

SPRINGFIELD POLICE DEPARTMENT

Standard Operating Guideline

Effective Date: 09/30/2016	Supersedes Policy Dated: 10/15/2014	Rescinds:	SOG Number: 103.8
Accreditation Index: 1.2.9, 26.1.4, 33.1.5			
Part Title: Administration		Chapter Title: Standards of Conduct	
Chief of Police:			

Administration of Discipline

I Policy

It is the policy of the Springfield Police Department to utilize the disciplinary process to correct and improve employee conduct and performance in a fair, equitable, and just manner. Consistent with the concept of progressive discipline, the Department uses the least punitive corrective action necessary to promote compliance with department policy, City Merit Rules, and the law.

II Definitions

III Procedure

1 RESPONSIBILITY FOR DEPARTMENT DISCIPLINE

- 1.1 Each member of the Springfield Police Department is charged with the responsibility to conduct themselves in accordance with the law, Merit Rules, and department policy, rules and regulations.
- 1.2 Each member of the Police Department is charged with the responsibility to report violations of policy to a department supervisor.
- 1.3 Supervisory and Command Ranks
 - 1.3.1 Supervisors and commanders are fully empowered and are EXPECTED to intervene and act on problems of sub-standard performance and minor misconduct without requiring formalized investigative processing.
 - 1.3.2 Pursuant to that responsibility, members of command and supervisory ranks have the following authority:

SOG 103.8

Administration of Discipline

Effective Date: 09/30/2016

- 1.3.2(a) To issue verbal and written reprimands, verbal and written commendations to employees under their supervision;
 - 1.3.2(b) To order an employee to leave the job site under provisions listed in Section 2 of this directive;
 - 1.3.2(c) To issue letters of appreciation to employees under their command;
 - 1.3.2(d) To make recommendations involving disciplinary cases and any aspect of the disciplinary process.
- 1.4 Chief of Police
- 1.4.1 The Chief of Police has the authority to take any form of corrective action as presented in Section 2 of this directive.
- 2 RANGES OF POSITIVE/CORRECTIVE DISCIPLINARY ACTION
- 2.1 Positive Action
- 2.1.1 Supervisory Praise, Recognition
 - 2.1.2 Departmental Awards (Refer to SOG 103.6 – Department Awards Program)
 - 2.1.2(a) Medal of Valor
 - 2.1.2(b) Meritorious Service Award
 - 2.1.2(c) Certificate of Commendation/Command Commendation
 - 2.1.2(d) Lifetime Achievement Award
 - 2.1.2(e) Life Saving Award
 - 2.1.2(f) Police Cross
 - 2.1.2(g) Community Service Award
 - 2.1.2(h) Purple Heart Award
 - 2.1.2(i) Chief’s Challenge Coin
 - 2.1.3 Supervisory Guidance/Oral Counseling (CALEA 26.1.4(b))¹
 - 2.1.3(a) Informal supervisory counseling conducted to provide assistance.
 - 2.1.3(a.1) Such guidance allows the supervisor to bring to the attention of the employee the need to improve performance, work habits, attitude or other behaviors and to serve as a warning against future repetition of unsatisfactory conduct.

¹ 5th Edition removed from all CALEA standard references throughout the entire policy, per PCO 16-025.

