

## HB 2930 Discipline Matrix

### **Prior Disciplinary History**

Generally, an individual officer's prior disciplinary history will be considered when assessing an appropriate penalty, potentially serving as an aggravating factor to a presumptive penalty. Factors to be considered when determining whether prior disciplinary history should be considered an aggravating factor include:

- The number of prior disciplinary events
- The nature and seriousness of the prior event(s)
- Any similarities between prior and current acts of misconduct
- Any disciplinary history demonstrating an inability or unwillingness to conform to the Department's expectations for the position or successfully rehabilitate

However, a new act of misconduct that is the same as a prior act of misconduct or carries a presumptive penalty that is equal to or greater than the presumptive penalty of a prior act of misconduct, may instead result in an increase in the disciplinary penalty for the current violation through the application of progressive discipline.

### **Progressive Discipline**

Progressive Discipline may be imposed for repeated acts of applicable misconduct within the timeframes specified below. In determining whether a current act of misconduct should be the subject of progressive discipline, the following framework applies:

- The current act of misconduct is the same as a prior act of misconduct, or
- The current act of misconduct is subject to a presumptive penalty that is equal to or greater than the presumptive penalty of the prior act of misconduct
- If the prior act involved multiple violations arising from a single incident, it will be considered on prior act of misconduct
  - The most severe presumptive penalty accommodated with the prior violations will be used to determine the time limitation and the commensurate penalty increase relative the current act
- The current act of misconduct must be committed before the end of the timeframe below to be considered
  - If the current act of misconduct involves multiple violations on separate dates, the date of the first violation chronologically shall be the date upon which the progressive penalty escalation is computed
- Acts of misconduct committed prior to the timeframe or adjudicated through ??? may still be considered an aggravating factor in the calculation of penalties for the current act of misconduct

The presumptive time limitation<sup>1</sup> and penalty progressions<sup>2</sup> as follows:

- If the prior misconduct resulted in training or instructions:
  - The time limitation is 2 years
  - The second incident involving the same misconduct or misconduct carrying an equal or greater presumptive penalty than the prior act of misconduct, shall result in a penalty increase to 1-3 days.
  - The third incident involving the same misconduct or misconduct carrying an equal or greater presumptive penalty than the prior act of misconduct, shall result in a penalty increase to 5 days
- If the prior misconduct resulted in 1 through 5 penalty days:
  - The time limitation will be 3 years
  - The second incident involving the same misconduct or misconduct carrying an equal or greater presumptive penalty than the prior act of misconduct, shall result in a penalty increase to 5-10 days
  - The third incident involving the same misconduct or misconduct carrying an equal or greater presumptive penalty than the prior act of misconduct, shall result in a penalty increase to 10-15 days
- If the prior misconduct resulted in 5-15 penalty days:
  - The time limitation will be 5 years
  - The second incident involving the same misconduct or misconduct carrying an equal or greater presumptive penalty than the prior act of misconduct, shall result in a penalty increase to 10-20 days
  - The third incident involving the same misconduct or misconduct carrying an equal or greater presumptive penalty than the prior act of misconduct, shall result in a penalty increase to 15-30 days
- If the prior misconduct resulted in more than 15 penalty days:
  - The time limitation will be 7 years
  - The second incident involving the same misconduct or misconduct carrying an equal or greater presumptive penalty than the prior act of misconduct, shall result in a penalty increase to 20-30 days and Dismissal Probation
  - The third incident involving the same misconduct or misconduct carrying an equal or greater presumptive penalty than the prior act of misconduct, shall result in termination or forced separation
- If the prior misconduct had a presumptive penalty of termination or separation but mitigating factors lead to the imposition of a penalty less than separation and/or the prior misconduct resulted in the imposition of Dismissal Probation:
  - There will be no time limitation

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<sup>1</sup> Calculated from the date that the imposition of the final penalty for the prior act(s) of misconduct.

<sup>2</sup> The fourth or subsequent incidents of the same misconduct in the specified time frame may result in more severe disciplinary penalties, up to and including termination.

- The second incident involving the same misconduct or misconduct carrying an equal or greater presumptive penalty than the prior act of misconduct, shall result in forced separation or termination.

The above time limitations do not apply to prior disciplinary history establishing patterns of misconduct or serious misconduct, including but not limited, to False Statements, Driving While Intoxicated, Domestic Violence, Excessive Force or acts constituting criminal conduct. In addition, a third substantiated incident of excessive force will have a presumptive penalty of termination regardless of the penalties imposed in the first two instances.

