

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

DIRECTIVE TYPE General Order	EFFECTIVE DATE August 30, 2010	NUMBER 905.1
SUBJECT Discipline and Award Procedures	REVISED August 30, 2010	
REFERENCE SCLEA 2 nd Edition 12.5 – 12.10 and City of Anderson Personnel Policy and Procedure Manual VI-120	AMENDS/SUPERSEDES General Order 905	
DISTRIBUTION All Personnel	RE-EVALUATION DATE Annual	NO. PAGES 10

A. Purpose

To recognize those members of the police department who deserve such recognition for the performance of their duties.

To establish a procedure for administering progressive discipline, as necessary.

B. Policy

It is the policy of the police department to award those members who deserve recognition for the performance of their duties that go above and beyond that which is expected.

C. Procedures

1. **Awards Program:** The Anderson Police Department expects a high level of conduct from all members. It is recognized that Department members can and do perform their duties in a manner exceeding even the highest standards of the Department. Any supervisor shall implement commendations and awards. Any member may nominate another member by notifying a supervisor of the circumstances warranting recognition. In order to provide official recognition to those members who bring honor to themselves and the Department, the Awards Program is hereby established (SCLEA 12.5a). Award categories are:

a. Supervisor's Letter of Appreciation

This is a letter written from a member's immediate supervisor. The letter is awarded for any member that does not qualify for a higher award, but is deserving of recognition. An example may be that of a member who has had a decrease in performance pointed out to him/her and has now showed much improvement in that area. This could be a member who has assisted his/her supervisor with being able to complete some type of task or assignment. In short, this is a "positive noteworthy" letter addressed to the employee, carbon copied to the chief, and placed into the member's personnel file.

b. Letter of Commendation

This correspondence is for one or more members who have performed in an exemplary manner. An example is an member who conducts required police work in a manner above and beyond the call of duty, i.e., closing several related crimes by conscientious work, being alert and apprehending a robbery suspect, rapist, etc., or working on his/her own time to close cases. Another example would be a member who has used his/her own initiative to develop and implement a more effective and or efficient way of conducting day-to-day activities. Letters of Commendation are normally signed by the Chief of Police and are followed up with a Certificate.

c. Officer of the Month

The *Officer of the Month* is chosen from nominations received throughout the department. A Selection Committee (appointed as per general order 905.C.1.f) makes the final determination for officer of the month. Any member of the City of Anderson Police Department may nominate any other member for Officer of the Month. Nominations must be sent in writing to the Chief of Police no later that the second Monday of each month. The recipient will have his/her name placed on a certificate that will be displayed on the bulletin board in the Police Department.

d. Officer of the Year

A selection committee (appointed by the Chief of Police) chooses the *Officer of the Year* from members of the Anderson Police Department. Nominee's names are submitted to the Chief of Police and are known only to the Chief of Police. The selected officer will be recognized at the first available City Council meeting and other public forums as deemed appropriate by the Chief of Police.

e. Complimentary Letters

These are the letters written to or about members of the Police Department and thank, compliment, expressing appreciation for, or commend the member(s) for performing tasks in a courteous, efficient, and/or expedient manner. Whenever a member receives a complimentary letter it will be forwarded through the chain of command to the office of the Chief of Police for inclusion into the member's personnel file.

2. All letters, certificates, and awards shall become part of the member's personnel file.

D. Distribution of Rules and Regulations

1. Each Police Department member will be provided a copy of the departmental Rules and Regulations. These Rules and Regulations will be kept in a designated section in each member's General Order Manual. It shall be each member's responsibility to read, understand and comply with these Rules of Conduct.

