

## **POST Council Disciplinary Guidelines\***

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

Case Number: \_\_\_\_\_

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 a letter of caution 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.
- 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.
- Sexual conduct on duty, not including the distribution or solicitation of sexual images.
- Engages in or is convicted of conduct constituting a violation of UCA § 53-6-210, willfully disobeying a subpoena issued by the Division.

### **Category C**

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

- Engages in conduct which is a state or federal criminal offense that is a class B misdemeanor and which involves an act of violence.

### **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, use of illicit drugs, or the misuse of prescription drugs.
- Willfully falsifies any information to obtain certification.

### **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.
- The distribution or solicitation of sexual images as defined in Utah Administrative Code.
- Is found by a court or by a law enforcement agency to have knowingly engaged in conduct that involves dishonesty or deception in violation of a policy of the peace officer's employer.
- Is found by a court or by a law enforcement agency to have knowingly engaged in biased or prejudicial conduct against one or more individuals based on the individual's race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity.
- Is a chief, sheriff, or administrative officer of a law enforcement agency and fails to comply with Section 53-6-211(6).

#### **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.
- Violations of UCA §§ 53-10-108 or 63G-2-801.

#### **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.

Notes:

1. Absent any extenuating circumstances to the contrary, the sanction imposed by the POST Council will be effective the last date the officer functioned as a peace officer. This would be from the date in which the officer resigned; was terminated from all law enforcement, or the date the officer was suspended with restrictions from engaging in any law enforcement activity (paid or unpaid admin leave), whichever date is earlier. If the officer is not currently suspended at the time of the council meeting, the sanction will be adjusted accordingly to credit time for the days suspended. If an officer is not employed or is seeking to renew an inactive certification, the officer may receive credit for time served from the date of the involvement in the conduct or date of conviction, whichever is later. A disciplinary sanction becomes effective on the date the final order is signed by the POST Council chair.

2. A sanction for a certified dispatcher will be dated from the date of suspension, termination, or resignation, whichever is later.

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.

## Addendum One

<u>Categor</u> <u>Y</u>	<u>Letter of Caution</u>	<u>3 Months</u> Class C Misdemeanor or Infraction Level Crimes	<u>6 Months</u> Class B Misdemeanor Level Crimes	<u>9 Months</u>	<u>1 Year</u> Class B Misdemeanor Crimes involving sexual acts, harassment, theft, crimes of dishonesty, alcohol or prescription drugs  Willful Falsification to Obtain Certifications	<u>1½ Years</u>	<u>2 Years</u> Class B Misdemeanors involving violence	<u>2 ½ Years</u>	<u>3 Years</u> Class A Misdemeanor Level Crimes  Sexual Conduct On-Duty	<u>3 ½ Years</u>	<u>4 years</u>	<u>Revocatio</u>  n  Felony Level Crimes  Lying Under Garrity
A												Base Line
B									Base Line			
C							Base Line					
D					Base Line							
E			Base Line									
F		Base Line										
G												