otherwise, nor shall any such agreement have any binding force or effect upon the department;
(3) Grant continuances;
(4) Make or cause depositions to be taken;
(5) Add, alter, and/or amend charges and specifications that are not compatible with the evidence; provided the accused has an opportunity to respond to the charges before the hearing concludes;
(6) Rule on all questions at issue in taking testimony, or submitting evidence, but may have exceptions noted to the rulings;
(7) Make findings of fact and penalty recommendations consistent with governing regulations;
(8) Revoke the privilege extended for the attendance of any counsel during a proceeding for sufficient cause. This action shall in no way prevent the accused from substituting other counsel;
(9) Require respectful conduct on the part of all persons in attendance. Chairpersons are empowered to resolve any dispute, and shall make record of their action in any such case; and
(10) Close any hearing to the public for good reason making a record of such reason.

- e. At the conclusion of a hearing, the hearing panel shall prepare a memorandum with: (1) a recommendation to sustain or dismiss each charge and specification, (2) documentation of the aggravating and mitigating factors for each charge and specification, and (3) a recommended penalty for each sustained charge consistent with the TOP. In cases where the panel is recommending other than the presumptive penalty, the panel shall document the facts and circumstances supporting an aggravated or mitigated penalty.
- f. The hearing panel's recommendation shall be served on the

affected member within 10 business days. The subject member shall have 15 business days to submit a written appeal to the chief of police or his or her designee.

- g. The chief of police or his or her designee shall review the panel's recommendation, the member's appeal (if one is submitted), and make a final determination within 15 business days. He or she may remand the case to the same or different panel or issue a final decision affirming, reducing, or setting aside the action, as originally proposed in the NAA.
- h. The HRMD director shall ensure disciplinary suspensions are scheduled as soon as possible after the issuance of the final decision. If the member is to be terminated, the HRMD director shall ensure a date is established for separating the member.

D. Disposition of OPC Merits Determinations

1. Upon receipt of an OPC finding of fact and merits determination (collectively, "merits determination") that sustains an allegation of police misconduct, the DRD director shall determine if the merits determination is supported by a preponderance of the evidence and that the misconduct warrants discipline or termination.
2. If the DRD director concludes that the misconduct warrants discipline or termination, he or she shall make a determination, factoring in any recommendations from OPC, as to the appropriate resolution within 20 business days and forward a copy of the recommended action to the MPD OPC liaison. Discipline and termination shall be handled pursuant to Parts II.B and C.
3. The MPD OPC liaison shall notify the complainant, in writing, of the staff recommendation and the intent to take disciplinary action no later than five business days after receiving the recommendation from the DRD director. The MPD OPC liaison shall ensure the complainant is afforded an opportunity to file a written response to the recommendation within 10 business days and ensure any response received from the complainant is forwarded to the DRD director upon receipt.
4. The DRD director shall ensure full consideration is given to the response received from the complainant before deciding whether to proceed with the disciplinary action.
5. A member may appeal discipline to the chief of police or his or her designee pursuant to Parts II.B and C. His or her decision shall be forwarded to the MPD OPC liaison.
6. Upon receipt of the discipline imposed for an OPC merits determination sustaining an allegation of police misconduct the MPD OPC liaison

shall notify the OPC and the complainant and provide a copy of the decision within 10 business days of:

- a. An agreement regarding discipline between a member and the DRD director; **or**
- b. Discipline is imposed by the chief of police or his or her designee.

NOTE: For the purposes of this notification, discipline is considered "imposed" when the chief of police or his or her designee has rendered a final decision, even if the member may pursue subsequent reviews or appeals.

