



CITY OF MARICOPA POLICE DEPARTMENT

Administration

Policy
3.60

Page 1 of 4

Rev. 06/28/2022 | **Disciplinary Process**

1. PURPOSE

The purpose of this order is to provide sworn Maricopa Police Department (MPD) personnel with guidelines to follow during the disciplinary process. All departmental professional staff shall fall under the [COM ADM 3 Employment: Disciplinary Action](#).

2. RESPONSIBILITY TO REPORT VIOLATIONS

MPD thoroughly and impartially records and promptly investigates all complaints, takes timely corrective and disciplinary action when appropriate and protects the rights of the employees and the citizens of the community it serves.

Employees

Any employee observing, receiving information, or having personal knowledge concerning violations of criminal laws, ordinances, (except for minor traffic violations) court orders, rules, orders, policies, and/or procedures by any MPD employee shall report the matter to a supervisor without unnecessary delay.

Supervisors

Any supervisor observing, receiving information, or having personal knowledge concerning violations of any criminal laws, ordinances, (except for minor traffic violations) court orders, rules, orders, policies or procedures by any MPD employee shall make an entry into Blue Team documenting any actions or information received or reported without unnecessary delay.

3. COMPLAINT INTAKE

Complaint Intake Guidelines

- All complaint(s), to include, written, anonymous and/or verbal, received by the Department shall be accepted by any supervisor and entered into Blue Team.
 - Complaints shall not be initiated when a court needs to first adjudicate the legality of a complainant's arrest, citation, warrant or legality of seized evidence, unless the Chief of Police, in consultation with Human Resources or the City Attorney, determines the employee is alleged to have engaged in an act of misconduct that should be separately addressed.
- The subject employee's chain of command shall be notified as soon as practicable.
- The Chief of Police will receive immediate notification if there is a likelihood of the employee being terminated.

4. DEPARTMENT INVESTIGATIONS

- Complaints investigated against a sworn officer(s) of the MPD, to include any subsequent disciplinary action, shall follow all applicable requirements of [ARS Title 38, Chapter 8, Public Safety Officers \(POBR\)](#), along with any existing MOU conditions as applicable.
- At any time during the investigation process, the Chief of Police or designee, may place an employee on administrative reassignment, see [ADM 3.63 Administrative Reassignment](#).

Criminal Allegations

- When an employee(s) is questioned regarding a matter that may result in criminal proceedings, *Miranda Warnings* and *Admonishment Rights* shall be given as legally required.



CITY OF MARICOPA POLICE DEPARTMENT

Administration

Policy
3.60

Page 2 of 4

Rev. 06/28/2022 | **Disciplinary Process**

- Concurrent Administrative Department Investigations may be conducted at the discretion of the Chief of Police and in consultation with COM City Manager's Office.
 - Upon submittal of a concurrent investigation to the Prosecutor's Office for criminal review, the administrative investigation may be placed on hold.

Administrative Investigations

- When a complaint is received by a supervisor, a short synopsis of the complaint, without the use of names or contact information, shall be made in the Summary Section of Blue Team and assigned to the appropriate Division Commander for investigatory assignment.
 - The assigned investigator shall notify the subject employee(s) of the complaint, unless the nature of the complaint or investigation prohibits it as determined by the Chief of Police or designee.
 - Pursuant to ARS Title 38, Chapter 8, Public Safety Officers (POBR), the assigned investigator may ask preliminary questions to determine the scope of the allegation(s) or if an investigation is necessary.
 - When required, the subject employee(s) shall be given a [Notice of Investigation/Inquiry](#) prior to the commencement of any formal interview, as outlined in POBR.
 - A complaint of employee misconduct may be quickly resolved with the use of the [Self-Admission Report/Agreement](#), as outlined in [ADM 3.62 Self-Admission Reporting](#).

