

# NIAGARA FALLS POLICE DEPARTMENT

## GENERAL ORDER

EFFECTIVE DATE: 08/01/2013	SUBJECT: <b>DISCIPLINE</b>	Number <b>116.00</b> (NYSLEAP A-14-4)
RESCINDS: 04/15/2003		Number of pages <b>13</b> Appendage A Appendage B

### I. Purpose:

The purpose of this General Order is to ensure the fair, consistent and timely implementation of discipline within the Niagara Falls Police Department (NFPD). The NFPD Rules of Conduct, Oath of Office, Policies and Procedures, and the NFPD Regulations set forth, to the extent possible, the Department's expectations of conduct and performance.

### II. Definitions

- A. **Aggravating Factor:** Circumstances which make the infraction worse or more serious that may cause the discipline imposed to be more severe.
- B. **Complainant:** Any person who files a complaint.
- C. **Complaint:** An allegation by citizen(s) regarding Department services, policy or procedure, member or employee misconduct, claims for damages which allege member misconduct, and any allegation of misconduct made by another member or employee.
- D. **Counseling or Training:** The member or employee is advised in clear terms of the breach of conduct or procedure. Steps to remedy the problem shall be outlined and communicated both orally and in writing.
- E. **Demotion:** A reduction in rank when the finding for an offense compromises or prevents the member from functioning in a supervisory capacity. A demotion may stand alone as a penalty or may be imposed with a suspension and/or transfer in conjunction with discipline.
- F. **Department Property:** Includes all Department owned and/or leased property, buildings, vehicles, equipment, photographs, films, recordings, text messages, emails, reports and any other official material in the possession or held by the NFPD ..
- G. **Discipline:** A written reprimand, suspension, transfer, demotion or

dismissal.

- H. Dismissal: The act of terminating the employment of an employee.
- I. Internal Investigation: A criminal or administrative investigation into allegations of employee misconduct.
- J. Investigating Officer: A police officer working under the authority of the Deputy Superintendent/OPS assigned to conduct internal investigations.
- K. Misconduct: Any conduct by a member or employee that violates law, Rules of Conduct, General or Administrative Orders, and/or lawful orders.
- L. Mitigating Factor: Circumstances which make the discipline imposed to be less severe.
- M. Personnel: Term includes both sworn members and non-sworn employees.
- N. Preponderance of Evidence Standard: The standard of proof in internal investigations is “preponderance of evidence,” rather than the criminal standard of “beyond a reasonable doubt.” The investigative findings are based on all available facts and evidence that is of greater weight or more persuasive than the evidence offered in opposition. Preponderance of the evidence has been described as a “slight tipping of the scales of justice,” or “more than 50 percent,” or “more likely than not.”
- O. Shift/Division Commander: Highest ranking member of a Division or Unit. Normally a Captain, but with the Office of Professional Standards the Commander is the Deputy Superintendent of Police/OPS.
- P. Supervisor: Police officer with the rank of Lieutenant or higher who has the authority to make decisions, evaluate, investigate and impose disciplinary measures over the personnel assigned to their Division or Unit.
- Q. Suspension: The act of temporarily relieving an employee of duties and authority until restored to duty; discharged or otherwise permanently separated..
- R. Sustained: The investigation disclosed sufficient evidence to determine that the alleged conduct did occur and was in violation of law and/or NFPD rules, regulations or policies. All “Sustained” misconduct investigations require forwarding and action by the Superintendent to ensure the consistency of discipline Department wide.
- S. Transfer or Reassignment: Where the facts in a completed internal

investigation support the need for relocation of the member, transfer or reassignment of accused member may be utilized as an additional disciplinary measure in conjunction with the disciplinary action imposed by the Superintendent.

T. Written Reprimand: A written reprimand is formal correspondence from the Superintendent or Captain/Commander to the subject member. It describes the conduct that resulted in disciplinary action and clearly admonishes the subject that a future violation or continued unacceptable performance will result in a more serious form of Department discipline.

