

NEW CANAAN POLICE DEPARTMENT

SUBJECT: DISCIPLINARY PROCEDURES

GENERAL ORDER NUMBER: 91-8-96
FILE: PERS 9
Personnel Structure

I PURPOSE/POLICY

Effective discipline is a positive process when it's perceived purpose is to train or develop by instruction. Among the programs having an impact on discipline within the New Canaan Police Department are selection, training, direction, supervision and accountability. The purpose of this general order is to provide guidelines regarding the accountability of the disciplinary system. (See N.C.P.D. Policy Manual 280, Discipline)

II RESPONSIBILITY

It is the responsibility of all departmental personnel to adhere to this general order. It is the additional responsibility of the command and supervisory staff to ensure its compliance.

III PROCEDURES

A The code of conduct and appearance for employees of this department will be governed by a Manual of Conduct and Discipline, Rules & Regulations and to the extent applicable in the General Orders and Policy Manuals.

1. Each officer will have personal access to an Operations Manual containing a copy of the Manual of Conduct and Discipline, Rules and Regulations.
2. It shall be the responsibility of each officer to read, understand and adhere to the provisions established in this manual.

B The police department employs a structured disciplinary system to be followed in cases of alleged or suspected violations committed by members of the department. The disciplinary system also provides a uniform means of recognizing actions or performances by members of the police department and citizens which are either outstanding or beyond that which is normally expected. Components of this system include;

1. Police Department Employee Recognition Policy
 - a. The police department expects a very high level of professional conduct from all employees; however, when professional conduct warrants special recognition, the following guidelines will be implemented;
 - 1) Letter of Appreciation - Such recognition is generally the result of written correspondence received from the general public which documents general service functions performed by an employee of the department. In most instances it could best be described as a "thank you" letter.

- a) When this correspondence is received it is forwarded to the Chief of Police who will present it before the Police Commission for formal recognition.
 - b) The original correspondence is forwarded to the officer and a copy placed in the officer's personnel file.
- 2) Letter of Commendation - Such recognition is generally the result of a written recommendation from the Commander of the Operations Division or supervisory personnel. However, recommendations from outside sources will not be excluded from consideration. All recommendations are forwarded to the Chief of Police for his review and, when appropriate, presented to the Police Commission for formal recognition.
- a) Criteria used when selecting candidates for a letter of Commendation will consist of commendable acts and exemplary performance by an employee which deserves greater recognition than a letter of appreciation, but does not meet awards standards.
 - b) Recommendations may include requests for meritorious time off. The approval and duration of such a request shall be determined by the Chief of Police and the Police Commission.
 - c) When approved, a memorandum regarding the letter of Commendation is forwarded to the officer and a copy placed in his personnel file.
- 3) Awards - Such recognition is the direct result of nominations by an officer him/herself, or any other member of the police department provided the Awards Recommendation Form is completed. (See Appendix I) All nominations submitted will be promptly reviewed by the Division Captains and the Chief of Police. As part of the award review process the division Captains will recommend whether or not the submitted officer qualifies for the award. The Chief of Police will have final approval on all award recommendations submitted. Once the issuance of the award is approved, the Chief of Police and Police Commission will present the awards to the recipient(s) at the next scheduled Police Commission meeting. The following awards are available for consideration;
- a) Medical Service Award - This award shall be presented to any member of the police department for an act performed in the line of duty which, through disregard of personal safety or prompt and alert actions results in saving a life or preventing serious physical injury.
 - b) Meritorious Police Duty Award - This award shall be presented to any member of the police department who performs a highly credible accomplishment bringing public acclaim to himself, the department, or the police profession as a result of training, devotion to duty, or service to the public.

- c) Exceptional Duty Award - This medal shall be awarded to any member of the police department who displays courage and an intelligent devotion to duty which contributes to the elimination of crime, and also constitutes an unusual accomplishment under adverse conditions with some degree of hazard to life and limb to the nominee, or where death or injury to a third party is prevented.
- d) Police Cross Award - This medal shall be awarded to any member of the police department, who in an act of bravery, commits an outstanding act in the line of duty at imminent personal hazard of life with full knowledge of the risks involved.
- e) Medal of Honor Award - This medal shall be awarded to any member of the police department who at imminent personal hazard of life engages in combat with an armed adversary; or who distinguishes themselves in the line of duty by committing an individual act of heroism at imminent personal hazard to their life.
- f) Awards to civilians and officers of other law enforcement agencies includes:
 - i. Civilian Service Award - This honor will be awarded to any citizen who, without concern for their own safety, renders prompt assistance to any person(s) who is in danger. This award may also be provided to citizens who greatly enhance the day to day operations of the police department or further the goals and objectives of the department.
 - ii. Letters of recognition shall be awarded to officers of other law enforcement agencies who have provided an outstanding service to the police department. Should the situation arise where an officer from another department performs a highly commendable act to aid an officer of the police department, the awards committee shall have the discretion to award the appropriate medal or commendation ribbon.

