

## CAMBRIDGE POLICE DEPARTMENT

**Title:** *DISCIPLINARY PROCEDURES* **Procedure: 3.400**

**Date Issued:**

**Revised:** **March 1, 2009**

### **PURPOSE:**

To establish an effective disciplinary system for Department personnel.

To incorporate training and counseling as a function of discipline.

To inform all members of the Department of their obligations and responsibilities to enforce and obey the rules and regulations of the Police Department.

### **POLICY:**

Discipline can be positive or negative; it may involve encouragement, inspiration, reward, training, counseling, or the imposition of negative sanctions. The Police Department will maintain a disciplinary system which includes procedures for training and counseling members when corrective measures become necessary, and for taking punitive actions when required.

### **PROCEDURE:**

#### ***MANUAL OF RULES OF CONDUCT***

1. The code of conduct and general appearance for Police Department employees is provided to all personnel in the form of Rules of Conduct. These rules specify both required and prohibited conduct by employees and are prefaced by the Law Enforcement Code of Ethics.

2. Individuals employed by this Department will be provided with a copy of these Rules of Conduct upon starting employment with the Department. It is imperative that each employee read, understand and become familiar with these rules.

3. Individuals employed by this department will be provided with a copy of

the Disciplinary Disposition Matrix. The purpose of discipline is to correct inappropriate behavior. The Disciplinary Matrix System will assure consistency when applying discipline and ensure that similar violations receive similar penalties.

### ***SUPERVISOR'S ROLE***

1. Supervisors of this Department are crucial to the disciplinary process. They have the best opportunity to observe the conduct and appearance of officers and detect those instances when disciplinary actions are warranted. First line supervisors also have the opportunity to understand the personality traits of their personnel and to determine the most effective methods of discipline.

2. First line supervisors are responsible, and have the authority, for a limited administration of the disciplinary process. This process includes training, counseling, oral warning, written reprimand, temporary relief from duty, referral and recommendation, through the chain of command, to the Chief of Police for punitive disciplinary action.

3. The role of a supervisor in the disciplinary process is:

To observe the conduct and appearance of officers, detect those instances when disciplinary actions are warranted, and issue oral warnings or written reprimands to the officer.

To investigate allegations of employee misconduct when within the scope of their authority and responsibility.

To counsel employees to improve job performance or correct minor infractions of Department Rules of Conduct and procedures.

To identify training needs as a function of the disciplinary process.

To recommend the most effective methods of discipline, taking into consideration the type of misconduct, personnel record, behavior history and personality trait, of the personnel under their supervision. Employee personnel records are maintained in the Office of the Chief of Police.

**COMMENDATION, TRAINING AND COUNSELING**

Supervisors are responsible for submitting written recommendations to the Chief of Police through the chain of command when they wish to commend an employee.

The supervisor will describe the noteworthy activity on a memo.

The Awards Committee will review the commendation recommendation and forward a recommendation to the Major for review. His recommendation will then be forwarded to the Chief of Police for final approval.

If approved, the commendation will be issued to the employee through the chain of command by the Chief of Police.

2. Supervisors are responsible for the ongoing training and counseling of their unit members. These functions of discipline are best used as soon as possible after the infraction.

3. The criteria used by a supervisor to determine when either training or counseling should be initiated depends upon the type or seriousness of the infraction, if there were any previous incidents of a similar nature, and the employee involved. Generally, training is provided to correct any

shortcomings, deficiencies, or lack of sufficient knowledge in the employee's job performance. Counseling would normally be provided for minor infractions of Rules of Conduct, minor procedural mistakes, inappropriate judgment, or matters concerning an officer's attitude. The supervisor will document the effects of the counseling.

4. Minor first time infractions that are immediately addressed by the supervisor, either by oral warning or written reprimand, will be documented on a memo.

5. Repeat or minor infractions that need to be addressed in more detail will be documented on a memo. The supervisor will fully explain the problem and indicate the action taken to correct the deficiency.

6. Supervisors will make every attempt to provide the proper training or counseling necessary to assist the members of their units to perform at a safe and acceptable level.

7. If the supervisor is unable to provide the training or counseling required to correct the problem the supervisor will request the Training Officer to register the officer in the appropriate school, when available.

8. Training should foster positive and constructive techniques for improving employee productivity, effectiveness, and attitude. The Department may mandate remedial training for employees found to be deficient in some necessary skills.

**ORAL WARNING/WRITTEN REPRIMAND**

1. A Warning/Reprimand system is established to provide each supervisor with a disciplinary process for documenting minor infractions at the Unit level.

2. Supervisors will document an oral warning or a written reprimand on a Departmental Memorandum when they observe minor infractions of the Rules of Conduct or procedures. Generally, these types of infractions would not require training to be corrected.

3. When a supervisor observes a minor infraction he should discuss the

infraction with the individual as soon as possible. This discussion should be documented as either an oral warning or a written reprimand on an official memorandum and signed by both the supervisor and the employee. For the first offense the memo will be retained by the supervisor for a period of twelve (12) months. The memo will not be forwarded to the Office of the Chief of Police, but will be available for review if requested.

4. If a second offense for a similar infraction occurs within a twelve (12) month period the supervisor will forward all reports to the Chief of Police, through the chain of command, with a recommendation for discipline.

5. If an employee receives three (3) oral warnings or written reprimands for unrelated infractions within a twelve (12) month period the supervisor will forward all reports to the Chief of Police, through the chain of command, with a recommendation for discipline.