7. If the DRD director concludes, with supporting reasons, that the merits determination clearly misapprehends the record before the complaint examiner, and is not supported by substantial, reliable, and probative evidence in that record, the DRD director shall:
 - a. Prepare, within 10 business days, a proposal for the chief of police to return the merits determination to the OPC executive director for review by a final review panel, as set forth in DC Law 12-208 [\[DC Official Code § 5-1112\(c\)\]](#); and
 - b. Ensure the recommendation does not propose the supplementation of the evidentiary record before the complaint examiner.
8. If the chief of police agrees with the recommendation of the DRD director, the chief of police shall return the merits determination to the OPC executive director for review by a final review panel. A copy of the decision of the final review panel shall be transmitted to the OPC executive director, the complainant, the subject police officers, and the chief of police.
 - a. If the final review panel concludes that the merits determination sustaining one or more allegations of the complaint should be reversed in its entirety, the OPC executive director shall dismiss the complaint, and notify the parties and the chief of police in writing of such dismissal.
 - b. If the final review panel concludes that the merits determination should be upheld as to any allegation of the complaint that the determination has sustained, the MPD OPC liaison shall forward the review panel's decision to the DRD director. The DRD director shall, within 15 business days of receipt of the panel's decision, issue a supplemental decision as to the imposition of discipline upon the subject officer or officers that is fully consistent with the panel's decision.

- (1) The supplemental decision of the DRD director shall be in writing and shall set forth a concise statement of the reasons therefor.
- (2) The DRD director shall notify the complainant, police officer or officers and the MPD OPC liaison of the action taken, and shall include in such notice a copy of the supplemental decision.
- (3) The supplemental decision of the DRD director shall be a final decision with no further right of administrative review, except that the chief of police may reopen any closed matter in the interests of fairness and justice or the subject, police officer, may have a right to a post-termination hearing as provided in [DC Official Code § 5-1114\(f\)](#).

E. External Appeals

Members may appeal to the DC Office of Employee Appeals (OEA) any adverse action for cause that results in removal, reduction in grade, or suspension for 10 business days or more. Instructions for filing an appeal may be found on the OEA website: <https://oea.dc.gov/>

F. Record Keeping

1. Commanding officers shall ensure:

- a. Copies of all corrective actions, resolution worksheets, and EBD worksheets are forwarded as part of the final investigative package to the IAB once completed for entry into PPMS.
- b. Copies of served corrective action are retained in the cited member’s element personnel folder pursuant to the table below. Upon application by the member, corrective action may be ordered removed by the member’s commanding officer, bureau heads, or the chief of police or his or her designee.

Corrective Action Retention	
PD Form 750	1 year from date of issuance.
Letter of Reprimand	2 years from date of issuance.
Official Reprimand	3 years from date of issuance.

- c. Service of suspension, days held in abeyance, and forfeited leave is documented and forwarded to HRMD the next business day after the resolution conference.

2. The DRD director shall ensure:

- a. Termination hearing panel findings are recorded and maintained. The findings shall be open for inspection by the

subject member.

- b. Appropriate tracking, receiving, and recording of all disciplinary information derived from the process described in this general order. Disciplinary actions and EBD shall be tracked and recorded within the PPMS system by DRD and IAD personnel as appropriate.
3. The HRMD director shall ensure that suspensions are documented by the creation of a personnel action, and that a copy of such action is placed in the member’s official personnel folder.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated.

	Term	Definition
1.	Cause	<p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> a. A conviction (including a plea of <i>nolo contendere</i>) of any crime (regardless of punishment). No relationship need be established between the crime, and the member’s position as a sworn member of the department; b. Any act or omission, whether occurring on or off duty, which constitutes a criminal offense, whether or not such act or omission results in a conviction; c. Any use of an illegal drug or unauthorized use or abuse of prescription drugs, including without limitation, the results of any drug test; d. Any knowing or negligent material misrepresentation on an employment application or other document given to a government agency; e. Any on-duty or employment-related act or omission that is a violation of law or policy; f. Any on-duty or employment-related act or omission that interferes with the efficiency or integrity of government operations; and g. Any other reason that is not arbitrary and capricious. <p>The definition of cause includes, without limitation:</p> <ul style="list-style-type: none"> a. Unauthorized Absence – The absence from duty without authorized leave; b. Negligence – Performing a job duty or responsibility in a manner that demonstrates that the member is not using due care or prudence in carrying out job responsibilities. A member engages in negligent conduct if the conduct falls below the standards established by the department, and can include such actions as inadvertence, thoughtlessness, and inattention; c. Incompetence – The lack of ability, legal qualification, or fitness to discharge a required duty; d. Insubordination – The failure to obey directives or orders issued from a supervisory official, or showing disrespect to a supervisory official; e. Misfeasance – The improper performance of a duty or responsibility that is within the scope of duties of the member and duties that the member is lawfully able to perform;