### III. Rules and Procedures

Discipline shall be administered in a systematic and equitable manner to all members of the NFPD. The Superintendent has the ultimate responsibility for the conduct and discipline of Department members. Therefore, the Superintendent may deviate from the Discipline Matrix and retains the right to impose any level of discipline deemed appropriate to achieve the goals of the Department.

A. Dissemination of Rules of Conduct: Members shall be provided with written directives that communicate Department standards of performance and professional conduct.

1. Chain of Command: The Department's system for holding members strictly accountable for their individual behavior is intended to be corrective in nature and fair. The chain of command is charged with the duty to ensure that supervisory or corrective counseling and/or training will be the initial response to performance behavior inadequacies of a minor nature. Supervisors are expected to closely monitor and actively supervise the conduct and performance of subordinates. Supervisors are accountable for the proper processing of complaints regardless of how they are brought to the supervisor's attention.
2. Integrity Matters: It is essential that all members recognize the importance of being truthful in every situation. Members are advised that any conduct that demonstrates a lack of truthfulness, integrity, or credibility, in matters related to their employment, will be critically reviewed with an emphasis on assessing that individual's suitability to remain a member of the Department. Any member who knowingly provides false information concerning matters that can be related to their duties as a member of the NFPD, either verbally or in writing, are subject to discipline up to and including dismissal from the Department as authorized by this policy.
3. Interference: In order to ensure fairness and impartiality of the disciplinary system, no member shall interfere with the process as

established by this regulation, nor shall they exert or attempt to exert any influence on any participants in the disciplinary process.

4. Assessment and Review: The chain of command recognizes that a fair, equitable, and timely system must exist in order to impose discipline for performance and conduct indiscretions. When misconduct occurs, discipline shall be dealt with in a manner consistent with this policy.
5. Consistency: The level of discipline should reflect the seriousness of the offense, be minimally sufficient to correct behavior, and deter future acts of similar misconduct. Discipline that is fair, consistent, and timely ensures accountability, improves trust, corrects behavior and instills confidence in the Department and within the community.

B. The Superintendent shall:

1. Oversee the discipline process and assume sole responsibility for imposing discipline that is fair and consistent, unless the matter of discipline is referred to a hearing officer pursuant to New York State Municipal Law Article 75.
2. Review all completed “Sustained” internal investigations. (A completed internal investigation is an internal investigation which has been concluded with a recommended finding, reviewed by the appropriate personnel, and is ready for a discipline recommendation).
3. Review the member’s personnel file and discipline history.
4. In addition to any discipline prescribed by the Discipline Matrix shall approve or recommend supervisory intervention and/remediation, including but not limited to, employee assistance referrals, training, counseling, etc.

D. Discipline Matrix:

1. The Discipline Matrix is a formal schedule for NFPD discipline actions, specifying both the presumptive action to be taken for each type of misconduct and any adjustment to be made based on a member’s previous discipline record (Refer to Appendage A and B).
2. Discipline is any of the following acts when they are intended to correct or hold personnel accountable for violations of the NFPD Rules of Conduct:
  - a. Written Reprimand

- b. Suspension
- c. Transfer or reassignment
- d. Demotion (may stand alone as a penalty or may be imposed in conjunction with a suspension and/or transfer to meet the needs of the Department.)
- e. Dismissal

3. The primary purpose of a Discipline Matrix is to achieve consistency in discipline, to eliminate disparities, and ensure that members, regardless of rank or position, who have committed similar forms of misconduct, will receive similar discipline throughout the Department.

