

LANSING POLICE DEPARTMENT

Title: **DISCIPLINE OF SWORN PERSONNEL**

Effective Date: **JUNE 1, 2005**

Rescinds: **300-13, FEB. 2001**

No: **300-13**

ADMINISTRATIVE PROCEDURE

I. PURPOSE

The purpose of this procedure is to establish guidelines for disciplinary actions involving Lansing Police Department sworn personnel.

II. DEFINITIONS

- A. **Full Working Day:** Monday through Friday (excluding weekends and holidays) from 0800-1700 hours (8 full-duty hours).
- B. **Working Day:** Monday through Friday (excluding weekends and holidays); may be less than 8 full-duty hours.
- C. **Employee:** A person working as a full-time employee with the Department.
- D. **Police Cadet:** A person working as a part-time employee with the Department.
- E. **Sworn Employee:** An employee possessing statutory police powers pursuant to Michigan and local law.
- F. **Chief of Police:** may include an Assistant Chief at the discretion of, or in the absence of, the Chief of Police.
- G. **Aggrieved Person:** any person who appears from a complaint to have suffered injury, harm, humiliation, indignity, or any other damage as a result of an action by an employee of the LPD.
- H. **Formal Discipline:** Disciplinary action as defined by the current appropriate collective bargaining agreement; ranging from a written reprimand through discharge.
- I. **Temporary Relief of Duty:** The temporary relief of an officer's normal duty assignment. The officer shall continue to be paid and may either perform a departmental function other than his/her normal duty function or be totally relieved of all departmental functions. Officers temporarily relieved of their police powers may not be permitted to wear the official police uniform.

- J. **Administrative Duty/Leave:** is used when Department employees are not able or authorized to continue in their current work assignment due to circumstances involving their job. Administrative Duty allows employees to remain in a productive work environment and still be available for necessary follow-up investigations into the events they were involved in.
- K. **Suspension:** To suspend an officer of all departmental functions and remove all police powers from that officer. During a period of suspension, the officer shall be relieved of his/her duty badge, Departmental identification, and Departmental weapon(s). A suspended officer shall not wear any identifiable part of the official police uniform. A suspended officer shall not act in the capacity of, nor represent themselves as a police officer in any manner except court appearances.
- L. **Suspension With Pay:** To suspend but continue to pay an officer.
- M. **Suspension Without Pay:** To suspend and no longer pay an officer.
- N. **Disciplinary Suspension:** To suspend an officer without pay as part of a disciplinary action.
- O. **Counseling Notation:** Documentation placed in the employee's personnel file by a supervisor when a performance issue has been addressed with the employee. When documentation is given the employee shall be informed:
 - 1. that it is a notation not discipline,
 - 2. it will be placed in their personnel file, and
 - 3. that more harsh action may be taken for a repeated act or omission.
- P. **Compounding:** the process to elevate a violation classification from a lower class to the next higher class or to a higher step within the same class.

III. FORMAL DISCIPLINE

- A. Formal discipline consists of a written reprimand, demotion, suspension without pay, or termination based on a recommendation of a supervisor for a subordinate.
- B. A supervisor shall complete a *Citizen/Police Complaint Form* and *Disciplinary Charge Sheet* containing the text of the reprimand and a recommendation for disciplinary action.

- C. In all cases where formal disciplinary action is initiated by a supervisor or the result of the disciplinary review process, the charged officer shall be given the option of responding in writing to the charge. The supervisor initiating formal disciplinary action shall notify the charged officer of this option. This optional report, if written, shall be attached to the case file.
- D. Any disciplinary actions more than twenty-four (24) calendar months old (calculated from the date the employee actually received the discipline) cannot be considered in any subsequent disciplinary matter. The Office of Internal Affairs shall have the responsibility to ensure that disciplinary actions more than twenty-four (24) months old are excluded from review by supervisors.

IV. TEMPORARY RELIEF OF DUTY/SUSPENSION

- A. Should an employee be the subject of a departmental investigation or charged with a violation of Department written rules, regulations, procedures, directives or orders, or a more serious offense or infraction, the supervisor may temporarily relieve the employee of duty pending disposition by the Chief/designee.