2. Training as a function of discipline.

- a. The police department recognizes the importance of using training as a positive process within the disciplinary system. Training shall be a means through which to foster positive and constructive techniques for improving employee productivity, effectiveness and morale. This shall be accomplished by providing for;
 - 1) In-Service Training - This type of training is designed to further an employees knowledge and understanding of policies, procedures and accepted behavior, thereby reducing the possibility of a disciplinary problem. (Re; General Order 87-8-43, Training)

- a) It is the responsibility of supervisory and command personnel to ensure that their subordinates training is sufficient to adequately perform the job. Any areas where training is inadequate or non-existent must be brought to the immediate attention of the Training Officer so that the In-Service Training Program may be amended as necessary.
- 2) Remedial Training - This type of training is directed at solving or correcting a particular problem or improving employee performance in a specific area, within a designated time period and with clearly defined results.
 - a) It is the responsibility of supervisory and command personnel to continually evaluate the performance of their subordinates and to detect any deficiencies in job performance. Although not always possible, their goal must be to detect and correct any deficiency before it becomes a disciplinary problem.
 - i. When a deficiency is detected, a determination must be made as to the most beneficial means to try to resolve the deficiency. In most cases, the resolution might best be achieved through counseling. If the deficiency is such, that more formalized training may be appropriate, the Training Office will be notified. Once notified the Training Office will review available training programs and determine if available training would assist in resolving the deficiency. If so, it shall coordinate and/or implement such remedial training.
 - 3) The timetables under which remedial training will be provided will be determined by the situation on a case by case basis by the Commander of the Staff Services and Operations Divisions, as applicable.
 - 4) Employees ordered to participate in remedial training shall cooperate fully with supervisors and/or instructors. Failure to do so may subject the employee to disciplinary action.

3. Administration of Discipline

- a. The following terms for purposes of this general order, shall be defined as follows;
 - 1) Command Personnel - Includes the Chief of Police, Commander of the Staff Services Division and Commander of the Operations Division.
 - 2) Supervisory Personnel - Includes the Lieutenants, Sergeants, and Acting Sergeants.
- b. The administration of discipline will generally be in a progressive fashion; ie., from minimal to maximum. Factors taken into consideration when administering discipline may include, but shall not be limited to;
 - 1) The seriousness of the incident/offense
 - 2) The employees past disciplinary history and work performance

- 3) The overall negative impact on the police department
 - 4) The prognosis for similar problems in the future
- c. Disciplinary measures which may be implemented or imposed by command and supervisory personnel include;
- 1) Counseling - Counseling of an employee is appropriate when the misconduct of an employee is minor; ie., involving itself with the inadequacies of procedural matters, poorly written reports, matters of dress or similar violations. Unless "1a" below applies, no report is necessary, however the supervisor may wish to note the incident on the employees Performance Evaluation Report.
 - a) Such counseling may, at the discretion of the supervisor, result in additional In-Service or remedial training. In such cases, the Training Office will be notified via written report and shall coordinate said training.
 - 2) Oral Reprimand - If employee misconduct is of a minor procedural nature and there is a well defined violation of a policy and/or procedure, employees will generally be issued an oral reprimand.
 - a) Issuing supervisors/command personnel will ensure that all verbal reprimands issued will be documented on the employee's Performance Evaluation Report.
 - 3) Written Reprimand - If employee misconduct is behavior involving repeated minor misconduct or mistakes, such an employee will generally be issued a written reprimand. As with an oral reprimand, the reprimand must contain what rule(s) or regulation(s) have been violated and what conduct resulted in the violation.
 - a) The reprimand will be in Memorandum form, and a copy placed in the employees personnel file.
 - 4) Emergency Suspension - Any supervisor or command officer may impose an emergency suspension against a subordinate employee. Such a suspension would be considered a temporary administrative action due to an employee's physical or psychological fitness for duty.
 - a) An emergency suspension is appropriate under the following conditions;
 - i. When there are indications that the department member has been drinking and/or under the influence of drugs.
 - ii. When it appears that such action is essential to protect the interest of the police department. The department recognizes that this type of suspension may justify the use of other types of leave accrued by the employee (i.e., sick, compensatory, vacation leave).