The primary principle of progressive discipline is that repeated acts of the same misconduct should be subject to greater penalties. Due to many factors that impact the imposition of discipline, there may be situations in which the progressive discipline schedule does not result in an increase in penalty for the subsequent infractions. This may be especially true for some cases adjudicated prior to the implementation of these Guidelines. In the event that the penalty in the progressive discipline schedule for a second incident is less than the presumptive penalty for the act of misconduct, the progressive penalty shall be greater than the presumptive penalty and up to the Aggravated Penalty or a penalty that is greater than the original penalty and is consistent with the goals of progressive discipline.

### 1. Unjustified or Excessive Use of Physical or Deadly Force

MISCONDUCT	MITIGATED	PRESUMPTIVE	AGGRAVATED
Deadly Physical Force Against Another Resulting in:			
Death/Serious Physical Injury	N/A	Termination	N/A
Physical Injury	N/A	Termination	N/A
No Injury	15 days w/o Pay	Termination	N/A
Less Lethal Force Against Another Resulting in:			
Death/Serious Physical Injury	N/A	Termination	N/A
Physical Injury	15 Days w/o Pay	30 Days w/o Pay	Termination
No Injury	10 Days w/o Pay	20 Days w/o Pay	Termination
Non-Deadly Force Against Another Resulting in:			
Death/Serious Physical Injury	N/A	30 Days w/o Pay	Termination
Physical Injury	10 Days w/o Pay	20 Days w/o Pay	Termination
No Injury	5 Days w/o Pay	10 Days w/o Pay	Termination

MISCONDUCT	MITIGATED	PRESUMPTIVE	AGGRAVATED
Application of Method of Force Prohibited by Law Resulting in:			
Death/Serious Physical Injury	N/A	Termination	N/A
Physical Injury	30 Days w/o Pay	60 Days w/o Pay	Termination
No Injury	10 Days w/o Pay	30 Days w/o Pay	Termination
Failure to Intervene in:			
Unauthorized Use of Deadly Force Resulting in Death/Serious Physical Injury	N/A	Termination	N/A
Unauthorized Use of Deadly Force Resulting in Physical Injury	20 Days w/o Pay	30 Days w/o Pay	Termination
Unauthorized Use of Deadly Force Resulting in No Injury	10 Days w/o Pay	20 Days w/o Pay	Termination
Unauthorized Use of Force Resulting in Death/Serious Physical Injury	30 Days w/o Pay	60 Days w/o Pay	Termination
Unauthorized Use of Force Resulting in Physical Injury	15 Days w/o Pay	30 Days w/o Pay	60 Days w/o Pay
Unauthorized Use of Force Resulting in No Injury	5 Days w/o Pay	15 Days w/o Pay	30 Days w/o Pay

Definitions:

**Less Lethal** – The application of a significant intermediate use of force option including Oleoresin Capsicum (“O.C.”) spray, conducted electrical weapon (“CEW”) or impact weapon against a person. NYPD Definition

**Non-Deadly Force** – Force not readily capable of causing death or other serious physical injury (e.g. physical force such as employing a takedown technique, and using hand strikes or foot strikes against a person).

**Deadly Physical Force** – Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury (e.g. the use of a deadly weapon, such as discharging a firearm, against a person).

**(from PPB) Physical Injury** – As defined in ORS § 161.015 (7), the impairment of a person’s physical condition or causing a person substantial pain. Substantial pain refers to degree and duration of the pain suffered by the victim; the pain must be considerable and must be more than momentary.

**(from PPB) Serious Physical Injury** – As defined in ORS § 161.015(8), physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of function of any bodily organ.

**Potential Mitigating Factors:**

- Duration of the action – relatively brief or momentary
- Immediacy and duration of the credible threat or harm to the subject, involved officer and/or civilians
- Whether the subject engaged in active resistance or exhibited active aggression
- Actual injury to involved officer, other officers or civilians
- Proportionality of force used
- Prohibited force was incidental to an otherwise appropriate use of force and did not result in harm

**Potential Aggravating Factors:**

- Inappropriate purpose or motivation such as the use of force to punish, retaliate, coerce or harass a subject for any reason including making a statement
- Conduct results in criminal charges
- Handcuffed or otherwise restrained subject
- Prolonged or exaggerated duration of the action
- Use of weapon or instrumentality outside of guidelines/inconsistent with its intended purpose
- Nature and severity of the physical injury

