



ERIE POLICE DEPARTMENT



Written Directives

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Title: <u>Discipline</u>		Pages: <u>6</u>
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POLICY:

The Erie Police Department recognizes appropriate discipline is necessary for the proper operation of the Department. As such, we strive to use a uniform and consistent approach to discipline.

This directive is intended to be in conformance with the Town of Erie’s Personnel Policies. In any case where there is a conflict, the Town of Erie’s Personnel Policy shall prevail.

DEFINITIONS:

NON-PUNITIVE: Discipline which is used as a means to direct future behavior or correct unwanted behavior by methods not considered to be punishment.

PUNITIVE: Discipline which is used as a form of punishment to discourage unwanted behavior.

SUPERVISOR: An employee with the rank of Sergeant or above or any officer assigned the duties of a supervisor in the absence of an employee of the rank of Sergeant or above.

PROCEDURES:

This directive identifies the types of discipline which are most typically used. However, it does not preclude pursuing other forms or types of discipline as the situation may warrant. Progressive discipline may be utilized depending on the specific facts and circumstances of each incident, but it is not required.

I. POSSIBLE VIOLATIONS:

A. Violations involving the following actions are some examples of when discipline may be imposed. This list is meant only to be illustrative. It is not meant to be all inclusive. These types of violations may be considered serious and may result in discipline up to and including dismissal.

1. Insubordination,
2. Dishonesty, falsification, false statement, misrepresentation or lack of truthfulness,
3. Conviction of a criminal offense,
4. Acts of discrimination or harassment based on gender, race, age, ethnic group, disability, national origin or religion,
5. Mistreatment of an arrestee or a prisoner,

6. Conduct detrimental to the operation or view of the department and the Town,
7. Excessive absenteeism or tardiness,
8. Violation of safety rules,
9. Unauthorized use or possession of a weapon,
10. Failure to maintain a certification, credential or license required for the position,
11. Violations of department written directives or town policies,
12. Theft,
13. Improper use or other misuse of Town equipment,
14. Being under the influence of alcohol or drugs while at work,
15. Unsatisfactory work performance, and/or
16. Any other conduct which in command staff's judgment warrants discipline.

II. TYPES OF DISCIPLINE

Supervisors may, in their discretion, use or recommend any of the listed disciplinary actions available to them they feel are appropriate based on the circumstances. All punitive discipline actions require an Internal Affairs investigation per Directive 170.000. The following are considered to be non-punitive:

A. INDIVIDUAL COUNSELING

CACP STANDARD 50.5

1. Individual Counseling is used when, in the discretion of the supervisor; it would suffice to remedy the situation.
2. Individual Counseling will normally be handled at the immediate supervisor level.

CACP STANDARD 50.4

3. A determination should be made by the supervisor to provide:
 - a. Counseling to the individual; and
 - b. Training or remedial training in the area needed.

4. The employee shall be advised of;

- a. The violation;
- b. Expected conduct in the future; and
- c. What consequences may occur if the violation continues or occurs again.

CACP STANDARD 50.8

5. Documentation of the individual counseling will be kept by the supervisor on the Guardian Tracker software containing, at a minimum:

- a. The date;
- b. Time;
- c. Content of the individual counseling; and
- d. Persons present.

B. WRITTEN REPRIMAND

CACP STANDARD 50.6 & 50.8

1. If a Written Reprimand is to be issued, it will be authored by a Commander or Deputy Chief and approved by the Chief of Police.
2. The employee will be provided a copy of the Written Reprimand.
3. The original copy of the Written Reprimand will be provided to Human Resources to be placed in the employee's personnel file as a permanent record.
4. At a minimum, the Written Reprimand will contain:
 - a. The date and time of the violation;
 - b. Any previous oral counseling or past discipline pertaining to the incident;
 - c. The nature of the violation;
 - d. Expectations of the employee to improve or change behavior; and
 - e. What will happen if the violation continues or occurs again.

The following are considered to be punitive disciplinary methods:

C. LOSS OF TIME

CACP STANDARD 50.6

1. Only the Chief of Police is authorized to order loss of time for an employee.
2. Loss of time can include the employee forfeiting up to 80 hours of Personal Time Off.

CACP STANDARD 171.5

3. Prior to making a decision which involves loss of time, suspension, demotion or termination, the Chief will conduct a pre-disciplinary hearing in which the employee has an opportunity to respond to the allegation(s).
4. A pre-disciplinary hearing may be waived if both the Chief of Police and the employee agree to do so and it is approved by Human Resources.
5. If after the pre-disciplinary hearing, it is decided the employee will be disciplined through a loss of time, the Chief of Police will complete a letter which;
 - a. Summarizes the violation;

- b. Identifies the type of discipline;
- c. Expectations of the employee to correct behavior;
- d. Consequences for not meeting expectations or for continued violations;
- e. Listing the amount of Personal Time Off lost by the employee, and
- f. Supporting documents, if any.

