

Here is draft proposed rule language for Misuse of Confidential Information or Records:

265-010-XXXX

Misuse of Confidential Information or Records.

(1) A disciplining body shall impose upon a law enforcement officer disciplinary action within the following disciplinary range upon a finding that the officer engaged in misconduct constituting misuse of confidential information or records.

Option 1:

- (a) The presumptive sanction shall be suspension without pay, salary reduction, demotion
- (b) The mitigated sanction shall be written reprimand or non-disciplinary corrective action.
- (c) The aggravated sanction shall be termination.

Option 2:

- (a) The presumptive sanction shall be written reprimand.
- (b) The mitigated sanction shall be non-disciplinary corrective action.
- (c) The aggravated sanction shall be suspension without pay, salary reduction, demotion, or termination.

Option 3:

- (a) The presumptive sanction shall be suspension without pay or salary reduction
- (b) The mitigated sanction shall be written reprimand or non-disciplinary corrective action.
- (c) The aggravated sanction shall be demotion or termination.

(2) For the purposes of this rule “Misuse of confidential information or records” means accessing, retrieving, or using information or records from or through law enforcement databases for non-official or unauthorized purposes.”

(3) For the purposes of this rule “Law enforcement databases” are non-public, confidential information or records systems that are accessible by a law enforcement officer only by reason of their official law enforcement position.”