**2/3. Sexual Harassment/Sexual Assault<sup>3</sup>**

<b>MISCONDUCT</b>	<b>MITIGATED</b>	<b>PRESUMPTIVE</b>	<b>AGGRAVATED</b>
Sexual Harassment (verbal)	Training/Coaching	Letter of Reprimand	Termination
Sexual Harassment (suggestive touching)	Training/Coaching	Letter of Reprimand	Termination
Sexual Harassment (overt/intimate contact)	N/A	Termination	N/A
Sexual Harassment (habitual/predatory behavior)	N/A	Termination	N/A
Sexual Assault	N/A	Termination	N/A

**Sexual Assault** – Unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

Supervisor/Employee consensual relationships

**Potential Mitigating Factors**

- Brevity of encounter or limited impact upon/inconvenience to subject of harassment
- Potential for training to correct/rehabilitate behavior

**Potential Aggravating Factors**

- Invasiveness of the encounter
- Harassment involved biased, abusive, or obscene language
- Significant distress or injury to subject of harassment
- Implied threat of force or violence (vocal or physical)

**4. Assault**—See Moral Character: Criminal Conduct (felony and/or misdemeanor crime/conduct involving assault)

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<sup>3</sup> See also Moral Character: Criminal Conduct (felony and/or misdemeanor crime/conduct involving sexual offenses)

**5. Conduct Motivated by or Based on a Real or Perceived Factor of an Individual’s Race, Ethnicity, National Origin, Sex, Gender Identity, Sexual Orientation, Religion, or Homelessness.**

<b>MISCONDUCT</b>	<b>MITIGATED</b>	<b>PRESUMPTIVE</b>	<b>AGGRAVATED</b>
Profiling	N/A	Termination	N/A
Offensive Language	10 Days w/o Pay	20 days w/o Pay	Termination
Hate Speech	N/A	Termination	N/A
Association with Criminal Organization	N/A	Termination	N/A

**Definitions:**

**Profiling** – The targeting of an individual on suspicion of the individual’s having violated a provision of law, based solely on the individual’s real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.

**Offensive Language** – Includes slurs based on membership in a protected class such as race, religion, ethnicity, gender, gender identity, sexual orientation, age or disability. Example: an officer is aware that a transgender female identifies as a woman yet the officer referred to the complainant as “he,” not the complainant’s preferred gender pronoun while speaking to her.

**Hate Speech** – Speech or other form of expression that is intended to intimidate, attack, or threaten/incite violence against a person or group on the basis of national origin, ethnicity, color, religion, gender, gender identity, sexual orientation, disability or other protected class. Hate Speech is more egregious than “Offensive Language” and may not be language that merely offends or insults an individual or is considered rude, distasteful or offensive but rather shocks the conscience. A charge of Hate Speech will only be sustained when the language so clearly damages the employee’s ability to continue to perform their job responsibilities, damages the ability of co-workers to perform their own duties or has such an effect on good order and discipline that it damages the credibility of the employing agency or the employing agency’s ability to provide services and fulfill its mission

## 6. Moral Character

### A. Dishonest or Deceptive Conduct

MISCONDUCT	MITIGATED	PRESUMPTIVE	AGGRAVATED
Intentionally Making a False Official Statement	N/A	Termination	N/A
Intentionally Making a Misleading Official Statement	30 Days w/o Pay	Termination	N/A
Making an Inaccurate Official Statement, or Causing Same to be Made by Another	5 Days w/o Pay	10 Days w/o Pay	15 Days w/o Pay
Impeding an Investigation	20 Days w/o Pay	30 Days w/o Pay	Termination

#### Definitions:

**Statement** – Any representation of fact and includes a representation of opinion, belief or other state of mind where the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.

**False statement** – An intentional statement that an officer knows to be untrue, which is material to the outcome of an investigation, proceeding, or other matter in connection with which the statement is made.

**Material** – That which could have affected the course or outcome of any proceeding or transaction.

**Misleading statement** – A statement that is intended to misdirect the fact finder. Examples include statements that intentionally omit relevant facts or claim an inability to remember a particular event or circumstance when a reasonable person would remember the event or circumstance.

**Inaccurate Statement** – A statement the officer knows, or should know, includes incorrect material information. There is no intent to deceive, but rather the officer's actions are grossly negligent.