SOG 103.8

Administration of Discipline

Effective Date: 09/30/2016

- 2.1.4 Corrective Training (CALEA 26.1.4(a) and 33.1.5)
 - 2.1.4(a) Training may be employed by itself in a proactive manner or it may be employed in conjunction with other components of the disciplinary system. The purpose is to strengthen the employee's performance in a positive manner.
 - 2.1.4(b) Employees are required to diligently maintain an acceptable level of competence in performance of their duties and to comply with department in-service training standards and minimal continuing education standards as required by the Department of Public Safety, State of Missouri.
 - 2.1.4(c) Acts of employees which are because they misunderstood procedures or were never aware of them indicate the need for corrective training.
 - 2.1.4(d) Supervisors are expected to identify performance deficiencies and insufficient knowledge during the job performance evaluation process, when appropriate, supervisors should take the necessary steps to secure such remedial training for the employee.
- 2.2 Punitive Disciplinary Actions (CALEA 26.1.4(c))
 - 2.2.1 Documented Oral Counseling
 - 2.2.1(a) More formal counseling session. Identifies problem, clearly defines expectations, and includes formalized memo to Department Personnel File. Minor disciplinary action.
 - 2.2.2 Letter of Reprimand
 - 2.2.2(a) Issued by any supervisor, the letter defines violation or policy clearly, sets out clear expectations for improvement, warns of the likelihood of more severe action in future. Moderate disciplinary action.
 - 2.2.3 Suspension
 - 2.2.3(a) Suspension of pay (and benefits) for a defined period. Considered a severe disciplinary action.
 - 2.2.4 Demotion
 - 2.2.4(a) Reductions in rank, pay, and grade permanently. Severe disciplinary action.
 - 2.2.5 Dismissal/Termination

SOG 103.8

Administration of Discipline

Effective Date: 09/30/2016

- 2.2.5(a) Permanent loss of position. Most severe disciplinary action.
- 2.3 Immediate Summary Action
 - 2.3.1 Immediate Summary Action provides for immediate intervention by supervisors or commanders to act on violations of standards of conduct or appearance. These actions do not require a complaint control number and subsequent Inspections and Internal Affairs investigation although in serious cases such documentation may be appropriate.
 - 2.3.2 Immediate Summary Action may be implemented by supervisors or commanders outside the affected employee's chain of command.
 - 2.3.3 Immediate Summary Action includes documenting employee counseling, issuing oral or written reprimands, and/or immediate suspensions.
 - 2.3.3(a) When suspension is necessary, it shall be for the remainder of the employee's work shift and may continue through the subsequent work shift.
 - 2.3.4 Proper discretion and good judgement should be exercised in the application of Immediate Summary Action.
 - 2.3.5 Upon taking this action, the enforcing supervisor or commander shall notify: the supervisor of the affected employee and his/her own supervisor. The enforcing supervisor shall immediately follow-up with a written report of the incident.
 - 2.3.6 Application of Immediate Summary Action does not prevent application of additional or more severe disciplinary action.
 - 2.3.7 A list of violations that could result in application of Immediate Summary Action include but are not limited to:
 - 2.3.7(a) Tardiness or misuse of duty time;
 - 2.3.7(b) Failure to be clean and neat in appearance;
 - 2.3.7(c) Out of uniform;
 - 2.3.7(d) Failure to maintain equipment;
 - 2.3.7(e) Failure to report back to service upon completion of assignment;
 - 2.3.7(f) Taking excessive time for lunch/breaks;
 - 2.3.7(g) Failure to give full attention to duty
 - 2.3.7(g.1) Lounging on post;
 - 2.3.7(g.2) Unnecessary visiting;
 - 2.3.7(h) Failure to perform assigned tasks;
 - 2.3.7(i) Misuse of equipment or supplies;
 - 2.3.7(j) Failure to report for duty when scheduled;

SOG 103.8

Administration of Discipline

Effective Date: 09/30/2016

- 2.3.7(k) Reporting unfit for duty;
- 2.3.7(l) Failure to provide prompt, courteous and correct service;
- 2.3.7(m) Failure to comply with a direct order from a supervisor;

3 ACTION BY THE CHIEF OF POLICE

- 3.1 If the Chief of Police determines an allegation to be sustained, he/she will determine the appropriate corrective or disciplinary action.
 - 3.1.1 If the corrective or disciplinary action involves Supervisory Guidance/Oral Counseling, Corrective Training, Documented Oral Counseling, or a Letter of Reprimand, the case will be remanded to the Bureau Commander to administer that action.
 - 3.1.2 If the corrective action potentially involves Suspension, Demotion, or Dismissal/Termination, a pre-disciplinary hearing will be held. The hearing will be conducted by the Chief of Police or designee.
 - 3.1.2(a) Procedure for the Pre-Disciplinary Hearing:
 - 3.1.2(a.1) The Pre-Disciplinary Hearing will include the chain of command of the involved employee.
 - 3.1.2(a.2) The employee is allowed to have an observer of their choice present as well.
 - 3.1.2(a.3) During the hearing, the employee may present information that might mitigate or assist in determining the appropriate level of discipline.
 - 3.1.2(a.4) The employee may also present information in writing by delivering it to the Chief of Police or designee on or before the hearing date.
 - 3.1.2(a.5) The hearing will be audio recorded and a transcript will be prepared from that recording.
 - 3.1.2(a.6) After hearing the information provided by the employee, each member of the chain of command will make their recommendations for disciplinary action.
 - 3.1.2(a.7) The recording and transcript will then be forwarded to the Chief of Police, who will make the final decision.

