

## POST Council Disciplinary Guidelines\*

Officer Name: \_\_\_\_\_

Case # \_\_\_\_\_

These guidelines provide guidance regarding the administrative sanctions that may be imposed when a peace officer or certified dispatcher is found to have violated Utah Code Ann. § 53-6-211 or § 53-6-309. The intent of these guidelines is to facilitate fairness and consistency; however the guidelines are not binding. The POST Council may consider all of the facts in the record to determine an appropriate sanction. In every case review, the council retains the authority to issue any sanction ranging from no sanction to the revocation of POST certification.

### **Category A**

Baseline – Revocation, Range – 3 Years Suspension to Revocation

- Engages in conduct which is a state or federal criminal offense that is a felony
- Engages in conduct which is a state or federal criminal offense that is a class A misdemeanor and which involves an act of violence
- Engages in conduct which is a state or federal criminal offense that is a class A misdemeanor and which involves the possession or use of a controlled substance
- Refuses to respond, or fails to respond truthfully, to questions after having been issued a warning based on *Garrity vs. New Jersey*
- Dismissed from armed services under dishonorable conditions

### **Category B**

Baseline – 3 Year Suspension, Range – 1 ½ Years Suspension to Revocation

- Engages in conduct which is a state or federal criminal offense that is a class A misdemeanor and which does not involve an act of violence nor the possession or use of a controlled substance
- Sexual conduct on duty

### **Category C**

Baseline – 2 Year Suspension, Range – 9 Month Suspension to 3 ½ Years Suspension

- Willfully falsifies any information to obtain certification
- Engages in conduct which is a state or federal criminal offense that is a class B misdemeanor and which involves an act of violence
- Engages in conduct which is a state or federal criminal offense that is a class B misdemeanor and which involves the possession or use of a controlled substance

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#### **Category D**

Baseline – 1 Year Suspension, Range – 3 Month Suspension to 2 ½ Years Suspension

- Engages in conduct which is a state or federal criminal offense that is a class B misdemeanor and which involves sexual acts, harassment, theft, crimes of dishonesty, the use of alcohol or the misuse of prescription drugs.

#### **Category E**

Baseline – 6 Month Suspension, Range – Letter of Caution to 1 ½ Years Suspension

- Engages in conduct which is a state or federal criminal offense that is a class B misdemeanor, but does not involve sexual acts, harassment, theft, crimes of dishonesty, the use of alcohol or the misuse of prescription drugs.

#### **Category F**

Baseline – 3 Month Suspension, Range – Letter of Caution to 1 Year Suspension

- Engages in conduct which is a state or federal criminal offense that is a class C misdemeanor or infraction, but not including traffic offenses that are class C misdemeanors or infractions.

#### **Category G**

Indefinite Suspension pending successful completion of a prescribed treatment or rehabilitation program. An approved medical physician or mental health practitioner must certify the officer fit for duty.

- Has any physical or mental disability affecting the peace officer's ability to perform duties
- Is addicted to alcohol or any controlled substance, unless the peace officer reports the addiction to the employer and to the director as part of a departmental early intervention process

#### Notes:

1. A disciplinary sanction becomes effective on the date the final order is signed by the POST Council chairperson. Absent any extenuating circumstances to the contrary, the officer will receive credit for time served based upon the last date the officer was able to function as a peace officer, i.e. date terminated from all law enforcement or certified dispatcher employment or date suspended with restrictions from engaging in any law enforcement activity.
2. Disciplinary sanctions for all conduct which is closely related in time and is incident to the accomplishment of a single objective will run concurrently. Disciplinary sanction for violations that are not related will run consecutively.
3. Any officer or dispatcher suspended in accordance with these guidelines, including those suspended indefinitely for physical or mental disability or addiction, are subject to the provisions of Utah Code Ann. § 53-6-208 or 53-6-306 regarding inactive or lapsed certificates.
4. Untruthfulness in an official investigation where the individual has not received a properly administered *Garrity* warning is not a cause for suspension or revocation under 53-6-211 or 53-6-309. Such untruthfulness however may be considered by the Council when deliberating a sanction for a violation under either of these statutes.

**Addendum One**

<b>Category</b>	<b><u>Letter of Caution</u></b>	<b><u>3 Months</u></b> Class C Misdemeanor or Infraction Level Crimes	<b><u>6 Months</u></b> Class B Misdemeanor Level Crimes	<b><u>9 Months</u></b>	<b><u>1 Year</u></b> Class B Misdemeanor Crimes involving sexual acts, harassment, theft, crimes of dishonesty, alcohol or prescription drugs	<b><u>1 ½ Years</u></b>	<b><u>2 Years</u></b> Willful Falsification to Obtain Certification Class B Misdemeanors involving violence or controlled substance	<b><u>2 ¼ Years</u></b>	<b><u>3 Years</u></b> Class A Misdemeanor Level Crimes  Sexual Conduct On- Duty	<b><u>3 ½ Years</u></b>	<b><u>4 years</u></b>	<b><u>Revocation</u></b>  Felony Level Crimes  Lying Under Garrity  Class A involving violence or controlled substance
<b>A</b>												Base Line
<b>B</b>									Base Line			
<b>C</b>							Base Line					
<b>D</b>					Base Line							
<b>E</b>			Base Line									
<b>F</b>		Base Line										
<b>G</b>												