**E. Determination of Penalty:**

- 1. The Discipline Matrix penalty ranges represent guidelines that the Superintendent shall use to assess the appropriate level of discipline ensuring consistency and fairness. In using the Discipline Matrix, the Superintendent shall document their decision-making process for determining discipline in the case file. The Superintendent shall document all relevant mitigating and aggravating factors. If circumstances warrant, the Superintendent may recommend discipline that falls outside of the established penalty range.
- 2. Penalties should reflect the totality of the circumstances (including mitigating and aggravating factors) for each member, including the individual's past discipline history, rather than resting solely on a single sustained complaint or incident. Training and other forms of remediation should be considered as part of any disciplinary recommendation.
- 3. Multiple acts of misconduct may occur during a continuing event, adjoining or related events, or may be entirely independent of each other. When multiple acts of misconduct occur, the Discipline Matrix shall be used to determine which single act warrants the highest penalty. The penalty range for the most severe charge shall be used, and other acts of misconduct are considered as aggravating factors that may increase the penalty up to and including dismissal.
- 4. The nature of the misconduct and mitigating or aggravating factors shall determine the final penalty. The Department is not required to impose an identical penalty in each case because there are a variety of factors which may lead the Department to impose a more severe penalty in one case than it does in another.

5. Certain misconduct immediately and absolutely threatens the integrity of the Department's public duty and responsibility. In certain circumstances the proper level of discipline for a first offense is dismissal, notwithstanding any mitigating factors.
6. The Discipline Matrix provides a base penalty that represents the starting point for the authorized penalty. The Department shall impose the midpoint penalty unless mitigating and/or aggravating factors are found. In these cases, the Superintendent shall use the nature of the misconduct, historical discipline for like offenses, as well as mitigating and aggravating factors, to determine an appropriate level of discipline.
7. The Superintendent shall follow the steps outlined below when making discipline recommendations/determinations:
  - a. Identify the most serious sustained charge in the Rules of Conduct and locate the corresponding charge in the Discipline Matrix.
  - b. Determine whether the current violation is a first, second or third offense of the same charge, and select the appropriate column. If any prior offense is over five years old computed from the date the complaint received, it shall not be considered as a prior offense when determining discipline penalties. The five (5) year statute of limitations does not apply in cases involving civil rights violations, sexual misconduct, sexual harassment and domestic violence.
  - c. Identify the midpoint within the established penalty range. The midpoint penalty shall be imposed unless mitigating and/or aggravating factors are found. The Superintendent shall document their decision-making process for determining discipline that moves the penalty from the midpoint.
  - d. Consider the employee's discipline history. The Superintendent shall consider the similarity between current and prior complaints, as well as actual discipline (if any) imposed from prior violations when making a discipline recommendation.
  - e. A sixty (60) day suspension without pay (SWOP) is generally the maximum time period for a suspension. In conjunction with a SWOP, additional discipline in the form of a demotion or transfer may also be imposed in conjunction with discipline in order to meet the needs of the Department.

- f. After considering all mitigating and aggravating factors and the member's discipline history, the Superintendent shall determine the appropriate level of discipline for the current violation. When a level of discipline is selected outside the established penalty range, specific justification shall be documented in the discipline recommendation/determination.
- g. Notice of the proposed discipline must be provided to the subject member within one year of the date the complaint was received by the Department, unless documented just cause exists, such as pending/ongoing criminal investigation or pending/ongoing court action.
- h. The Superintendent shall prepare two copies of a letter advising the member of the conditions of the approved discipline. One copy is provided to the member. Service shall be documented on the other copy and retained in the case file.
- i. If penalties result in a recommendation that fails to accomplish the purpose of progressive discipline and the goals of the discipline policy, the Superintendent may increase or decrease the level of discipline recommended in any area of the Discipline Matrix in writing.
- j. Unless otherwise indicated, all 3<sup>rd</sup> offenses may result in dismissal; as authorized by the Superintendent and pursuant to New York State Law.