NOTE: The Department may suspend, without pay, an employee who is, the subject of an investigation in compliance with applicable collective bargaining agreements or when the employee refuses an assignment pursuant to Section IV., D., below.

- B. When a temporary relief of duty has been directed by a supervisor during a normal working day (0800-1700, Monday-Friday), the supervisor and the relieved officer will report to the Division Commander or Chief/designee. The supervisor shall present the accusation and any documentation of the infraction. The Division Commander or Chief/designee will either concur or not concur with the temporary relief of duty.
- C. During other than normal working hours when a temporary relief of duty has been directed, the supervisor shall consult with the Duty Captain. The supervisor shall present the accusation and any documentation of the infraction to the Duty Captain. The Duty Captain will either concur or not concur with the temporary relief of duty.
- D. The supervisor, after conferring with the Division Commander or the Duty Captain, may temporarily relieve an officer of duty. Should an officer in such a situation be given a temporary assignment other than their normal duty assignment and refuse such an assignment they may be suspended without pay.

NOTE: An officer may be suspended without pay only at the discretion of the Chief of Police/designee and in compliance with applicable collective bargaining agreements.

- E. At the time an officer is relieved of duty, the supervisor may relieve the officer of their badge, departmental identification, and weapon(s).
- F. At the time an officer is suspended, the supervisor shall relieve the officer of their badge, departmental identification, and weapon(s).
- G. The supervisor shall document all pertinent facts concerning an infraction by completing a *Citizen/Police Complaint Form*.
- H. The investigating supervisor shall be responsible for ensuring that the completed documentation is forwarded to the Office of Internal Affairs. When all paperwork is in order and the investigation is complete, Internal Affairs will then notify the Chief/designee and ensure that the case moves forward through the investigative review process.
- I. Upon notification by Internal Affairs, the Chief/designee will concur or not concur with the temporary relief of duty.
 - 1. In the event the Chief/designee concurs with the temporary relief of duty, the Chief/designee will inform the employee of the conditions of the relief of duty. The Chief/designee shall cause the proper paperwork to be completed, cause the relieved employee to be brought before him/her to sign the paperwork, and then forward the paperwork to Internal Affairs for filing and proper distribution.
 - 2. If the accused officer has refused a work assignment upon being relieved of duty by a supervisor pursuant to Section IV., D., above, the Chief/designee may cause the officer to be suspended without pay until they comply with the order or for a period of time not longer than dictated by the current collective bargaining agreement.
 - 3. If the accused officer is relieved of duty pursuant to being charged with a Circuit Court Misdemeanor or Felony, the Chief/designee may cause the officer to be suspended without pay pending disposition of internal departmental disciplinary action.
 - 4. In the event the Chief/designee does not concur with a temporary relief of duty or suspension, he/she may put the relieved officer back to his/her regular assignment or transfer the officer to another assignment. The Chief/designee may also ask for additional clarification from those supervisory officers having direct knowledge concerning the matter, call for further investigation to be conducted by Internal Affairs and defer further action pending the completion of the investigation, or direct some course of action other than relief of duty.

V. OFFICER RESPONSIBILITIES DURING RELIEF OF DUTY

- A. An employee who is temporarily relieved of duty shall be responsible for court attendance, medical/fitness for duty examination(s), or other duties as directed by the Chief/designee.
- B. An employee temporarily relieved of duty and police powers shall:
 - 1. immediately surrender his/her badge, departmental identification, departmental weapon(s), and all other departmental property deemed necessary by the Chief/designee,
 - 2. not wear any identifiable part of the official police uniform, and
 - 3. not act in the capacity of, nor represent himself/herself as a police officer in any manner except as stated in Section V., A., above.

VI. ADMINISTRATIVE DUTY/LEAVE

An officer may be relieved of duty and placed on Administrative Duty/Leave without being relieved of police powers. See Operational Procedure 300-11, *Administrative Duty*, for guidelines relating to Administrative Duty.