- b) Any employee so suspended shall be instructed to report to the office of the Chief of Police at 0900 hours on the next business day, unless the circumstances dictate a different course of action.
 - i. The supervisory/command officer imposing or recommending the emergency suspension will report at the same time.
 - c) The officer imposing the emergency suspension shall as soon as practicable;
 - i. Make the proper notification to supervisory and/or command staff in accordance with General Order 87-7-42, Notification.
 - ii. Prepare a detailed report of the incident including the date and time of the suspension and violation/ reason for the relief.
- 5) Written recommendations for other penalties - Supervisory and command personnel may recommend, in a written report, to the Chief of Police, that more severe disciplinary action be imposed. Such recommendations include;
- a) **Suspension** - Such disciplinary action may be recommended if the employee misconduct is serious or is part of a continuing pattern of behavior, involving repeated violations or misconduct, or when formally charged with a felony or any misdemeanor involving moral turpitude.
 - b) **Demotion** - If the misconduct described in a) above involves supervisory or command personnel, and the offense is such that it undermines the employee's ability to continue functioning at that rank, said officer could be recommended for demotion to the next lower rank.
 - c) **Dismissal** - If an employee's conduct is so serious that continued employment would no longer be in the best interest of the police department, is part of a pattern of behavior involving repeated serious misconduct or is found guilty of a felony or misdemeanor involving moral turpitude, said employee may be recommended for dismissal.
- 6) Final departmental authority and responsibility rests with the Chief of Police. The Chief of Police retains the prerogative and right to sanction or withhold any disciplinary action until such time as any appeal has been concluded.

C The role of supervisory and command personnel in the disciplinary system shall be;

- 1. To observe the conduct and appearance of their subordinates, detect those instances when commendations or disciplinary action is warranted.

2. To counsel, investigate allegations and observations of employee misconduct and/or impose an emergency suspension within the scope of their authority.
3. To recommend and/or impose the most effective methods of discipline in accordance with the provisions established in this general order. General Order 87-4-39, Internal Affairs and the Manual of Conduct and Discipline, Rules and Regulations.
4. Follow-up as necessary, to ensure compliance of rules, regulations, policies and procedures. (Re: General Order 89-19-72, Inspectional Services)

D If an investigation of employee misconduct results in dismissal, the Police Commission or designee shall provide written notice to the employee which includes the following information;

1. A statement citing the reason for dismissal
2. The effective date of the dismissal
3. A statement of the status of fringe or retirement benefits after dismissal; and
4. A statement as to the content of the officer's employment record relating to the dismissal.

E When an investigation involving employee misconduct is completed, the supervisory/command personnel responsible for said investigation will conclude his report with a final determination within one of the following categories:

1. Substantiated

The allegation/investigation is supported by sufficient evidence to justify a reasonable conclusion of a violation of law or departmental regulations.

2. Not-substantiated

Insufficient evidence either to prove or disapprove the allegation/investigation.

3. Unfounded

All information firmly supports that the allegation is false. The department member involved is considered to be totally exonerated of any misconduct.

4. Exonerated

a. Proper Conduct - The incident occurred, but was lawful and proper. The department member involved is considered to be totally exonerated of any misconduct.

b. Policy Failure - The incident occurred, but was lawful and proper in accordance with department policy and procedure - however a review of such policies and/or additional training may be necessary to prevent future allegations of misconduct. The department member is considered to be totally exonerated of any misconduct.

- F** The following procedures will be used when maintaining disciplinary records;
1. Any documentation relating to the circumstances of an Internal Affairs investigation will be placed in an Internal Affairs File, located in the Offices of the Chief of Police. It will not be placed in the concerned employee's personnel file. However, documentation which will be placed in the employee's personnel file will include official notifications and notice of findings.
 2. Employees may, with supervision, review records placed in their personnel file. Pre-employment information is excluded from this policy.
 3. Disciplinary and personnel records will be maintained by the Chief of Police indefinitely.
- G** Employee appeals of any disciplinary action shall be in accordance with provisions established in the current Collective Bargaining Agreement and General Order 89-5-58, Grievance Procedures.
1. Appeals by un-represented employees shall be in accordance with Section 44-29, Personal Rules and Regulations of the Town Code.

IV **DISTRIBUTION**

This general order will be reproduced and a copy given to all personnel involved. It will be placed in locations throughout the department so that it is easily accessible to all personnel. The contents of this general order will be reviewed with all personnel by their supervisors.

V **EFFECTIVE DATE**

This general order approved by the Police Commission on June 17, 1992 and is effective July 1, 1992.

Per Order,

Edward J. Nadriczny
Chief of Police

APPENDIX I
DISCIPLINARY PROCEDURES

AWARD RECOMMENDATION

I recommend the following officer for consideration by the New Canaan Police Department Awards Committee. Listed below are the pertinent facts concerning the recommendation:

Date of incident: _____ Incident Number _____

Name of officer: _____

Others involved: _____

Arrests/Charges: _____

Supervisor(s): _____

Details of incident: (Describe incident, action taken, result, and any
unusual circumstances) _____

Signed: _____

ACTION BY AWARDS COMMITTEE

AWARD: Issued _____ Denied _____

Type of award issued: _____

Remarks: _____

Date action taken: _____

Captain of Staff Services Division: _____

Captain of Operations Division: _____

Chief of Police: _____