

Columbus Police Division Directive	EFFECTIVE Feb. 15, 1999	NUMBER 9.08
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<b>Discipline/Corrective Action</b>		



## I. Definitions

### A. Discipline

The process by which the Division of Police ensures that an employee's conduct conforms to established standards. These standards include but are not limited to: written rules, policies, procedures, and orders/directions given by a supervisor.

### B. Discipline Tracking System (DTS)

The computerized database used to document formal disciplinary actions taken by the Division, provide discipline histories for individual Division employees, and provide the history of discipline imposed for violations of specific rules, policies, and directives. The database does not provide information regarding positive corrective action.

### C. Positive Corrective Action

An attempt by a supervisor to achieve voluntary behavioral modification through encouragement and persuasion, including but not limited to counseling, retraining, professional assistance/evaluation, or a referral to the Employee Assistance Program.

## II. Policy Statements

### A. Discipline Determination/Recommendation

1. Supervisors shall recommend and/or take appropriate disciplinary action(s). A supervisor's recommendation, action, or inaction in disciplinary matters is subject to review by the chain of command. Supervisors who take or recommend inappropriate disciplinary action may be subject to discipline.
2. Supervisors shall refer to and abide by the provisions of the applicable collective bargaining agreement (CBA).
3. Supervisors should consider training and/or retraining as a part of all levels of formal and informal discipline.
4. Progressive Discipline
  - a. Supervisors may recommend deviation from progressive discipline based on the seriousness of the conduct and in accordance with the applicable CBA. Only the Chief of Police may approve deviation for sworn/OLC personnel, and the Chief of Police or the employee's deputy chief may approve deviation for AFSCME and CMAGE/CWA employees.

- b. The principles of progressive discipline shall also be followed for personnel not covered by a CBA.
  - c. Supervisors should consider Positive Corrective Action first in incidents that are minor in nature and in which the employee demonstrates a genuine willingness to correct or modify the identified behavior.
- B. Chain of Command Review
- 1. Before issuing discipline, supervisors shall forward the following investigations through the involved employee's chain of command to the Chief of Police or deputy chief:
    - a. Absent without leave
    - b. Citizen complaint
    - c. Criminal or traffic law violations
    - d. Discharged firearm
    - e. Equal Employment Opportunity (EEO) complaint
    - f. Sexual harassment
    - g. Internal Affairs Bureau (IAB) investigations
    - h. Insubordination
    - i. Investigations ordered by a higher ranking supervisor, (unless the order was to resolve the incident at a lower level)
    - j. Recommendation for departmental charges or deviation from progressive discipline
    - k. Serious or critical misconduct
    - l. Vehicular pursuit, use of the Precision Immobilization Technique, Ramming, Boxing-In, or Stationary Roadblock
    - m. Untruthfulness
  - 2. An immediate supervisor may issue discipline to an employee without prior approval when the incident does not first require a chain of command review.
- C. Levels of Discipline
- 1. The levels of discipline for FOP and OLC members, from lowest to highest, are as follows:
    - a. Documented Constructive Counseling (DCC)
    - b. Written Reprimand
    - c. Suspension and/or Demotion
    - d. Termination
  - 2. The levels of discipline for AFSCME and CMAGE/CWA members, from lowest to highest, are as follows:
    - a. Oral Reprimand
    - b. Written Reprimand
    - c. Suspension and/or Demotion
    - d. Termination

3. The levels of discipline for personnel not covered by a CBA from lowest to highest, are as follows:
  - a. Letter of Reprimand
  - b. Suspension and/or Demotion
  - c. Termination

#### D. Disciplinary Documentation

1. Supervisors shall document the circumstances regarding the issuance of discipline and forward through the appropriate chain of command. When the disciplinary action comes as the result of an administrative investigation, the investigative letter will suffice as documentation; however, when the circumstances are not documented elsewhere, complete a letter of information.
2. Supervisors shall complete the appropriate discipline form, as follows:
  - a. Disciplinary Action, form A-17, to document a DCC or Written Reprimand issued to FOP or OLC members.
  - b. Disciplinary Reprimand Form to document an Oral Reprimand or Written Reprimand issued to AFSCME or CMAGE/CWA members.
3. The original completed discipline forms shall be maintained only in an employee's master file by the Personnel Unit. Copies of completed discipline forms, paper or electronic, shall not be kept or maintained in any other Division file.
4. The original investigative files of incidents leading to discipline shall be forwarded as noted in the "Records Management" directive upon the completion of the final disposition of an investigation.