VII. OFFICER RESPONSIBILITIES DURING SUSPENSION

- A. An employee who is suspended shall be responsible for court attendance, medical/fitness for duty examination(s), and other duties as directed by the Chief/designee.
- B. An employee suspended shall:
 - 1. immediately surrender his/her badge, department identification, departmental weapon(s), and all other departmental property deemed necessary by the Chief/designee,
 - 2. not wear any identifiable part of the official police uniform, and
 - 3. not act in the capacity of, nor represent himself/herself as a police officer in any manner except as stated in Section VII., A., above.

VIII. DISCIPLINARY CHARGE SHEET

- A. When a complaint is sustained and formal discipline is contemplated, the Office of Internal Affairs shall complete a *Disciplinary Charge Sheet* and forward it to the employee's immediate supervisor.

- B. In cases involving a sustained complaint where formal discipline is not recommended a *Disciplinary Charge Sheet* may be used to document the Counseling Notation.
- C. A *Disciplinary Charge Sheet* shall contain the following:
 - 1. Internal Affairs Complaint Number.
 - 2. Name, rank, badge number, and unit of the charged officer.
 - 3. Name, rank, badge number, and unit of the charging officer/supervisor.
 - 4. Detailed summary of the violation including the date, time, and location.
 - 5. Specific rule, regulation, procedure, directive and/or order violated; cited in full with corresponding title and numerical reference.
 - 6. Recommended disciplinary sanction by the charging officer/supervisor.
 - 7. Chain of review notations.
 - 8. Final disciplinary sanction as determined by the Chief of Police/designee.
 - 9. Space allowing for notification of the charged officer including date, time, signature of charged officer, and signature of notifying officer/supervisor.
 - 10. Space for the charged officer's signature acknowledging receipt of the disciplinary sanction.

IX. CHAIN OF REVIEW FOR DISCIPLINARY ACTION

- A. When a complaint has been sustained, the case file with the charge sheet shall be forwarded to the accused officer's supervisor for recommendation of an appropriate disciplinary sanction. The supervisor may attach an explanation for their recommended sanction. The charge sheet is forwarded to the next level for review.
- B. When the complaint is forwarded to the next level of review, the receiving command officer shall:
 - 1. Attach a letter stating the reasons for any nonconurrence and the revised disciplinary sanction recommendation.
 - 2. Forward the entire case to the next level of review.

3. If the command officer at the next level is unavailable for review, the case shall be forwarded to the next level.
 4. The review process shall not exceed fifteen (15) full working days unless extenuating circumstances dictate otherwise.
- C. If any supervisor believes further investigation is needed, they shall so state in writing and petition the Chief to have the investigation reopened. Supervisory officers may request assistance from Internal Affairs at any stage of the investigation.
 - D. When one or more charges are sustained, the LPD Discipline Matrix (see APPENDIX I) will serve as a guide to determine the appropriate sanction.
 - E. A sanction recommendation that steps outside the LPD Discipline Matrix guidelines must include a detailed explanation of specific mitigating and/or aggravating factors considered.
 - F. The Chief of Police shall be the final level in the chain of review for terminations.
 - G. At the request of the Assistant Chief/designee, Internal Affairs shall review all completed investigations and ensure the proper completion of the case file and charge sheet.

X. PRE-DETERMINATION CONFERENCE

- A. The Assistant Chief/designee shall conduct a pre-determination conference in all disciplinary cases for which the contemplated charge involves a suspension (i.e., levels 3 and 4 in the LPD Discipline Matrix). In the event the Assistant Chief is not available to conduct a pre-determination hearing, the Chief of Police may conduct the hearing and render a decision.
- B. The charged officer shall be notified by the Office of Internal Affairs of the conference date, time, and location.
- C. The officer may, at his/her option, have a union representative attend the conference.
- D. The responsibilities of the Assistant Chief/designee at the pre-determination conference shall include:
 1. Ensuring the officer receives an explanation of the proposed action and reviews a copy of the complaint and charge sheet.
 2. Providing the officer the opportunity to respond to the charges or provide any additional relevant information before the disciplinary sanction is imposed.
 3. Imposing the disciplinary sanction according to Section XI., below, when the officer does not respond or provide any additional relevant information.

4. Consulting with the chain of review before implementing the disciplinary sanction according to Section XI., below, in the event that the officer does provide additional relevant information.

