

DPD DISCIPLINARY HISTORY ASSESSMENT AND DEFERRAL PROCESS
SERGEANT-LIEUTENANT-CAPTAIN
Effective January 1, 2017*

DISCIPLINARY HISTORY ASSESSMENT: Candidates **will not appear in person** for this component, which provides for a merit based evaluation of a candidate’s disciplinary history. For all Assessment categories, “penalty date” shall be defined as the date the Executive Director, Department of Safety, signed the respective Departmental Order of Disciplinary Action.

Assessment Categories – Definitions and Standards for Review

Tier1 Rule	Fined (Days)	Suspended (Days)	Fined/Suspended (Days)
P.O. to Sergeant	>5	>4	>5
Sergeant to Lieutenant	>4	>3	>4
Lieutenant to Captain	>2	>1	>2

Within the one (1) year prior to the close of the examination registration period, a candidate cannot have more than the indicated number of total days fined and/or suspended (exclusive of any scheduled discipline pursuant to Article 12.4 and Appendix F of the Matrix), as the result of any Departmental Disciplinary Order(s)*

Tier 2 Rule	Fined (Days)	Suspended (Days)	Fined/Suspended (Days)
P.O. to Sergeant	>8	>7	>8
Sergeant to Lieutenant	>6	>5	>6
Lieutenant to Captain	>3	>2	>3

During the three (3) years prior to the close of the examination registration period, a candidate cannot have more than the indicated number of total days fined and/or suspended (exclusive of any scheduled discipline pursuant to Article 12.4 and Appendix F of the Matrix), as the result of any Departmental Disciplinary Order(s).*

Tier 3 Rule	Sergeant (Years)	Lieutenant (Years)	Captain (Years)
Demoted to P.O. from...	5	7	10
Demoted to Sergeant from...	N/A	5	8
Demoted to Lieutenant from...	N/A	N/A	6

During the period of time indicated (in years), prior to the close of the examination registration period, a candidate cannot have received a demotion in rank or grade, as a result of Departmental Disciplinary Order(s).

****Exception to Exclusion of Scheduled Discipline: Notwithstanding the above, Scheduled Discipline shall be considered if the resulting discipline is for “chronic” or frequent violations so as to necessitate the imposition of fined or suspended days as a “more severe” disciplinary sanction.***

**DEFERRAL PROCESS OF THE DISCIPLINARY HISTORY ASSESSMENT
BASED ON AN ACTIVE DISCIPLINARY APPEAL**

- 1) **Any candidate who believes he/she would otherwise pass the Disciplinary History Assessment**, but for consideration of a departmental disciplinary action for which an appeal is currently active before a Hearing Officer or the Commissioners, **may request that his/her Disciplinary History Assessment be deferred until the Hearing Officer's and/or the Commission's final decision has been rendered on the disciplinary appeal.**
- 2) A deferral may be requested only with respect to a disciplinary appeal which has been filed with the Commission on or before the closing date of registration and for which a decision on the merits, or a final closing order, has not yet been issued at the Hearing Officer level and/or at the Commission level, as applicable.
- 3) A requested deferral which is granted based on a disciplinary appeal before a Hearing Officer shall be automatically continued should either party to the appeal timely file an appeal from the Hearing Officer's decision to the Commission.
- 4) A deferral may not be requested for a disciplinary appeal pending from a Hearing Officer's decision to the district court, or for an appeal seeking judicial review of the Commission's final decision in a disciplinary appeal.
- 5) A candidate shall be granted a requested deferral only if they are able to pass the Disciplinary History Assessment standards absent any consideration of the sustained discipline which is the subject of the respective disciplinary appeal(s).
- 6) A candidate who is denied a requested deferral will have his/her Disciplinary History Assessment completed as otherwise provided herein.
- 7) The Executive Director, Civil Service Commission, will provide written notification to a candidate indicating whether the requested deferral has been granted. Notification will occur after the scheduled administration of the Disciplinary History Assessment. The decision of the Executive Director shall be deemed a final action by the Commission. No appeal will be entertained.
- 8) Any Request For Deferral Of The Disciplinary History Assessment **must be received, in writing, at the office of the Commission**, no later than the close of registration period).
- 9) Any Request For Deferral Of The Disciplinary History Assessment must include the following:
 - a) Candidate's name, address, phone number(s), and social security number;
 - b) Case number and caption of the subject disciplinary appeal(s), if assigned;
 - c) Copy of the Departmental Order Of Disciplinary Action that is at issue in the disciplinary appeal(s) in question;
 - d) A statement requesting that the candidate's Disciplinary History Assessment be deferred until the noted disciplinary appeal is resolved at the Hearing Officer and/or Commissioner level, as may be applicable;
 - e) A statement that the candidate agrees and understands that there is no right to a deferral but rather it is a courtesy granted by the Commission;
 - f) A statement affirming that, to the best of the candidate's knowledge, information, and belief, the candidate would otherwise pass all of the standards of the Disciplinary History Assessment but for consideration of the sustained discipline which is the subject of the pending appeal(s);

- g) A statement that the candidate agrees and understands that his/her examination for the Police rank in question shall not be deemed completed during the period of time that the candidate's Disciplinary History Assessment is being deferred;
 - h) A statement that the candidate agrees, understands and knowingly and voluntarily waives any claim regarding the facts that: (1) his/her score(s) for the Written Test and/or the Assessment Center components of the examination will not be released during the period of time that the candidate's Disciplinary History Assessment is deferred; and (2) said scores for these components will not be released and will be deemed null and void should the candidate ultimately fail the Disciplinary History Assessment;
 - i) A statement that the candidate agrees, understands and knowingly and voluntarily waives any claim regarding the facts that: (1) only if and when the candidate ultimately passes the Disciplinary History Assessment, and has successfully completed all other components of the examination, will his/her final score be computed and the results then be brought before the Commission for approval for the candidate's placement onto the Eligible Register at his/her appropriate rank order; and (2) the candidate shall not be eligible to be certified based on rank order to the Executive Director of Safety, for consideration for promotional appointment, until such time that he/she has been approved for placement onto the Eligible Register; and (3) based on successful completion of all components of this examination, the candidate may only become eligible for placement onto the Eligible Register that is established as a result of this examination.
 - j) The notarized signature of the candidate and the date of signature.
- 10) At such time as the Disciplinary History Assessment is administered for a candidate who has been granted a deferral, the Assessment shall reflect the final determination and orders of the Hearing Officer or the Commission, as applicable, with respect to the disciplinary violations and penalties in questions. For purposes of the Assessment only, the respective violation(s) and/or penalties on the I.A.B. list via Resume Report of Sustained Cases will, as necessary, be sustained, modified, or vacated to reflect the respective final determination in the disciplinary appeal.

*Replaces all prior versions of the Denver Police Department Disciplinary History Assessment and Deferral Process for Sergeant, Lieutenant, and Captain.