

# SECTION SMP

## SMP-E DISCIPLINARY PROCEDURES

# **SMP: DISCIPLINARY PROCEDURES**

## **Section SMP-E.10      PURPOSE**

The purpose of this order is to ensure the integrity of the police department by establishing procedures for handling complaints and disciplinary actions against members of the department. These procedures will assure the prompt and thorough investigation of incidents to clear the innocent, establish guilt, and facilitate suitable disciplinary action. This order is based on the policies that discipline is the function of command and a well-disciplined force is a force which voluntarily and willingly conforms to all rules and orders.

## **Section SMP-E.11                      SCOPE OF THIS ORDER**

Incidents which are to be handled in accordance with the provisions of this order include alleged or suspected violations of statutes, policies, ordinances, the departmental rules, orders or actions of members (i.e., sworn, civilian, and temporary employees) of the police department. The incidents include those submitted to supervising or commanding officers by members of the department, either oral, by telephone, or in written form.

## **Section SMP-E.12                      ORAL WARNING**

An oral warning is used to correct a member for a violation of a departmental rule, regulation, or procedure by the Chief of Police to a subordinate. No further action is required. Written documentation will go into the employee's personnel file for a period of one year.

## **Section SMP-E.13                      WRITTEN WARNING**

A written warning shall state the reason for the warning along with a description of the events/problems that led to the warning. It shall describe actions taken by the supervisor to correct the problem, if applicable, including any timetables or goals set for improvement. It will indicate further disciplinary action that could result if the problem continues or related problems occur. The warning will be given to the employee to sign acknowledging that he/she had received the warning, with a copy to keep. A copy will also be permanently placed in the employee's personnel file.

Written warnings are more serious than oral warnings and normally follow oral warnings when the problem is not corrected or the behavior is not consistently improved. Serious infractions may require skipping either the oral or written warning or both.

#### **Section SMP-E.14 STERN WARNING**

When an employee receives a stern warning, it means that the next job infraction(s) will cause an immediate dismissal or a dismissal either during or at the end of a specified evaluation period. The evaluation period may last up to six months.

#### **Section SMP-E.15 SUSPENSION WITHOUT PAY**

The employee will be notified in writing of the reason for the suspension either prior to the suspension or shortly thereafter. Upon the employee's return to work, the employee will be given a written statement outlining further disciplinary action possible should the problem continue or reoccur. A copy of the written document shall be placed in the employee's-personnel file.

An employee may be suspended pending an investigation of an allegation. If the allegation is proven false after the investigation, the relevant written documents will be removed from the personnel file and the employee will receive any compensation to which he/she would have been due had the suspension not taken place.

For any suspension of five or more days, or any second suspension for the same individual, the Council shall review the reasons for the suspension and upon review, will make a decision as to the future status of the employee and his/her employment with the City.

#### **Section SMP-E.16 DISMISSAL**

The Council or its agent may dismiss any employee. The dismissal shall follow procedures as outlined per labor contracts.

Subject to state law on veteran's preference, the (Minn. Stat. 181.931 - 181.935), the City Council may dismiss an employee for substandard work performance, behavior not in keeping with City standards, or if in their judgment the employee is unsuited to employment with the City.

Employees should be advised of the City's expectations including specific performance expectations associated with their individual position as well as general expectations for all employees in the department and City.

## **Section SMP-E.17      APPLICATION OF ORAL WARNING, TEMPORARY OR PERMANENT**

This procedure provides for immediate disciplinary action against those members who fail to conform to certain departmental standards of conduct and appearance. Disciplinary action may be imposed by the Chief of Police or City Council.

Incidents to be covered by this provision include, but are not limited to:

- A. Failure to comply with department policies or departmental manual.
- B. Failure to report back-in-service immediately upon completion of an assignment.
- C. Failure to properly care or use official departmental equipment.
- D. Taking excessive time for lunch.
- E. Failure to provide prompt, correct, courteous service.
- F. Failure, while on patrol duty, to give full attention to the prevention of a crime.
- G. Transporting persons in a departmental vehicle except for a proper police purpose or on departmental business.
- H. Leaving post (without authorization) before designated time.
- I. Failure to perform assigned tasks.
- J. Misuse of department equipment or supplies.
- K. Reporting unfit for duty for reasons other than would justify action under the other provisions of this order.
- L. Using coarse, profane, indecent or insolent language to a superior officer, any member of the Avon Police Department, or to a civilian.
- M. Making a false official report.
- N. Receiving bribes of money or other valuable things.
- O. Communicate information of the affairs of the department without consent of the Chief.

- P. Neglect to turn over property received or taken from persons arrested.
- Q. Failure of a supervising officer or officer acting in that temporary capacity to take appropriate action on observing any of the above incidents. (Note that an oral reprimand may have been the appropriate action for a supervisor to have taken.)

Action under this subdivision will not eliminate recommendation for a more severe penalty by higher authority when it is felt that such punishment is being used to cover conduct warranting a more severe penalty or dismissal. If a greater penalty results, any preliminary punishment served will be taken into account in fixing the larger penalty.

### **SECTION SMP-E.18                      EMERGENCY SITUATION**

The Chief of Police has the authority to relieve from duty a member of the department when it appears such action is in the best interest of the department. Any sworn member of the department so relieved from duty shall turn in his/her service revolver, keys, badge(s) and identification card to the Chief of Police.

The Chief of Police relieving the member shall prepare a complete written report and his/her recommendations to the Mayor.

### **Section SMP-E.19                      DISCIPLINARY PENALTIES**

Any member of the department may be subject to reprimand, suspension from duty, dismissal from the department or anyone or more of the foregoing penalties according to the nature and aggravation of his/her offense.

### **Section SMP-E.20                      DISTRIBUTION OF REPORTS OF DISCIPLINARY ACTION**

The report shall be in writing and in the submitting of these reports, every effort shall be made to keep the incident confidential; when necessary, the use of sealed envelopes is recommended for transmittal to and from parties concerned.