#### F. Mitigating and Aggravating Factors:

- 1. In general, recommended discipline should fall at or near the midpoint of the range outlined in the Discipline Matrix. However, mitigating and aggravating factors may require the Superintendent to recommend discipline that falls higher or lower within the established penalty range. In each instance in which recommended discipline departs from the midpoint, each and every mitigating and aggravating factor underlying the recommendation shall be specifically identified in writing.
- 2. The following mitigating and aggravating factors provided include, but are not limited to, the factors listed below. The NFPD will revise the list to meet the needs of the Discipline Matrix as necessary.
  - a. The following mitigating factors shall be considered when determining a penalty; however, there is certain misconduct which, by its very nature, is not subject to the consideration of mitigating factors:

- 1) The misconduct was not willful or deliberate.
- 2) The misconduct was not premeditated.
- 3) The misconduct did not result in serious injury or harm.
- 4) The misconduct involved minor negligence or recklessness.
- 5) The member had a secondary and/or minor role in the misconduct.
- 6) Based upon length of service, experience, policy directives, and the inherent nature of the act, the member may not have reasonably understood the consequences of their actions.
- 7) Commendations received by the member.
- 8) The member was forthright and truthful during the investigation.
- 9) The member accepts responsibility for their actions.
- 10) The member is remorseful.
- 11) The member reported the harm caused and/or independently initiated steps to mitigate the harm caused in a timely manner.

b. The following aggravating factors shall be considered when determining a penalty:

- 1) The misconduct was willful and deliberate.
- 2) The misconduct involved gross negligence or recklessness.
- 3) The misconduct was premeditated.
- 4) The member had primary and/or a leadership role in the misconduct.
- 5) Based upon length of service, experience, policy directives, the inherent nature of the act, the member knew or should have known that his/her actions were inappropriate.

- 6) Serious consequences occurred or may have occurred from the misconduct.
- 7) The misconduct was committed with malicious intent or for personal gain.
- 8) The misconduct resulted in serious injury.
- 9) Multiple sustained findings resulted from one incident.

c. Additional factors include are but not limited to the following:

- 1) Threat posed to the integrity of the Department.
- 2) Degree of culpability.
- 3) Prior discipline history.
- 4) Severity of the misconduct including multiple violations.
- 5) Departmental training and standards.
- 6) Professional standards, training, policies, and practices.

**G. Minor Violations:**

1. Prior to determining discipline, the Shift/Division Commander shall submit a written request for the discipline history of the accused member. The request will be addressed directly (not through channels) to the Deputy Superintendent/OPS and shall include the reason for the requested information. The request may be sent via electronic mail.
2. Shift/Division Commanders, with the concurrence of the Superintendent, shall have the authority to issue written reprimands.
3. Before issuing a written reprimand the Deputy Superintendent /OPS shall be contacted and the member's personnel history and records shall be reviewed for previous violations. The review of these records may indicate to the Superintendent that a more severe form of action be taken.
4. The issuance of a Written Reprimand is restricted to those offenses which can be disposed of by the Shift/Division Commander unless

written permission is obtained from the Superintendent. A Written Reprimand shall be prepared on the NFPD Form 16C (attached as Appendix C) and should include the following information, where applicable:

- a. The specific charge and source of the charge, along with a short narrative of the justification of the charge.
- b. A reference to recent verbal counseling on similar violations, if any.
- c. A warning regarding future violations.
- d. The procedure for removal of the reprimand from the personnel file.

5. When issuing the reprimand to a member, it is necessary that the following procedure is followed:
  - a. The reprimand shall be presented during the member's normal tour of duty.
  - b. The member shall have the right to representation.
  - c. The reprimand shall be explained to the member.
  - d. The member shall sign the original copy
6. At the conclusion of the Investigation the original copy of the reprimand shall be forwarded to the Superintendent or designee for placement in the member's personnel file. A copy shall be placed in the member's command file. The member shall also be given a copy of the Written Reprimand.

H. General Offenses: Shift/Division Commanders may issue Written Reprimands to members under their commands for certain minor violations. The following is a list of minor offenses that include, but is not limited to, that which may be disposed of by the Shift/Division Commander. This list does not conclusively mean that such offenses must be disposed of by the Shift/Division Commander, but that they may be disposed of at the Shift/Division Commander level.

1. Being absent from duty without permission for not more than one day.
2. Being absent from personal residence for more than 48 hours without leaving contact information.