#### E. Departmental Charges

1. Departmental charges may be brought against a Division employee for incidents that include violations of law, serious or critical misconduct, or pursuant to progressive discipline for repeated violations. Supervisors may recommend departmental charges in these situations; however, only the Chief of Police may approve departmental charges for sworn personnel and only the Chief of Police or involved personnel's deputy chief may approve departmental charges for civilian personnel.
2. Discipline arising out of sustained departmental charges may include; but is not limited to suspension, demotion, and termination.

#### F. Discipline Tracking System

1. IAB personnel shall be responsible for entering all data concerning disciplinary actions into the DTS, with the exception of discipline issued by the Fleet Safety Committee which shall be entered by the Fleet Safety Committee Recording Secretary.
2. The information contained in the DTS is for official use only. Only Division supervisors and personnel authorized as part of their job responsibilities may access or review the information in the DTS.

3. Supervisors may use information in the DTS to support recommendations for discipline, or to determine the eligibility of an employee to transfer to a new assignment.
4. Information contained in the DTS shall be maintained in accordance with applicable collective bargaining agreements.

### **III. Procedures**

#### **A. Immediate Supervisor**

1. Review the investigative packet and/or other documented information regarding the incident to determine whether a violation has occurred.
  - a. For sworn personnel, specify the particular Rule(s) of Conduct and corresponding Policy Statements, Directives, Standard Operating Procedures, orders, and/or directions that were violated.
  - b. For AFSCME or CMAGE/CWA personnel, specify the particular City Work Rule(s), policies, orders, and/or directions that were violated.
  - c. For OLC personnel and personnel not covered by a CBA, specify the City Work Rule(s) or Rule(s) of Conduct and corresponding Policy Statements, Directives, Standard Operating Procedures, orders, and/or directions that were violated.
2. Determine the appropriate discipline to recommend or issue when a violation is determined.
  - a. Consider any mitigating/compounding factors, as appropriate.
  - b. Access the DTS to determine what level of discipline was issued to other employees for similar conduct.
  - c. Review the employee's service record or personnel files or other appropriate information, as needed.
3. Issue positive corrective action or discipline when a chain of command review is not required. Otherwise, forward recommendations with the investigative packet or letter of information through the appropriate chain of command, and follow through with the approved course of action when returned.
4. Issue the appropriate level of discipline
  - a. Complete the appropriate discipline form, provide one copy to the employee, and forward other copies as noted on the form.
  - b. Complete a Data Processing Worksheet (DPW), form U-10.164, when necessary.
  - c. Forward the original discipline form and DPW with the investigative packet/letter of information through the chain of command.

#### **B. Chain of Command**

1. Review the investigative packet/letter of information.
2. Review subordinate supervisors' actions or recommendations. Cause any areas of disagreement to be reviewed, discussed, or clarified.

3. Make a recommendation, and forward to the deputy chief, except for incidents to be reviewed by the Fleet Safety **Committee**.
4. Make a recommendation and forward to the Fleet Safety Committee Recording Secretary for incidents to be reviewed by the Fleet Safety Committee.

#### C. Deputy Chief

1. Review the investigative packet/letter of information.
  - a. If recommending departmental charges or bypassing progressive discipline for sworn personnel, ensure that the investigative packet/letter of information is reviewed by the Disciplinary Grievance Liaison Lieutenant.
  - b. Make a decision regarding departmental charges for civilian personnel.
2. Forward to the Chief of Police with a recommendation when:
  - a. Departmental charges are recommended for sworn personnel.
  - b. Deviation from progressive discipline is recommended for sworn personnel.
3. Make a final recommendation for all other disciplinary issues as appropriate, and forward the decision with the investigative packet through the chain of command to the immediate supervisor.
4. Forward the investigative packet with the original discipline form and DPW to IAB for processing once discipline has been issued.

#### D. Chief of Police

1. Review the investigative packet/letter of information.
2. Determine the course of action for recommendations to deviate from progressive discipline and/or departmental charges.
  - a. Forward the investigative packet to the Disciplinary Grievance Liaison Lieutenants when departmental charges are approved for sworn personnel.
3. Hold a hearing to allow sworn personnel to respond to departmental charges.
  - a. Make a final recommendation/decision of disciplinary actions, as appropriate.
  - b. Forward investigative packets and recommendations to the Director of Public Safety, when applicable.

#### E. Disciplinary Grievance Liaison Lieutenants

Follow appropriate SOPs for processing departmental charges.

#### F. Civilian Employees

Upon receiving notification of a hearing and the delivery of departmental charges, attend the hearing at which time the Labor Relations Hearing Officer will consider the merits of the disciplinary charges.

G. IAB Personnel/Fleet Safety Recording Secretary

1. Input discipline information into the DTS.
2. Forward the original discipline form to the Personnel Unit.