		<p>f. Malfeasance – The performance of a duty or act that the member is not authorized to perform, and is not in the scope of duties or responsibilities of the member;</p> <p>g. Unreasonable failure to assist a fellow government employee in performing his or her official duties; or</p> <p>h. Unreasonable failure to give assistance to a member of the public seeking services, or information from the government.</p>
2.	Commanding officer	Members the rank of inspector or above and civilian command staff members who supervise sworn personnel.
3.	Conviction	Includes conviction of a member in any court of competent jurisdiction of any criminal or quasi-criminal offense, or any offense in which the member pleads guilty, receives a verdict of guilty, conviction following a plea of <i>nolo contendere</i> , agrees to diversion, receives probation before judgment, or is placed on a stet docket.
4.	Merits determination	Determination of a complaint by an OPC complaint examiner based on an evaluation of the evidence presented.
5.	Officials	Sworn members the rank of sergeant or above, and civilian equivalents who supervise sworn members.
6.	Suspension	Temporary cessation of pay and police authority, with or without a definite date of restoration.
7.	Termination	Dismissal from the Metropolitan Police Department for cause in accordance with due process.

IV. ATTACHMENT

Attachment A: Table of Penalties

V. RESCISSION

<p>Rescinds GOC-07-05 [GO-PER-120.21 (Disciplinary Procedures and Processes)], Effective Date June 28, 2007 GOC-17-01 [GO-PER-120.21 (Disciplinary Procedures and Processes)], Effective Date April 26, 2017 SO-98-36 [Authorization to Forfeit Annual Leave and/or Compensatory Time in Lieu of Suspension Without Pay (for Suspensions 5 Days or Less)], Effective Date November 9, 1998 SO-16-11 (Education-based Development), Effective Date August 11, 2016 EO-20-003 (Disciplinary Procedure Update), Effective Date January 10, 2020</p>
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Robert J. Contee III
 Chief of Police

RJC:KDO:MOC:JC

TABLE OF PENALTIES

A. OFFENSES

Conduct described below is prohibited, and shall serve as the basis for discipline.

1. Alcohol:
 - On-duty – drinking and/or under the influence
 - Off-duty – drinking while in uniform and/or under the influence
2. The taking of any drug or substance, on or off-duty, as described in the DC Uniform Controlled Substances Act of 1981, unless taken upon the prescription of a licensed physician, or registered practitioner authorized to dispense a controlled substance during the course of professional practice.
3. Malingering or feigning illness or disability in order to evade the performance of duty.
4. Willfully disobeying orders, or insubordination.
5. Willfully and knowingly making an untruthful statement of any kind in any verbal or written report pertaining to his/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.
6. Engaging in conduct that constitutes a crime.
7. 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.
8. 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.
9. 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 shift, or any unexcused absence from a scheduled duty assignment that is not in the category of “lateness.”
10. Using unnecessary and wanton force in arresting or imprisoning any person or using unnecessary violence toward any person(s), or the public.
11. 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.

12. Disloyalty to the United States or to the Government of the District of Columbia;
13. Failure to promptly report any violation 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. The use of, or negligent loss of a firearm, and/or radios, badges, or other Department-issued equipment, not in conformity with Section 207, Title 6A, District of Columbia Municipal Regulations; and/or not in conformity with GO-RAR-901.01 (Handling of Service Weapons).
22. The refusal of a member to submit to urinalysis testing, Breathalyzer test, or other tests that measure drugs and/or alcohol in the system (e.g., an Intoxilyzer test) when required, at the Medical Services Division.
23. A finding that a member has violated department equal opportunity policies, the DC Human Rights Act, or equivalent federal laws or regulations. This includes the provision of equal services as required by District or federal law.