3. Engaging in religious or political discussion while on duty.
4. Entering premises where alcoholic beverages are sold while not in the performance of duty and not for the purpose of eating a meal (on or off duty and in uniform).
5. Excessive use of sick time.
6. Exhibiting ignorance of rules or orders.
7. Failing to maintain professional personal appearance.
8. Failing to report any change in residence, marital status or dependents within 72 hours after next reporting for duty.
9. Failure to exercise care or practice economy in the use of Department property.
10. Failure to notify the Desk Lieutenant in the event of anticipated tardiness.
11. Failure to notify the Desk Lieutenant of sickness at least one hour before roll call.
12. Failure to be punctual in attendance to all duties including roll call and court appearances.
13. Failure to respond immediately upon notice that services are required.
14. Failure to wear a complete uniform as prescribed by the Department.
15. Ignoring a citizen's request for assistance (e.g., failing to give instructions or information, initiate a report or properly investigate a crime, complaint or report).
16. Losing or failure to promptly report any lost, stolen, misplaced or damaged Department property. (Such losses through carelessness shall be deemed *prima facie* evidence of misconduct.)
17. Neglect of duty (fail to perform any duty required by any Directive, court order, federal or state law or local ordinance).
18. Neglecting to give consideration or assistance to any citizen.
19. Permitting unauthorized persons to ride in police vehicles.

20. Refusing to give name, PR number, or display identification card when requested.
21. Reporting for regularly scheduled duty or being on duty with an odor of intoxicants.
22. Seeking the aid of any person to effect a promotion, transfer or restoration to duty, or to allow petitions to be circulated for such purpose.
23. Sleeping on duty.
24. Smoking on any Department property or in any Department vehicle.
25. Smoking while in uniform in conspicuous view of the public.
26. Speaking slightly of the race, gender, ethnicity, nationality, religion, sexual preference, disability, or personal characteristics of any person.
27. Wearing or carrying unauthorized garments, packages, umbrellas, canes or other items while in uniform.
28. While off duty, becoming intoxicated to an extent which renders the member unfit for duty.
29. Failure to appear at scheduled training, court appearance or required firearms qualification program.

I. Statute of Limitations: Formal disciplinary action shall have a five (5) year statute of limitations and is calculated from the date the Department received the complaint. This refers to the time period after which a sustained finding and subsequent discipline imposed shall no longer be considered in determining discipline. The five year statute of limitations does not apply in cases involving civil rights violations, sexual misconduct, sexual harassment and domestic violence.

J. Appeals and Due Process:

1. Any member who has acknowledged receipt of discipline may, within fifteen (15) days thereafter, submit to their Shift/Division Commander, a written response for forwarding to the Superintendent. The written response shall be considered along with all other documentation before the Superintendent imposes any penalty. The contents of the written response to the proposed discipline shall be limited to defenses, mitigating factors, or extenuating circumstances, which the member believes the Department should be aware of prior to any final discipline determination.

2. Members may appeal disciplinary decisions in accordance with New York State Municipal Law Article 75.

K. Supervisory Intervention: Not all performance deficiencies or service complaints will result in an internal investigation. Performance deficiencies and service complaints discovered during the normal course of supervision that do not indicate a pattern of misconduct may be addressed with counseling, instruction or admonishment, and documented in a supervisory file. However, the NFPD shall not take only supervisory intervention/remediation in cases in which the Discipline Matrix calls for the imposition of formal discipline.

L. Progressive Discipline:

1. Progressive discipline is a process for dealing with behavior that fails to meet established and communicated performance standards. The primary purpose of progressive discipline is to assist members to overcome behavioral problems and satisfy performance expectations. The goal of progressive discipline is to improve workforce performance, which in turn improves Department operations.
2. In all instances where discipline has been imposed a written admonishment shall be included from the Department that future acts of misconduct may result in a more severe level of discipline.