SOG 103.8

Administration of Discipline

Effective Date: 09/30/2016

- 3.2 In deciding the disciplinary action appropriate to the case, the chain of command shall consider:
 - 3.2.1 The nature and severity of the misconduct and its negative impact upon the department;
 - 3.2.2 The accused officer's personnel record;
 - 3.2.3 Recommendations from the chain of command;
 - 3.2.4 Past disciplinary actions taken for similar violations.

- 4 **PROCEDURES FOR SERIOUS DISCIPLINARY ACTION: SUSPENSION, DEMOTION, DISMISSAL**
 - 4.1 All serious disciplinary action such as demotion, reduction in compensation, suspension, or termination shall be documented in written form with a copy to the accused employee and another to the Director of Human Resources.
 - 4.2 The Chief of Police may dismiss any employee from service, or from any position within the service after appropriate notification and citing violation of applicable rules and regulations.
 - 4.3 If the disciplinary action involves dismissal of a non-probationary employee, a termination notification letter will be presented to the involved employee in person by the Chief of Police or his/her designee. A copy will be placed in the department personnel file located in the Office of the Chief of Police and another copy sent to the Director of Human Resources. The termination letter shall include the following information: ²
 - 4.3.1 The employee's job title;
 - 4.3.2 A statement citing the reason for dismissal, the specific behavior, and violation of Merit Rules or department policy;
 - 4.3.3 The effective date of dismissal;
 - 4.3.4 A statement of the status of fringe and retirement benefits after dismissal;
 - 4.3.5 A statement of the content of the employee record relating to the dismissal;
 - 4.3.6 Date of the first disciplinary notice;
 - 4.3.7 Declared opportunity for and/or date of the first disciplinary hearing;
 - 4.3.8 Declaration of the employee's attendance or non-attendance at such meeting;
 - 4.3.9 Declaration of hearing the employee's evidence;
 - 4.4 Appeals Process for Dismissals, Demotions, Suspension or Reduction in Compensation

² Section previously numbered 4.3 deleted, subsequent sections reorganized and renumbered, per PCO 16-025.

SOG 103.8

Administration of Discipline

Effective Date: 09/30/2016

- 4.4.1 Disciplinary appeals for employees who are members of the Springfield Police Officers Association Bargaining Unit will be governed by Article 17 of the Collective Bargaining Agreement. The Collective Bargaining Agreement is available on the CityShare webpage. ³
- 4.4.2 Appeals involving all other employees will be in accordance with Merit Rule 13.4. Employees may seek redress through the grievance procedure as defined in Merit Rule 13.5 or appeal directly to the Personnel Board in accordance with Merit Rule 13.4(c). ⁴
 - 4.4.2(a) Any request for hearing by the Personnel Board must be filed in writing within five (5) working days after decision by the City Manager.
 - 4.4.2(b) Any person dismissed in accordance with Merit Rule 12 shall appeal only to the Personnel Board in accordance with Rule 13.4(c).
 - 4.4.2(c) Any direct appeal to the Personnel Board must be followed by written request, stating facts pertinent to the appeal, and delivered to the Secretary of the Personnel Board within fifteen (15) calendar days following the effective date of dismissal, demotion, suspension, or termination.

IV Attachments

³ Section 4.4.1 added regarding SPOA Collective Bargaining Unit members, per Policy Change Order 16-025.

⁴ Section 4.4.2 (previously 4.5.1) reworded, per Policy Change Order 16-025.