**Impeding an Investigation** – An investigation is considered impeded when an officer interferes with or delays the progress of an investigation, or attempts to prevent the initiation of an investigation by deliberately seeking to suppress information or evidence that is or would be material to the investigation. A charge of impeding an investigation may be appropriate even if the officer did not ultimately succeed in impeding the investigation.



**Other considerations:**

PPB 0310.50 – A limited exception to the standards in this directive exists when the officer reasonably believes that deception (i) is necessary due to the nature of a officer’s assignment, such as an undercover assignment; (ii) is necessary to acquire information for a criminal investigation, or (iii) to protect the officer or others from an articulable threat. The use of deception in these circumstances must be for a specific and legitimate law enforcement purpose and must be temporary in nature.

**Potential Mitigating Factors:**

- Complexity and rapidly changing nature of the underlying incident
- The extended length of time that has elapsed between the event and the statement
- The event is relatively routine or not memorable
- The officer’s inability to recall activities before or after the event
- The officer’s unique underlying stressors at the time of the statement
- Material facts would not be discovered but for the officer volunteering information

**Potential Aggravating Factors:**

- The additional expense in terms of time and resources required to further investigate a matter as a result of the officer’s interference with the investigation
- Adverse impact upon the outcome of the investigation
- Officer’s training and experience makes it likely that the officer knows or should have known a material fact.

**B. Criminal Conduct**

<b>MISCONDUCT</b>	<b>MITIGATED</b>	<b>PRESUMPTIVE</b>	<b>AGGRAVATED</b>
Conviction of Conduct Proscribed by State or Federal Law that is Classified as a Felony	N/A	Termination	N/A
Conviction of Conduct Proscribed by State or Federal Law that is Classified as a Misdemeanor and Constitutes a Violation of the Oath of Office (e.g., Official Misconduct, Tampering with Evidence)	N/A	Termination	N/A
Conviction of Conduct Proscribed	N/A	Termination	N/A

<b>MISCONDUCT</b>	<b>MITIGATED</b>	<b>PRESUMPTIVE</b>	<b>AGGRAVATED</b>
by State or Federal Law that is Classified as a Misdemeanor and Constitutes a Theft-related Offense			
Conviction of Conduct Proscribed by State or Federal Law that is Classified as a Misdemeanor and Constitutes an Assault	N/A	Termination	N/A
Conviction of Conduct Proscribed by State or Federal Law that is Classified as a Misdemeanor and Constitutes a Sexual Offense	N/A	Termination	N/A
Conviction of Conduct Proscribed by State or Federal Law that is Classified as a Misdemeanor and Constitutes Animal Abuse	N/A	Termination	N/A
Conviction of Conduct Proscribed by State or Federal Law that is Classified as a Misdemeanor	10 Days w/o Pay	30 Days w/o Pay	Termination
Engaging in Conduct Proscribed by State or Federal Law that is Classified as a Felony	N/A	Termination	N/A
Engaging in Conduct Proscribed by State or Federal Law that is Classified as a Misdemeanor and Constitutes a Violation of the Oath of Office (e.g., Official Misconduct,	30 Days w/o Pay	Termination	N/A

<b>MISCONDUCT</b>	<b>MITIGATED</b>	<b>PRESUMPTIVE</b>	<b>AGGRAVATED</b>
Tampering with Evidence)			
Engaging in Conduct Proscribed by Law that is Classified as a Misdemeanor and Constitutes Theft or a Related Offense	30 Days w/o Pay	Termination	N/A
Engaging in Conduct Proscribed by State or Federal Law that is Classified as a Misdemeanor and Constitutes an Assault	30 Days w/o Pay	Termination	N/A
Engaging in Conduct Proscribed by State or Federal Law that is Classified as a Misdemeanor and Constitutes a Sexual Offense	N/A	Termination	N/A
Engaging in Conduct Proscribed by State or Federal Law that is Classified as a Misdemeanor and Constitutes Animal Abuse	30 Days w/o Pay	Termination	N/A
Engaging in Conduct Proscribed by State or Federal Law that is Classified as a Misdemeanor (Not Covered Above)	15 Days w/o Pay	30 Days w/o Pay	Termination

Definitions:

**Assault** – The intentional, knowing or reckless causation of physical injury to another person. “Assault” does not include the causation of physical injury in a motor vehicle accident that occurs by reason of the reckless conduct of a defendant.