XI. PRESENTATION OF CHARGE SHEET

- A. The charged officer shall certify in writing that notification of the disciplinary action has been received.
- B. If the employee does not respond within the time limit designated by the Assistant Chief/designee, the disciplinary sanction shall be imposed.
- C. A copy of the charge sheet, including all letters of nonconcurrence, shall be furnished to the accused by the Assistant Chief/designee.
- D. The Assistant Chief/designee shall forward the entire case file to the Office of Internal Affairs.

XII. APPEAL TO THE CHIEF OF POLICE

An employee may appeal the disciplinary decision of the Assistant Chief to the Chief of Police. Requests for appeal shall be made in writing to the Chief of Police within 5 calendar days from the date the employee is notified of the Assistant Chief's decision. The request shall state whether the officer intends to contest the appropriateness of the charge and/or the appropriateness of the sanction.

XIII. DISCIPLINARY ACTION INVOLVING ASSISTANT CHIEFS

Disciplinary action involving Assistant Chiefs shall be the sole responsibility of the Chief of Police. Disciplinary action involving the Chief of Police shall be pursuant to the current City Charter.

XIV. TERMINATIONS

The Chief of Police shall conduct pre-determination hearings and render decisions in disciplinary cases for which the contemplated charge involves termination. In the event the Chief of Police is not available, the Assistant Chief may conduct the hearing and render a decision.

XV. OFFICE OF INTERNAL AFFAIRS

- A. The Office of Internal Affairs shall act on behalf of the Chief of Police and Assistant Chief as a staff investigative body with the following major purposes:
 1. Assist in maintaining Department integrity.
 2. Protect innocent employees.

3. Identify police misconduct so personnel found in violation may be retrained and corrected or disciplined through proper administrative action.
 4. Monitor the complaint investigation procedure to ensure that appropriate action is taken in all cases.
 5. Identify personnel who display behavior resulting, or tending to result, in disciplinary action.
 6. Coordinate efforts with the Lansing Police Department Human Resources Section to establish training needs revealed by the misinterpretation of procedures.
 7. Coordinate with the Human Resources Section methods to correct service delivery defects due to inadequate procedures or practices.
 8. Maintain staff control over all disciplinary records and files.
 9. Refer complaints alleging Department policy and procedure errors or deficiencies to the Administration of the Department.
- B. The Office of Internal Affairs shall prepare a case file on all cases upon receipt or initiation of a complaint form and shall monitor the progress of each case. The decision to open a charge on an employee will be a joint decision between the respective employee's captain and Internal Affairs. The Assistant Chief will render a decision if the captain and Internal Affairs cannot reach a consensus on the matter.
- C. Internal Affairs shall notify citizen complainants that the case is being investigated, unless the notification would jeopardize the progress of the investigation.
- D. Whenever an internal investigation yields evidence of possible criminal misconduct on the part of Department personnel, or other persons, Internal Affairs shall immediately notify the Chief of Police/designee, who shall determine what further action shall be taken.

XVI. OFFICE OF INTERNAL AFFAIRS RECORDS

- A. The Office of Internal Affairs will be the custodian of all disciplinary records and follow the procedure outlined below.
- B. All files and reports of internal investigations conducted by the Office of Internal Affairs or by other personnel of this Department are confidential personnel files. They are intended for the exclusive use of the Chief of Police/designee and the Board of Police Commissioners. Actual files, photostats or abstracts may be released to persons outside the Department only upon the specific approval of the Chief of Police/designee, Board of Police Commissioners, or under court order.

- C. The Office of Internal Affairs' records of cases and/or incidents shall be maintained and/or purged pursuant to Departmental policy, union contracts, and applicable local, state, and federal laws and regulations.
- D. The Office of Internal Affairs' records for cases and/or incidents in which a lawsuit has been filed will be held until the case has been adjudicated.
- E. The Office of Internal Affairs shall regularly review complaint and discipline data and will notify the Chief of Police and Assistant Chief of issues and/or concerns as they arise.
- F. The Office of Internal Affairs will prepare a monthly summary for the Chief of Police and Assistant Chief of all complaints received, charges opened, and case dispositions.

Adopted by the Board of Police Commissioners on April 8, 2005.