M. Imposition of Discipline: Once the member receives their notice of discipline, the Department will impose the penalty immediately. In those instances where the discipline penalty includes a period of suspension without pay, Department policy requires the individual to whom the penalty was assigned to serve the specified time period of suspension without pay. Under no circumstances shall personnel be permitted to surrender or "trade" accumulated leave in lieu of actually serving the imposed period of suspension without pay. Additionally, the imposed period of suspension without pay shall be served on consecutive workdays. This rule ensures consistency in the application of penalties. If a suspension without pay falls on a holiday, personnel shall not be given consideration as to holiday pay or compensatory time.

## Appendage A

**NFPD DISCIPLINE MATRIX**

A. Purpose: The Discipline Matrix ensures a uniform method of imposing fair, consistent, and timely discipline within the Department.

B. Definition:

1. SWOP: suspension without pay.

C. Procedure: The Superintendent shall follow the steps outlined below when making discipline recommendations:

1. Identify the most serious sustained charge in the Rules of Conduct and locate the corresponding charge in the Discipline Matrix.
2. Determine whether the current violation is a first, second or third offense of the same charge, and select the appropriate column. If any prior offense is over five (5) years old computed from the date complaint was received by the Department, it shall not be considered a prior offense when determining discipline. The five year statute of limitations does not apply in cases involving civil rights violations, sexual misconduct, sexual harassment, and domestic violence.
3. The Discipline Matrix provides a base penalty that represents the starting point for the authorized penalty. The Department shall impose the midpoint penalty unless mitigating and/or aggravating factors are found. In these cases, the Superintendent shall use the nature of the misconduct, historical discipline for like offenses, as well as mitigating (lower) and aggravating (higher) factors, to determine an appropriate level of discipline.
4. Document their decision-making process for determining discipline within the established range that moves the penalty from the midpoint.
5. Consider the employee's discipline history. The Superintendent shall consider the similarity between current and prior complaints, as well as actual discipline (if any) imposed from prior violations when making a discipline recommendation.
6. A sixty (60) day suspension without pay (SWOP) is generally the maximum time period for a suspension. In conjunction with a SWOP, additional discipline in the form of a demotion or transfer may also be imposed in order to meet the needs of the Department.

7. After considering all mitigating and aggravating factors and the member's discipline history, the Superintendent shall determine the appropriate level of discipline for the current violation. When a level of discipline is selected outside the established penalty range, specific justification shall be documented in the discipline recommendation with the concurrence of the Deputy Superintendent/OPS.
8. Notice of the proposed discipline must be provided to the subject member within one year of the date the complaint was received by the Department, unless documented just cause exists such as pending/ongoing criminal investigation or pending/ongoing court action.

D. Shift/Division Commander, with concurrence of the Superintendent, shall have the authority to issue written reprimands for minor violations. Examples of minor violations are listed in the Discipline Policy for reference.

E. The Superintendent may deviate from the Discipline Matrix and retains the right to impose any level of discipline deemed appropriate to achieve the goals of the Department.

F. Unless otherwise indicated, all 3rd offenses may result in dismissal; however, any dismissal recommendation requires authorization by the Superintendent and City Attorney.

## NIAGARA FALLS POLICE DISCIPLINE MATRIX

CHARGE	1ST OFFENSE	2ND OFFENSE (penalty dependent upon prior violation)	3RD OFFENSE (penalty dependent upon prior violation)
1.1 - Member's Responsibilities	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 15 days SWOP	Not less than 16 days, up to and including 30 days SWOP
1.2 - Conformance to Laws	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
1.3 - Courtesy	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 15 days SWOP	Not less than 16 days, up to and including 30 days SWOP
1.4 – Command and Supervisory Responsibility	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
1.5 – Conflicting Orders	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
1.6 – Photographs, Lineups, Firearm Examinations and Ballistic Testing	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.1 - Accountability	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.2 - Alcohol/Drug Use	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 45 days SWOP	Not less than 46 days, up to and including 60 days SWOP
2.3 - Attendance	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.4 - Attentiveness to Duty	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.5 - Authority, Misuse	1 to 3 days SWOP	Not less than 4 days, up to and including 45 days SWOP	Not less than 46 days, up to and including 60 days SWOP
2.6 - Department Property	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.7 – Department Vehicles and Driving	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.8 - Unbecoming Conduct	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.9 - Confidentiality	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 45 days SWOP	Not less than 46 days, up to and including 60 days SWOP
2.10 - Criminal Conduct	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 45 days SWOP	NA
2.11 - Custody of Detainees	Written reprimand, up to and including 3 days	Not less than 4 days, up to and including 30 days	Not less than 31 days, up to and including 45 days SWOP