C. Conduct Demonstrating a Lack of Respect for the Rights of Others or the Law

MISCONDUCT	MITIGATED	PRESUMPTIVE	AGGRAVATED
Stop of Person or Vehicle*	Training	Letter or Reprimand	10 Days w/o Pay
Search of Person or Vehicle*	Training	Letter of Reprimand	15 Days w/o Pay
Frisk of Person*	Training	Letter of Reprimand	15 Days w/o Pay
Entry into Private Premises*	Training	Letter or Reprimand	15 Days w/o Pay
Question of person's immigration status*	Training	Letter or Reprimand	15 Days w/o Pay
Issuance of Citation*	Letter or Reprimand	20 Days w/o Pay	30 Days w/o Pay
Arrest*	Letter of Reprimand	30 Days w/o Pay	Termination
Discourtesy	Letter of Reprimand	10 Days w/o Pay	20 Days w/o Pay
Conduct Unbecoming an Officer	Letter of Reprimand	20 days w/o Pay	Termination

\*This includes an action for which there is a lawful basis, however, but for the officer's improper motive, enforcement action would not have been taken.

**Definitions:**

**Conduct Unbecoming an Officer** – Conduct that is not otherwise identified by these rules and that may cast doubt on the integrity, honesty, moral judgment, or character of the officer, bring discredit to the employing agency, or impair the agency's efficient and effective operation.

**Discourtesy** – Using foul language, acting in a rude or unprofessional manner (such as demeanor or tone), and flashing rude or offensive gestures that is unjustified or unwarranted with no legitimate law enforcement purpose. Example: an officer holding up his middle finger to an individual recording the officer on a cell phone camera, with no legitimate law enforcement purpose

**Frisk** – A frisk is a carefully limited running of the hands over the outside of a person's clothing in order to feel for a deadly weapon or any instrument, article or substance readily capable of causing serious physical injury. A frisk is authorized when the officer reasonably suspects the person is armed and dangerous.

**Potential Mitigating Factors**

- Complexity of legal analysis as applied to the facts
- Level of dangerousness of the encounter or surroundings/urgency involved
- Good faith demonstrated by the officer and the absence of an intent to violate procedural or legal standards
- Escalation exhibited by the involved civilian
- Officer attempted to de-escalate encounter
- Brief duration of encounter or limited impact upon/inconvenience to a civilian
- Potential for training to correct/rehabilitate behavior

**Potential Aggravating Factors**

- Extended duration of encounter or significant interference with a civilian
- Invasiveness of the encounter
- The officer exhibited bad faith, intentionally violated procedural or legal standards, or recklessly disregarded those standards
- Use of Stop/Question/Frisk to humiliate, demean or retaliate against an individual
- The officer’s action was biased, gratuitous, retaliatory, intentional or reckless
- Biased, abusive or obscene language
- Distress/injury caused to the civilian
- Failure to explain the reason for a stop
- Failure to report incident or make required activity log entry
- Pretext based on membership in a protected class
- “Heatedness” or escalation of interaction by the officer
- Implied threat of force or violence (vocal or physical)
- Damage to property

D. Failure to Report Misconduct

MISCONDUCT	MITIGATED	PRESUMPTIVE	AGGRAVATED
Failure to Report Use of Force Violation	Letter of Reprimand	30 Days w/o Pay	Termination
Failure to Report Sexual Harassment	Letter of Reprimand	10 Days w/o Pay	Termination
Failure to Report Sexual Misconduct	Letter of Reprimand	20 Days w/o Pay	Termination
Failure to Report Discrimination	Letter of Reprimand	20 Days w/o Pay	Termination
Failure to Report Criminal Conduct	Letter of Reprimand	30 Days w/o Pay	Termination
Failure to Report Violation of the Minimum Standards under ORS 181A.410	Letter of Reprimand	30 Days w/o Pay	Termination

**Mitigating Fact**—Officer made late report independently.

## 7. Drug and Alcohol Use

MISCONDUCT	MITIGATED	PRESUMPTIVE	AGGRAVATED
Positive Drug Screening Test Showing Positive for Use of Schedule I or Schedule II Drugs*	N/A	Termination	N/A
Positive Drug Screening Test Showing Use of Schedule III Drug without a Valid, Lawfully Obtained Prescription or with no Legitimate Medical Reason	N/A	Termination	N/A
Refusal to Submit to Drug Test	N/A	Termination	N/A
Positive Drug Screening Test Showing Positive for an Anabolic Steroid without a Valid and Lawfully Obtained Prescription or with no Legitimate Medical Reason	N/A	Termination	N/A
Intoxicated While on Duty	30 Days w/o Pay	Termination	N/A
Use or purchase of Alcohol or Schedule I or II Drug on Duty**	5 Days w/o Pay	30 Days w/o Pay	Termination

\* Does not include Marijuana

\*\*Except PPB 0310.50 – A limited exception to the standards in this directive exists when the member reasonably believes that use or purchase (i) is necessary due to the nature of a member’s assignment, such as an undercover assignment; (ii) is necessary to acquire information for a criminal investigation, or (iii) to protect the member or others from an articulable threat. The use or purchase in these circumstances must be for a specific and legitimate law enforcement purpose and must be temporary in nature.