Employee Responsibilities

- During Administrative Investigations employees shall truthfully, fully and directly answer questions asked by a supervisor or investigator specifically regarding the complaint.
 - Employees shall be informed of their role in the investigation prior to any interview (i.e., witness, subject, etc.).
 - The Chief of Police or designee may, during an administrative investigation, order an employee(s) to submit to any lawful technique or request (i.e., polygraph, verbal stress test, etc.).
 - Failure to act as outlined above shall subject the employee to formal disciplinary action as defined in [COM ADM 3 Employment: Disciplinary Action](#).
- Employees covered under an existing MOU, regardless of their role, have the right to representation during any grievance and/or disciplinary process.
 - [Admonishment Rights](#) shall be given to the identified employee(s) prior to the start of any interview and signed by the subject employee and by any non-attorney representative in attendance.
- **Timelines**The Department shall make good faith effort to complete any investigation of any sworn employee's misconduct within 180 calendar days from the date the complaint was received.
 - Before the Department exceeds this, the Department shall provide the employee(s) with a written explanation containing the reasons the investigation continued beyond the 180 calendar days.



CITY OF MARICOPA POLICE DEPARTMENT

Administration

Policy
3.60

Page 3 of 4

Rev. 06/28/2022 | Disciplinary Process

5. ADJUDICATION PROTOCOLS

- Upon completion of the investigation, the investigator will document findings on an [Investigation Supplement](#) and attach it in Blue Team.
- The affected Division Commander shall document comments, recommended disposition and/or any recommended discipline.
 - The Chief of Police shall oversee any disciplinary action resulting in Suspension Without Pay, Demotion, or Dismissal for Cause.
- Employees(s) shall be notified of the recommended disposition and/or findings of the complaint, along with any recommended discipline, as soon as practical.
 - Employees(s) shall be afforded five (5) calendar days from this notification to review the investigative findings and any proposed disciplinary action and provide a written or verbal response prior to final adjudication.
 - Employee(s) may request in writing to the Chief of Police or designee a request for additional time to review the findings if reasonably needed. It is up to the Chief of Police or designee if the request is granted.
- If a Written Reprimand is recommended, the employee(s) can request to discuss this action with the Chief of Police or designee who may then uphold or modify the reprimand.
- If a Suspension Without Pay, Demotion or Dismissal for Cause is recommended, all rights identified under [ARS Title 38, Chapter 8, Public Safety Officers \(POBR\)](#) shall be accorded to the employee(s).
 - Employee(s) must receive appropriate notification detailing at a minimum the:
 - Rule, policy, or procedures, which the employee(s) allegedly violated.
 - Proposed disciplinary action.
 - Specific reasons for the proposed action.
 - Employee(s) shall also be informed of their opportunity to appeal the disciplinary action as outlined in [COM ADM 3 Employment: Appeal of a Disciplinary Action](#).
- Employee(s) shall be informed of the final disposition and any disciplinary action as soon as practical.

Discipline Review Board

- A Discipline Review Board (DRB) may be scheduled at the discretion of the Chief of Police or designee.
 - Findings rendered by a DRB shall be advisory in nature and non-binding.

6. DISPOSITION/FINDINGS

- The following dispositions/findings are recognized:
 - Unfounded
 - *No factual basis to support the allegation.*
 - Exonerated
 - *The alleged conduct occurred, but did not violate MPD policies, procedures or training.*
 - Not Sustained
 - *Insufficient facts to determine if the alleged misconduct occurred.*
 - Sustained
 - *A preponderance of the evidence shows the alleged misconduct occurred in violation of MPD policies, procedures or training.*



CITY OF MARICOPA POLICE DEPARTMENT

Administration

Policy
3.60

Page 4 of 4

Rev. 06/28/2022 | **Disciplinary Process**

- Policy Failure
 - *The alleged conduct occurred, but the actions of the member was consistent with policies, procedures or training.*
- Administratively Closed
 - *The complaint was reviewed but no further action was taken.*

7. DISCIPLINE

Types of Discipline (See [COM ADM Policy 3 EMPLOYMENT: Disciplinary Action](#))

- Counseling (Not considered formal discipline)
 - Verbal Counseling
 - Documented Counseling
- Formal Disciplinary Actions
 - Written Reprimand
 - Suspension Without Pay
 - Demotion
 - Dismissal for Cause