	SWOP	SWOP	
2.12 - Weapons	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.13 - Job Standards	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.14 - Cellular Phones	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 15 days SWOP	Not less than 16 days, up to and including 30 days SWOP
2.15 - Off Duty Police Action	1 to 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.16 – Property	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.17 - Use of Tobacco	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.18 - Soliciting or Accepting Gratuity	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.19 - Truthfulness	1 to 45 days SWOP	Dismissal	NA
2.20 - Uniforms	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 15 days SWOP	Not less than 16 days, up to and including 30 days SWOP
2.21 - Use of Force	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.22 - Nepotism	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 15 days SWOP	Not less than 16 days, up to and including 30 days SWOP
2.23 - Discrimination or Harassment	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
2.24 – Sexual Misconduct	Not less than 3 days, up to and including dismissal (depending on the severity of the offense)	Dismissal	NA
2.25 – Sexual Harassment	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, and up to and including 60 days SWOP (dismissal if appropriate)	NA
2.26 – Domestic Violence	Not less than 3 days, up to and including 60 days SWOP (depending on the severity of the offense)	Dismissal	NA
2.27 – False Enlistment	Dismissal	NA	NA
3.1- Communication	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
3.2 – Endorsements	Written reprimand, up to	Not less than 4 days, up	Not less than 31 days, up to and

	and including 3 days SWOP	to and including 30 days SWOP	including 45 days SWOP
3.3 – Political Activity	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 15 days SWOP	Not less than 16 days, up to and including 30 days SWOP
4.1 - Off Duty Employment Prohibitions	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
4.2 - Authorization	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
4.3 – Work Schedule	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 15 days SWOP	Not less than 16 days, up to and including 30 days SWOP
4.4 – Outside Employment Restrictions	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP
5.1 – Prohibited Associations	Written reprimand, up to and including 3 days SWOP	Not less than 4 days, up to and including 30 days SWOP	Not less than 31 days, up to and including 45 days SWOP

## Appendage B

NIAGARA FALLS POLICE DEPARTMENT  
NIAGARA FALLS, NY**Form 16C**  
**WRITTEN REPRIMAND**

CR# \_\_\_\_\_

OPS TRACKING #\_\_\_\_\_

EMPLOYEE NAME/RANK/PR:\_\_\_\_\_

DATE OF  
OCCURRENCE:\_\_\_\_\_ LOCATION:\_\_\_\_\_VIOLATION #/DESCRIPTION (FROM DISCIPLINE MATRIX/DISCIPLINE POLICY):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_BRIEF DESCRIPTION OF OCCURRENCE:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS LETTER IS TO INFORM YOU YOUR ACTIONS HAVE BEEN DETERMINED BY  
THE SUPERINTENDENT OF POLICE TO BE IN VIOLATION OF THE ABOVE  
DEPARTMENT REGULATIONS.

ANY FUTURE VIOLATIONS MAY RESULT IN MORE SEVERE DISCIPLINE, UP TO  
AND INCLUDING POSSIBLE TERMINATION.

THIS REPRIMAND SHALL BE REMOVED FROM EMPLOYEE'S PERSONNEL FILE  
AFTER 1 (ONE YEAR) FROM THE DATE OF ISSUANCE.

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SUPERINTENDENT OF POLICE  
NIAGARA FALLS POLICE DEPARTMENT

EMPLOYEE

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DATE