

**Section: TWO
Chapter: TWO**

SUBJECT: Discipline
ISSUE DATE: 08-15-16
REFERENCE: NYSA 14.4

I. INTRODUCTION

Discipline within an organization requires compliance to a code of ethics and standards of performance supported by a system of authoritative guidelines such as rules, regulations, general orders and other policies and procedures. Discipline is a necessary element in the maintenance and growth of any person or organization.

II. PURPOSE

- A. To define the authority and responsibility delegated to supervisors for the maintenance of discipline.
- B. All supervisors should realize that a disciplinary system is comprised of both positive and negative aspects. To this end, the department's system will contain methods and procedures that include the following areas:
 - 1. Training to improve employee attitude, skill and performance.
 - a) Training, in and of itself, is not to be construed as disciplinary in nature.
 - 2. Counseling (often used with training) to clarify expectations.
 - 3. Punitive action.

III. SUPERVISOR RESPONSIBILITY

- A. Supervisors are responsible to insure that department personnel perform their duties according to the policies, procedures, rules, regulations and authoritative instructions of the department. Supervisors are officers with formal rank, as well as the designated Officer-in-Charge and/or senior officer on duty.
- B. Supervisors are responsible for personnel:
 - 1. Assigned to their command.
 - 2. Under their supervision even for a brief period (detached service, special program or event, etc.).
 - 3. Who are brought to their attention.
- C. Supervisors are expected to initiate action whenever personnel under their direction are in need of training, counseling or punitive action.
- D. To initiate action means, but is not limited to, the following types of actions.
 - 1. Take necessary action as outlined in this order.
 - 2. Notify the employee's immediate supervisor or the next available supervisor in the employee's chain of command.

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3. Notify the Chief of Police, and request a department internal investigation.
4. Make a request, through the chain of command, for appropriate training.

IV. PROCEDURES

A. Training

1. Supervisors are expected to take action to train personnel under their direction where such training is deemed necessary. Training can take two forms:
 - a) To teach new skills, introduce different methods, etc.
 - b) To remediate skills already taught.
2. Supervisors will submit lesson plans used to the Chief of Police or his/her designee.
3. Supervisors are encouraged to suggest areas of training for the department.

B. Counseling

1. Supervisors are encouraged to counsel personnel under their direction in order to clarify department expectations such as:
 - a) Poor Attitude: Employee may be competent, but is surly, uncooperative or resents direction.
 - b) Poor Performance: Employee does not meet the job standards as set forth under General Orders of this department, or generally-accepted police procedures.
2. Counseling sessions are intended to address the performance of an individual.
3. All counseling sessions must be documented and all documentation will be retained by the supervisor providing counseling for a period of not less than three years.

C. Punitive Actions

1. Supervisors are required to initiate corrective measures to assure compliance with department rules, regulations, policies and procedures.
2. If a supervisor observes personnel under their direction violate a department rule, regulation, policy or procedure, the supervisor will take the following action:
 - a) Advise the person of the violation;
 - b) Have the person correct the violation;

Depending on the type/seriousness of the violation and the violating person's chain of command:

3. Provide training or instruction if necessary.
4. Document the violation and corrective measures in a "Counseling Letter" documenting actions taken. The supervisor must retain a copy of this documentation for a period of not less than three years.

D. Supervisors may choose to document a violation in writing in a "Letter of Memorandum." A letter written to document such performance should be specific as to the violation and the rule, regulation, etc. that was violated. This letter is forwarded to the Office of the Chief of Police and will be kept in the employee's personnel folder.

E. Supervisors may recommend the preferring of departmental charges when deemed necessary. Recommendations are to be made to the Chief of Police through the chain of command.

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F. Discipline can be ordered for the following reasons:

1. conviction for any crime or violation of law
2. neglect of duty
3. violation of rules and regulations or general orders
4. neglect or disobedience of lawful orders
5. incapacity to perform police duties
6. absence from duty without approved leave
7. insubordination or conduct unbecoming of a police officer or employee
8. incompetence
9. failure to meet minimum standards on two consecutive performance evaluations.

G. A member of the police department who is charged with a misdemeanor crime may be suspended by the Chief of Police. A member who is charged with a felony or a domestic violence crime will be immediately suspended by the Chief of Police with or without pay at the discretion of the Chief of Police.

V. RELIEF FROM DUTY

- A. If a supervisor feels that a person under their direction is unfit for duty (physically, medically, emotionally or psychologically), the supervisor may excuse the person for the remainder of the tour.
- B. If a person is excused from duty, they will retain all rights and privileges afforded under law, contract, etc.
- C. The supervisor will notify (or cause to be notified) the employee's immediate supervisor and the Chief of Police prior to the relief, if possible.
- D. The supervisor will submit a report of the actions taken and the reasons for same to the Chief of Police.
- E. If the possession of a firearm or other issued equipment by an employee is dangerous to themselves or others, said equipment will be secured from the employee, by the Chief of Police. Under extreme circumstances where the employee's mental state is such that there is imminent danger of serious injury to self or others, any supervisor must secure such equipment. The supervisor will immediately advise the employee's direct Supervisor and the Chief of Police. The Chief of Police may order the employee to the police physician for evaluation prior to their return to duty. In the event that the employee's weapon was secured due to the employee's behavior or condition, the Chief of Police will order the employee to the police physician for evaluation prior to their return to their being re-issued a department service pistol and their return to full duty.

NOTE: Nothing in this order is intended to circumvent any right or duty provided for in Article XVI of the collective bargaining agreement between the Village of Palmyra and the Palmyra Police Employee Unit #9109, Inc.

Applicable statutes and case law apply to disciplinary actions--refer to Civil Service Law, Section 75.

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VI. PROCEDURES FOR DISCIPLINARY RECORDS MANAGEMENT

- A. Record of any Disciplinary action against any member of the Palmyra Police Department will be filed by the Chief of Police in the member's personnel file. The record will contain not only an account of the investigation and charge but also the disposition of the matter.
- B. As per law, the records of an internal investigation and disciplinary proceedings are retained for at least 3 years after final decision is reached, unless specified in a settlement between the Village of Palmyra and the employee. A summary of the incident will be maintained for at least 6 years after termination of employment.
- C. Any record of "not guilty" findings shall be viewed by no one except the Chief of Police, or upon specific written approval by the employee involved, or unless a court of proper jurisdiction orders that the record be viewed by someone other than the Officer in Charge or employee.

By Order of:

David B. Smith
Chief of Police