6. A copy of the letter will be provided to the employee.

CACP STANDARD 50.8

7. Human Resources will be provided the original copy of the letter to be placed in the employee's personnel file as a permanent record.

E. SUSPENSION (without pay) AND/OR DEMOTION:

CACP STANDARD 50.6

1. Only the Chief of Police is authorized to suspend without pay or make a demotion.

CACP STANDARD 171.5

2. Prior to making a decision which involves suspension, the Chief will conduct a pre-disciplinary hearing in which the employee has an opportunity to respond to the allegation(s).

3. A pre-disciplinary hearing may be waived if both the Chief of Police and the employee agree to do so and it is approved by Human Resources.

4. If after the pre-disciplinary hearing, it is decided to suspend without pay or demote, the Chief of Police will complete a letter which;

- a. Summarizes the violation;
- b. Identifies the type of discipline;
- c. Expectations of the employee to correct behavior;
- d. Consequences for not meeting expectations or for continued violations;
- e. Listing the amount of Personal Time Off lost by the employee, and
- f. Supporting documents, if any.

5. A copy of the letter will be provided to the employee.

CACP STANDARD 50.8

6. Human Resources will be provided the original copy of the letter to be placed in the employee's personnel file as a permanent record.

F. DISMISSAL

1. Only the Chief of Police can dismiss a department employee, with the approval of the Town Administrator.

CACP STANDARD 171.5

2. Prior to making a decision which involves suspension, demotion or termination, the Chief will conduct a pre-disciplinary hearing in which the employee has an opportunity to respond to the allegation(s).

3. A pre-disciplinary hearing may be waived if both the Chief of Police and the employee agree to do so and it is approved by Human Resources.
4. If after the pre-disciplinary hearing it is decided to dismiss the employee, the Chief of Police will complete an official Notice of Dismissal and it shall be approved by the Town Administrator.
5. The employee will be given a copy of and afforded the opportunity to sign the form.
6. The Notice of Dismissal shall contain:
 - a. The reason for the dismissal, which may include reference to;
 - i. Previous violations; and/or
 - ii. Disciplinary actions, if applicable;
 - b. The effective date of the dismissal and signature of the Chief of Police and Town Administrator.

CACP STANDARD 50.8

7. Human Resources will be provided the original copy of the Notice of Dismissal to be placed in the employee's personnel file as a permanent record.

III. SUPERVISORS

- A. It is the responsibility of all supervisors to enforce Departmental Written Directives in a uniform and equitable manner.
- B. If available, disciplinary actions will normally be initiated by the employee's immediate supervisor.
- C. Any supervisor who feels it is in the best interest of the employee and/or the department may relieve an employee from duty with pay for alleged violations of federal law, state law, local law, Erie Police Department Written Directives or if he/she reasonably believes the officer unfit for duty.
- D. The employee will be given directions to report to the Commander or Deputy Chief at 9:00 AM the day following the incident or as directed by the Chief of Police or his/her designee.
- E. The supervisor relieving an employee shall provide to the Commander or Deputy Chief, all pertinent information, statements and evidence related to the violation.
- F. The supervisor relieving an employee will make recommendations to the Commander or Deputy Chief as to the action requested.

G. All information will be delivered to the Commander or Deputy Chief as soon as possible, but in no case later than the following day.

CACP STANDARD 171.5

IV. PRE-DISCIPLINARY HEARING

A. Any police department employee facing possible loss of time, suspension without pay, demotion or dismissal shall be afforded a pre-disciplinary hearing, prior to the final decision to discipline.

B. The Pre-disciplinary hearing shall consist of:

1. The employee shall receive written notice of the reason for the hearing, the possible discipline, the date, time and place for the hearing.
2. The employee will be given the opportunity to respond to the allegations and the possible discipline.
3. The employee will be allowed to provide written evidence prior to the hearing or at the time of the hearing.
4. The employee may have representation at the hearing, but the representative may not substantively participate in the hearing.
5. The hearing shall not be video and/or audio recorded without the consent of the Chief of Police and the knowledge of all participants. If recorded, the employee will be provided a copy of the recording, upon request.
6. A pre-disciplinary hearing may be waived if both the Chief of Police and the subject employee agree to do so and it is approved by Human Resources.

CACP STANDARD 50.7

V. APPEAL PROCEDURES

Employees may appeal disciplinary decisions up the chain of command.

RULES:

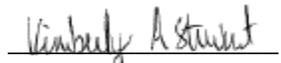
NONE

REFERENCES:

Erie Police Department Policy chapter 5

Lamar Police Department Written Directive 600.00

450.00 Billings MT. Police Written Directive #28.003 (1/11/88)


Kimberly A. Stewart
Chief of Police