6. Supervisors may, if they feel it is necessary because of the infraction or the officer's attitude, on the first offense document the incident on an official memorandum and forward it to the Chief of Police, through the chain of command, with a recommendation for disciplinary action.

7. Supervisors have the authority to exercise limited disciplinary action. A supervisor may temporarily relieve an employee from his/her remaining tour of duty on the grounds that the employee is unfit for duty. Upon relieving an officer from duty the supervisor will immediately notify the on call Lieutenant and inform them of his actions. Both the supervisor and the employee relieved from duty will report to the Police Chief at 0900 hours on the next business working day unless otherwise directed.

**PUNITIVE AND DISCIPLINARY ACTIONS**

1. The decision to impose disciplinary action against an officer will be based on the "Conclusion of Fact" for each allegation of misconduct, violation of the Rules of Conduct and/or Department procedures. The Conclusion of Fact can result in the following types of closures:

*SUSTAINED* - The allegation is supported by sufficient evidence.

*PARTIALLY SUSTAINED* – sufficient evidence exists to support part of the allegations. .

*NOT SUSTAINED* - insufficient evidence to prove or disprove the allegations.

*EXONERATED* - Incident did occur but the actions taken were lawful and proper.

Proper Conduct - the action of the Department or the Officer was consistent with the agency procedure and the complainant suffered no harm.

Policy Failure - although the action of the Department and the Officer was consistent with Department procedure, the complainant suffered harm.

*UNFOUNDED* - Allegation is not factual; did not happen.

*SUSTAINED OTHER* - Sustaining of violation or misconduct other than the allegations of the original complaint.

2. Punitive discipline, generally, will be imposed in a progressive manner from minimum to maximum but also, when appropriate, may be imposed to the maximum limit at any time for any incident. The following criteria should be used to determine the appropriate level of disciplinary action:

the seriousness of the incident;

the circumstances surrounding the incident;

the employee's accumulative disciplinary record;

the employee's work performance;

the overall negative impact on the Department caused by the incident; and,

the probability that future similar problems will occur.

3. Upon sustaining charges against a member of the Department, an appropriate penalty will be imposed. Penalties which may be imposed are:

*Oral Warning* - An oral warning that some action, lack of action, or level of performance is not acceptable and will result in further disciplinary action if repeated or continued. Oral warnings, documented in writing, will not be inserted in the officer's personnel file.

*Written Reprimand* - A written reprimand stating that some action, lack of action, or performance is unacceptable and will result in further disciplinary action if such action is repeated or continued. Written reprimands will become a part of the employee's personnel file. A written reprimand is an official reprimand. Employees may petition the Chief of Police to remove, from their personnel file, an Official Reprimand after a twelve (12) month period. The removal of such reprimand is at the discretion of the Chief of Police.

*Reduction in Performance Rating* - An employee's disciplinary record is part of his/her performance rating. This rating may be affected as a result of disciplinary action against the employee during that performance evaluation.

*Withdrawal of Outside Employment* - Secondary work privileges may be revoked or suspended by the Chief of Police.

*Suspension* - A disciplinary action in which the employee must forfeit his/her salary for misconduct considered to be serious, or part of a continuing pattern of behavior involving repeated misconduct.

*Reduction of Leave* - The Chief of Police may offer an employee the choice of being suspended without pay, or being suspended and in lieu of forfeiting pay, forfeiting equivalent

amounts of compensatory time due or vacation time already accrued.

4. Only reports and documents that sustain a disciplinary action against an individual will become part of the employees personnel file. These files will be maintained in the Office of the Chief of Police.

5. Any disciplinary action will be entered in the concerned employees personnel file. The records of disciplinary action will be kept in the employees personnel file indefinitely.

6. *Disciplinary procedures pertaining to the Law Enforcement Officer's Bill of Rights are outlined in the Administrative Manual.*

**7. Administration of Disciplinary Procedures are outlined in the Administrative Manual.**

**NON-SWORN PERSONNEL**

1. The punitive and disciplinary actions process for non-sworn members of the Department are outlined below.

2. The grievance process for disciplinary actions taken against non-sworn members of the Department is governed by the City of Cambridge Employee Manual.

3. The authority to initiate/administer disciplinary action is delegated by the Chief of Police to Supervisory officers under the direction of the Administrative Lieutenant. However, the Chief of Police, by delegating authority to discipline does not relinquish his right of final review.

**PROCEDURES FOR RECOMMENDING AND ADMINISTERING DISCIPLINE**

1. AN incident or alleged violation will be thoroughly investigated by a Supervisor prior to any action being taken. Complaints should be handled at the lowest possible level of supervision.

2. At the completion of the investigation all pertinent facts shall be documented in report form. The facts are evaluated and a decision is made to recommend discipline or dismiss the complaint. The Supervisor will then direct a "Disciplinary Action" letter to the employee advising him/her of the recommended discipline.

3. Upon receipt of the letter, the employee has three (3) days (excluding weekends and holidays) in which he may reply in writing to the Administrative Lieutenant, noting his acceptance or rejection of the recommended discipline. If a reply letter is not sent in response to the recommended discipline, the disciplinary action will go into effect. If a reply letter is sent rejecting the disciplinary action the Administrative Lieutenant will review the proceedings and will direct a letter to the non sworn employee advising him of his decision and that the employee has the right to appeal the decision to the Chief of Police, in writing, within five (5) working days. The Chief of Police will review the proceedings and is the final departmental authority for disciplinary action.