E. Disciplinary System

1. Discipline is the responsibility of each individual, and a well-disciplined police force is one that voluntarily and ungrudgingly conforms to all rules and orders. As outlined in the City of Anderson Personnel Policy and Procedure Manual (section VI-120), the City of Anderson Police Department employs a progressive disciplinary system to be followed in cases of alleged or suspected violations of department rules and regulations, general orders, City of Anderson ordinances, or any applicable state or federal statute by members of the Anderson Police Department. The City of Anderson Member Handbook and the City of Anderson Policy and Procedures Manual cover issues that members of the police department are responsible for adhering to, in addition to the police department's written directives.
2. This procedure is meant to assure the prompt and thorough investigation of complaints to clear the innocent, establish guilt of wrongdoers, and facilitate fair, suitable and consistent disciplinary action.
3. **Administration of Discipline**
 - a. Discipline will generally be administered in a progressive fashion as outlined in the City of Anderson Personnel Policy and Procedure manual, section VI-120. Although not all-inclusive, the following factors should be taken into account when considering administration of discipline:
 - (1) The seriousness of the incident;
 - (2) The circumstances surrounding the incident;
 - (3) The member's past disciplinary records;
 - (4) The member's past work performance;
 - (5) The overall negative impact on the organization the incident caused;
 - (6) The prognosis for future similar problems; and
 - (7) Discipline should be administered as consistently as possible (See E2 above).

b. Training as a Function of Discipline

- (1) Officer's acts or omissions, which are committed because he/she either misunderstood procedures or was never made aware of the correct action, are indicators of training needs. These needs may be corrected by remedial training. Remedial training is personalized training to correct a specific deficiency which is usually identified by testing, evaluations, or by acts requiring disciplinary action. (SCLEA 12.5b)
 - (a) Training may be used as part of the Department's disciplinary system by itself, or along with disciplinary procedures as determined by the Chief of Police.

c. Remedial Training

In a non-disciplinary action, a member may be assigned to remedial training if the member's supervisor recommends the process to correct a lack of skill, knowledge, or the ability to perform assigned tasks. Recommendations for remedial training will be made in writing through the chain of command to the Chief of Police.

- (1) Required remedial training will be documented in the member's internal personnel file by the supervisor.

d. Counseling/Oral Reprimand:

Counseling assists members with the process of problem solving. It may be corrective or preventive in nature. It may focus on the necessity for a person to change his/her present behavior or work methods. It may also focus on the necessity for a person to behave differently in preparation for responsibilities and challenges that lie ahead. In addition, counseling may focus on a specific disciplinary problem which may be handled simply with counseling or with other disciplinary actions. (SCLEA 12.5c)

- (1) The immediate supervisor will counsel an employee when the employee has an existing problem or is experiencing difficulty understanding or adjusting to matters which are:
 - (a) Job Related;
 - (b) Related to Personnel Policy;
 - (c) Interpersonal Relationships With Co-Workers;
 - (d) Personal Matters Which Affect The Member's Work;
- (2) When counseling is to be documented, the supervisor shall identify the work rule or standards of conduct which the member has violated or the duties which the member has failed to discharge, and will suggest corrective action.

The supervisor should consider all the factors involved in the member's misconduct to determine whether documentation of the counseling action is warranted. A copy of documented counseling of a member will be placed into the Chief's Master File. After being signed by the member, the member's supervisor shall forward a copy of the documentation to the Chief. The member's supervisor shall also maintain a copy in the supervisor's file.

e. Written Reprimand

If the member's misconduct is serious or is part of a continuing pattern of behavior involving repeated minor misconduct or mistakes, members as a general rule will be reprimanded. A written reprimand is a formal reprimand to the member from his/her supervisor describing the way in which the member's conduct or performance has failed to meet prescribed standards. The written reprimand should be used in cases where past verbal warning has been ineffective or where an offense has been committed which requires more severe action than remedial training, verbal warning or counseling. The written reprimand shall specify the violations charged against the member or the failures in work performance of the member and shall specify corrective action. It shall warn the member that repeated offenses will lead to sterner measures, including possible discharge. (SCLEA 12.5d)

- (1) The member will be required to sign the written reprimand. If the member refuses to sign, the supervisor will note the refusal on the document. Written reprimands should be completed on the City of Anderson Member Violation Notice. A separate attachment may be added to the violation notice.
- (2) The original copy of the written reprimand will be given to the member, one copy retained within the Chief's Master File, and a third copy forwarded to the City Personnel Office to be placed within the member's permanent record. The member's supervisor shall keep a copy in the supervisor's file.

f. Suspension

- (1) A suspension is a serious disciplinary action in which the member must forfeit his/her salary for misconduct considered to be serious or part of a continuing pattern of behavior involving repeated misconduct.
 - (a) Only the Chief of Police or City Manager has the authority to implement a suspension without pay. The suspension must be documented in the member's personnel file. Upon suspension, the member will relinquish his/her ID card, badge, and department issued firearm(s) to the Chief of Police or Division Captain for the duration of the suspension.