**Potential Mitigating and Aggravating Factors (general)**

MITIGATED	AGGRAVATED
<p>The reasonably limited or lack of knowledge, training and experience of the officer involved that is germane to the incident <i>Officers years of service; prior work history, such as positive evaluations and/or work performance, volunteerism, advanced job-related training</i></p>	<p>The presence or reasonable availability of knowledge, training and experience of the officer involved that is germane to the incident <i>Training received specific to the behavior in question</i></p>
<p>The nature of the event was such that it was unpredictable, volatile or unfolded rapidly not allowing time for deliberate reflection</p>	<p>Nature of the event is such that it allowed time for deliberate reflection or action</p>
<p>The area of law or policy implicated in the matter is novel or complex <i>Training received specific to the behavior in question</i></p>	<p>Disproportionality of misconduct and harm to community</p>
<p>The state of mind of the officer, including the absence of intent <i>Officer's intention in taking or not taking action</i></p>	<p>Culpable mental state of the officer, particularly if the actions evince an intent to engage in proscribed conduct, circumvent a policy, exhibit reckless disregard of an individual's wellbeing, demonstrate bias or prejudice, or constitute harassment or retaliatory conduct <i>Officer's intention in taking or not taking action</i></p>
<p>The primary motivation for the action is premised upon emergency response or service</p>	<p>Officer is motivated by personal interest or gain, or receives a personal benefit from the misconduct</p>
<p>The officer endeavored to de-escalate the encounter</p>	<p>Officer failed or declined to de-escalate the encounter even though feasible to do so</p>
<p>The voluntary candor and assistance of the officer, which goes beyond the mandates of cooperation and truthfulness, and aids the investigation</p>	<p>Lack of candor of the officer of the service and failure to cooperate with the investigation</p>
<p>The acceptance of responsibility and any mitigating or remedial actions taken by the officer <i>Willingness to accept responsibility</i></p>	<p>Actions to interfere with the investigation or to influence others to participate in misconduct including to aid in hindering an investigation <i>Failure to accept responsibility</i></p>
<p>Positive employment history (notable accomplishments, department recognition, and positive public recognition) <i>Complimentary history including commendations, letters of appreciation, awards and medals; discipline history</i></p>	<p>Any negative employment history including prior discipline or performance deficiencies <i>Officer's prior discipline history or corrective action history; documented history of unsatisfactory performance</i></p>

MITIGATED	AGGRAVATED
Limited nature and extent of the consequences or harm caused by the violation	Nature and extent of injury or endangerment to officer or civilian <i>Potential or actual injury or harm to the member of the public or bureau officer.</i>
Limited impact of the violation upon the department and its mission	Adverse impact upon the department with regard to its mission, reputation, credibility and relationship with the community, and the impact on public trust <i>Potential impact to the Bureau mission or operations</i>
Role of officer in the particular event (subordinate or supervisor)	Role of the officer in the particular event (e.g. supervisor on the scene) <i>Rank of the officer who committed the violation</i>
Extraordinary circumstances or hardships that may be relevant <i>Circumstances surrounding rule violation<sup>4</sup></i>	Nature and extent of property damage <i>Loss or damage to city or private property</i>
The potential for rehabilitation	Low probability or limited potential for rehabilitation
	Conduct demonstrating pattern of behavior that indicates an inability to adhere to department rules and standards Misconduct indicative of a pattern of behavior
	Adverse result of a criminal, administrative or civil proceeding related to the underlying conduct
	Any actual or demonstrable legal or financial risk to the department
	Victim’s vulnerability that is related to the act of misconduct (e.g. excessive use of force against an elderly person)
	<i>Failure to meet documented expectations (i.e. Letter of Expectation, Work Plan)</i>

<sup>4</sup> PPB definition of mitigating factors (all in italics are included in the PPB Disciplinary Guide)