24. Any conduct not specifically set forth in this order, which is detrimental 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. TABLE OF PENALTIES GUIDE

The following Table of Penalties Guide shall be used as specified in this order. The Table is intended to be a more specific application of the offenses listed in Part A for the most commonly occurring misconduct. Use of this guide shall be mandatory as applicable. Where an individual order or directive provides for penalties, such penalties will supersede those contained in this Table of Penalties Guide. However, the chief of police, or his or her designee 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 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 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.

Tier	Mitigated Penalty	Presumptive Penalty	Aggravated Penalty
1	Training and Counseling (Written)	Corrective Action	N/A
2	Corrective Action – 1-day Suspension	1 - 5 Day Suspension	5 Day Suspension – Anything less than Termination
3	Official Reprimand – 10-Day Suspension	11 - 30 Day Suspension	30 Day Suspension – Termination
Termination	20 Day suspension – Anything less than Termination	Termination	

**Tier 1 Offenses
(Presumptive Corrective Action)**

1. Minor Orders and Directives violations:
 - a) Uniform and Equipment Violations.
 - b) Outside Employment, Paperwork Violation (e.g., Failure to Search Prisoner, Failure to Submit Quarterly Report)
 - c) Negligent Loss of Non-Law Enforcement Sensitive Property (e.g., ID Card, Phone, TECC Kit)
 - d) Failure to Complete Admin Report/Assignment.
 - e) Late Correspondence
 - f) Failure to Check E-mail
 - g) No Show (e.g., BTA, Clinic, Court, OPC, Overtime Detail)
 - h) Failure to schedule Biennial Physical
 - i) Work Hour Limitation Violation
 - j) Failure to Update Address
 - k) BWC - Failure to have a 2 minute buffer
 - l) BWC - Unintentional (genuine belief that BWC was activated)
2. Rude or Unprofessional - Incidental profanity with no complainant
3. Preventable Accident-2 or 3 Pts
4. Intentional misconduct

**Tier 2 Offenses
(Presumptive 1-5 days)**

1. Failure to:
 - a) Complete FIR
 - b) Complete Stop Paperwork
 - c) Complete Admin Investigation
 - d) Maintain Driver's License
 - e) Notify (Non-Serious Use of Force)
 - f) Properly Secure Service Weapon (e.g., Improper Storage, Accessible to others)
 - g) Notify re: CPO/TPO or Arrest/ Summons
 - h) Provide Name/ Badge
 - i) Report Lost/Stolen Property
 - j) Report MPD Accident
 - k) Requalify (Entire Phase)
 - l) Cooperate with OPC (e.g., Refusal to Sign Statement, Participate in Mediation)
2. Orders and Directives – Unintentional
 - a) Improper Vehicle Pursuit (Passenger)
 - b) Inappropriate Social Media
 - c) Loss of Law Enforcement Sensitive Property (Badge/Cap Plate, Radio)
 - d) Negligent Discharge (ECD, OC, Firearm with No Injury)
 - e) Preventable Accident – 4+ Pts
 - f) Sleeping on Duty

**Tier 3 Offenses
(Presumptive 11-30 days)**

1. Serious/Significant Misconduct
 - a) EEO/Human Rights Act Violation
 - b) Abuse/Misuse of Authority
 - c) Attempt to Influence Investigation/ Arrest
 - d) Unlawful Search or Stop
 - e) Improper Traffic Stop (in POV or out of jurisdiction)
 - f) Improper Vehicle Pursuit (Supervisor/Driver)
 - g) Misleading or Inaccurate Statements
 - h) Failure to Report Misconduct
 - i) Failure to Intervene to Prevent Harmful Conduct that Would Harm Others or Violate Law or Policy
 - j) Rude or Unprofessional (including inappropriate language toward citizen)
 - k) Unjustified Use of Force – No/Minor Injury
 - l) Escaped Prisoner
 - m) Possession of Service Pistol while consuming alcohol or intoxicated; Consuming alcohol on duty; On duty under the influence
 - n) Failure to Attend Random Drug Screen