g. Demotion:

Demotion occurs when a member moves to or is transferred to a lower paying position. Involuntary demotion may be utilized in circumstances in which a member exhibits unsatisfactory performance or personal conduct in one position but shows potential for becoming a productive member in another position. It may be used as an alternative to dismissal and it is the most severe corrective action that may be imposed prior to discharge. All demotions must have the approval of the Chief of Police and the City Manager and be documented in the member's personnel file.

h. Dismissal

If the member's misconduct is so serious that continued employment is no longer appropriate or is part of a continuing pattern of behavior involving repeated serious or very serious misconduct, members will as a general rule be recommended for dismissal. Dismissal is the removal of a member from duty, thereby ending his/her employment by the City. The City of Anderson policy on dismissals is stated in section VI-120 City of Anderson Personnel Policy and Procedure Manual. Recommendations for dismissal shall contain a written summary outlining the charges and specifications for the particular offense. The Chief of Police will give the affected member a written notice of dismissal and copy the written notice to the City Manager. The written notice will become part of the individual's final employment record with the City.

- (1) **Dismissal Notice:** If the member misconduct results in dismissal from the Department, the member shall receive a written notice which will contain the following information (SCLEA 12.7):
 - (a) The reason for the dismissal,
 - (b) The effective date of dismissal,
 - (c) The status of fringe and retirement benefits after dismissal.
 - (d) A statement as to the content of the member's employment record relating to the dismissal.
- (2) All sworn employee dismissals are reported to the South Carolina Criminal Justice Academy (SCCJA) as required by the Law Enforcement Training Regulations by the Training Sergeant. (SCLEA 12.10)
- (3) The City of Anderson Personnel Office will provide the above information. In addition, the City of Anderson Personnel Office will strive to hold an exit interview with all departing members of the police department.
 - (a) No less than once per year should the personnel office forward a summary of all exit interviews to the Chief of Police. This summary should (at a minimum):

- i. An outline of the major reasons for the members' departure from service to the City of Anderson Police Department (involuntary dismissal, retirement, change for better job, etc.),
 - ii. It should address, in summary form, any unresolved complaints or grievances that the member may have had, and
 - iii. It should summarize the members' suggestions for improvement.
- (b) The identification of individuals participating in exit interviews will not be included in the summary report to the police department.

4. **Supervisory Role:** The Chief of Police shall review all submitted reports and evidence of any disciplinary action prior to being made part of any member's personnel file. The Chief may sustain or reduce the action, or impose the forms of punitive discipline identified in this general order.

All supervisors shall be responsible for detecting those instances and actions when positive or negative disciplinary actions are warranted for members under their immediate or indirect supervision. These responsibilities include: (SCLEA 12.6)

- a. Rewarding positive behavior and exemplary conduct and performance.
- b. To investigate allegations of member misconduct when within the scope of their authority and responsibility.
- c. Counseling members to improve job performance or correct minor infractions and procedures.
- d. Recommending the most effective methods of discipline, taking into consideration the behavior history and personality traits of the personnel under their supervision.
- e. Directly implementing punitive disciplinary action including oral and written reprimands.

5. **Supervisory Authority:** Final disciplinary authority and responsibility for Department members rests with the Chief of Police. All supervisors are held responsible for any discipline administered at any level below them within their span of authority. Supervisors may exercise the following disciplinary measures with members under their control: (SCLEA 12.6)

a. **Lieutenants (and Sergeants - in the absence of Lieutenants)**

- (1) Change of duty assignment within their span of control.

- (2) Written Counseling / Oral Counseling.
- (3) Written Reprimand.
- (4) Recommend Suspension.
- (5) Procedural Suspension from duty requiring the member to be sent home.

b. Division Captains

- (1) Change of duty assignment.
- (2) Written Counseling / Oral Counseling.
- (3) Written Reprimand.
- (4) Recommend Suspension (Impose suspension in the absence of the Chief).
- (5) Recommend Demotion or Dismissal.
- (6) Procedural Suspension from duty requiring the member to be sent home.

c. Chief of Police

- (1) Change of duty assignment.
- (2) Written Counseling / Oral Counseling.
- (3) Written Reprimand.
- (4) Impose Suspension.
- (5) Procedural Suspension from duty requiring the member to be sent home.
- (6) Demotion in Rank, Pay and / or Dismissal from the Department.

d. Whenever improper conduct of a member is observed by any supervisor, it shall be the responsibility of that supervisor to inform the offending member's supervisor for possible disciplinary action. (SCLEA 12.6)

e. If the misconduct is very minor, such as a minor infraction of procedures, or a case of poor judgment that has not significantly impeded effective Departmental operations, the member's supervisor is authorized to take immediate corrective action in the form of counseling which may be verbal or written. (SCLEA 12.6)

f. A written reprimand may be given to any police department member by the first-line supervisor in the offending member's chain of command. It shall be the responsibility of that supervisor to inform the offending member of the written

reprimand and ensure the reprimand is documented in the member's personnel file. (SCLEA 12.6)

- g.** If the misconduct is serious and the supervisor determines that a suspension is in order, the supervisor will review the action with the proper Division Captain and/or the Chief of Police. (SCLEA 12.6)
- h.** If the misconduct is very serious, such as a violation of criminal law, gross negligence involving loss of life or potential loss of life, intoxication on-duty, gross insubordination, or when deemed to be in the best interest of the Department, the supervisor may impose a *procedural suspension from duty*. The *procedural suspension from duty* would be used by a supervisor in those rare instances when there is insufficient time to notify the Chief of Police or proper Division Commander, but immediately thereafter, the Division Commander and the Chief of Police will be notified as soon as possible of the action.

 - (1) The *procedural suspension from duty* will continue until the police department's next scheduled shift unless reinstated sooner by the Chief of Police. The supervisor will take possession of the member's weapon, identification card, badge, and assigned vehicle (if any). If the member has a take home vehicle, the supervisor will provide the member with a ride to the member's residence, and advise the member that he/she is under *procedural suspension from duty* and is relieved of all police powers until otherwise instructed by the Chief of Police.

6. Imposing Sanctions for Violations and Infractions - Disciplinary Principles

The City of Anderson and the Anderson Police Department believes that a clearly written discipline policy will serve to promote fairness and equality in the work place, and minimize potential misunderstandings among members in disciplinary matters. Furthermore, the City believes that certain basic principles, set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job behavior and performance.

- a.** Members shall be advised of expected job behavior, the types of conduct that the City has determined to be unacceptable, and the penalties for such unacceptable behavior.
- b.** Immediate attention shall be given to policy infractions.
- c.** Discipline shall be applied uniformly and consistently throughout the City and any deviation from standard procedure must be documented.
- d.** Each offense shall be dealt with as objectively as possible.
- e.** Discipline shall be progressive as outlined in this general order and the City Policy and Procedure Manual.

- f. A member's immediate supervisor and/or the Chief of Police and City Manager shall be responsible for administering discipline. (For City Manager responsibility in this matter, refer to City Code 54-12)
7. **Progressive Discipline:** Department supervisors and the City Manager shall follow the established system of progressive discipline outlined within this general order when correcting job behavior. The City has adopted this policy as a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon the statutory rights of each department member as set forth in the South Carolina Code of Laws.
8. **Disciplinary Records Maintenance:** Reports and supporting documents that relate to a disciplinary action will be retained in the office of the Chief of Police in the member's internal personnel file. (SCLEA 12.8)
- (a) The record of disciplinary action will also be placed into the member's City personnel file.
- (b) Unless otherwise approved by the Chief of Police, disciplinary actions shall remain in the member's personnel file indefinitely.
9. **Appeal Procedures:** Appeal procedures for employment related conflicts such as disciplinary actions may be made through the City of Anderson Grievance Procedure which is stated in General Order 901. (SCLEA 12.9)
10. **Non-Discrimination:** The Anderson Police Department does not intend to illegally discriminate against members, potential members or member groups on the basis of sex, ethnic background, race, religion, color, age or physical handicap in any disciplinary or dismissal proceedings.

By order of:


Martin D. Brown, Chief of Police

8-30-2010
Date