Termination Offenses

1. Unjustified Use of Force - Death or Serious/Significant Bodily Injury
2. Conviction (Engaging in conduct that constitutes a crime, other than misdemeanor traffic)
3. EEO Retaliation
4. False/Unlawful Arrest (excluding approved Detention Journal entries)
5. Falsification of documents or testimony/Untruthful Statements in connection with any investigation or any judicial/administrative proceeding
6. Positive Drug Screen/Refusal to Submit to Alcohol/Drug Testing
7. Unable to Carry Firearm (e.g., Probation, DV, CPO)
8. Inefficiency
9. Disloyalty to United States or DC or Failure to Report Same
10. Improper Political Activity/Engaging in a Strike
11. Any other misconduct, or combination of misconduct, that renders a member unfit to serve as a law enforcement officer.
12. Neck Restraints.

**Tier 1 Offenses
(Presumptive Corrective Action)**

- a) MPD Password Sharing
- 5. Neglect of Duty
 - a) Failure to monitor radio
 - b) Failure to Serve PD-317 (Drug Screening)
 - c) Failure to Submit Detention Journal Paperwork

***For conduct highlighted in gray, there will be no discipline for a first occurrence, provided there are no aggravating circumstances or negative consequences.

**Tier 2 Offenses
(Presumptive 1-5 days)**

- g) Firearms Violation (e.g., Improper Holster)
- h) Insubordination/Rude/Language
- i) Left District Without Authorization
- j) Outside Employment Violation (e.g., Unauthorized Employment)
- k) Releasing Sensitive Information (Non-Criminal)
- l) Leaving home while on sick leave
- m) Unauthorized Changing of Shift
- n) Violation of Confidentiality Agreement
- o) AWOL
- 3. Criminal Non-Felony Traffic Matters Offenses (e.g., Reckless Driving/Speed)

**Tier 3 Offenses
(Presumptive 11-30 days)**

- o) Failure to Make Arrest
- p) Loss of Firearm or MPD Vehicle (member at fault)
- q) Inappropriate Clothing while in Uniform and/or On-Duty
- r) Misuse of Computer or law enforcement database (e.g., Wales, NCIC, Justis, Columbo)
- s) Overlapping Time (Outside Employment)
- t) Willfully Disobeying Orders
- u) Failure to Investigate whether a crime has occurred.
- v) Off-duty alcohol.

Termination Offenses

Non-Categorized Offenses (Reprimand to Removal)

Examples of penalty levels for non-categorized offenses. The examples are not exhaustive, but are intended to provide guidance:

1. BWC – Generally Tier 1 for first violation (forgotten activation with no aggravating circumstances or adverse consequences). Higher tiers, including termination, would apply to an intentional failure to record or intentional stoppage of recording, particularly to hide misconduct.
2. Conduct Unbecoming –
Tier 1 – N/A
Tier 2 – Unprofessional language beyond minor violations of [GO-PER-201.26](#); inappropriate social media posts.
Tier 3 – Verbal altercation with a co-worker or supervisor on crime scene in front of civilians.
Termination – Providing information to suspect regarding confidential informant.
3. Failure to Meet Performance Standards, Malingering, or Other – Primarily applies to a failed Performance Improvement Plan, which could result in loss of step increase, demotion, or termination.
4. Neglect of Duty –
Tier 1/2 – Failure to take lost property report.
Tier 2/3 – Failure to search with a weapon recovered later.
Tier 3/Termination – Failure to take sexual assault report.
5. Orders and Directives –
Tier 1 – Failure to conduct daily vehicle inspection.
Tier 1/2 – Court/PFC no-show.
Tier 2/3/Termination – Use of force order violation; unauthorized pursuit.
6. Detrimental Conduct -
Tier 1 – Improper use of email.
Tier 2 – Leaving assignment w/o authorization; failure to attend outside jurisdiction criminal trial.
Tier 3 – Uncooperative w/law enforcement (off-duty)
Termination – Inappropriate contact with a victim