



Sheridan Police Department
Policies and Procedures
9.3
Chapter 9 – Department Oversight
Section 3 – Discipline

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Signature:

The Sheridan Police Department strives for a fair and effective system of discipline; the purpose of which is to train and develop by reward, instruction, counseling, or punitive actions.

9.3.1 General Information

- A. Discipline shall be conducted under the provisions of City of Sheridan Employee Handbook and City of Sheridan Civil Service Rules.
- B. All disciplinary action is intended to ensure that the offense will not reoccur and to establish accountability. Discipline may be imposed as a counseling or an educational process to assist an employee in meeting the minimum standards set by the department.
- C. The tenure of every employee shall be based on reasonable standards of personal conduct and job performance. Failure to meet such standards shall be grounds for appropriate disciplinary action, which shall be commensurate with the seriousness of the offense and with due consideration of the employee's prior performance and disciplinary record.
- D. Training conducted by the Sheridan Police Department has a direct effect on discipline by updating the performance and conduct expectations of employees. In addition to the on-going training programs, the supervisory officer is frequently required to conduct training in response to a specifically identified need or problem. In cases where improper conduct has occurred, a rule or regulation has been violated, or otherwise inappropriate performance has taken place; the supervisor may take training steps that are either informal or formal as is appropriate, based upon the nature or severity of the identified problem.

9.3.2 Supervisor's Role

- A. The primary responsibility for maintaining and reinforcing employee conformance with the standards of conduct of this department shall be with the employees and the first line supervisors. A secondary role will be at the bureau level, which will conduct internal reviews and audit procedures of the agency to ensure compliance with rules, procedures and laws.
- B. Each supervisor is expected to participate actively in the disciplinary process and enforce the rules, policies, procedures and standards of the department.
- C. Supervisors shall familiarize themselves with the officers in their unit and closely observe their general conduct and appearance on a daily basis.
- D. Supervisors should remain alert for indications of behavioral problems or changes that may affect an officer's job performance. Such information should be documented by the supervisor and appropriate corrective measures instituted.
- E. When a supervisor perceives that an officer may be having, or causing problems, the supervisor should assess the situation, and determine the most appropriate action.

- F. First line supervisors have the authority to exercise limited disciplinary actions. The type and nature of observed misconduct will determine whether it can be handled and resolved at the line level or needs to be referred to the chief of police through the chain of command. Not all complaints can be automatically categorized. Supervisors are required to exercise good judgment and common sense when determining the appropriate response to employee misconduct.
1. A supervisor may conduct, arrange or recommend additional training to refresh and reinforce an officer's skills when a violation was caused primarily by the employee being inadequately prepared for his or her responsibilities.
 2. Counseling may be used by the supervisor as follows:
 - a. To determine the extent of any personal or job problems that may be affecting performance, and to offer assistance and guidance.
 - b. To discuss minor and infrequent rule violations, and to discuss the substance and importance of the rules with the officer.
 - c. The supervisor will document all instances of counseling or additional training used to modify an officer's behavior.
 3. Emergency administrative leave
 - a. A supervisor may immediately relieve an employee from duty if:
 - i. The supervisor believes the employee is physically or psychologically unfit for duty;
 - ii. The employee refuses to obey a lawful direct order from a superior officer;
 - iii. An immediate suspension is necessary to maintain safety, health, order or effective direction of department services;
 - iv. The employee has been formally charged with a crime.
 - b. Relief from duty under this section is a temporary administrative action pending review and approval from the chief of police and City of Sheridan human resource director.
 - c. The person taking the action will:
 - i. Advise the employee that he or she is relieved from duty immediately, with pay.
 - ii. If the employee being relieved from duty is a sworn officer, advise that his or her official duties and law enforcement powers are suspended until such time as the chief of police restores them. Take immediate possession of the officer's badge, department identification cards, keys and access cards, duty weapon(s), and any other equipment deemed necessary.
 - iii. If a non-sworn member is being relieved from duty, take immediate possession of the member's identification card, keys and facility access cards, and any other department issued equipment deemed necessary.
 - iv. Notify his or her immediate superior and the chief of police through the chain of command of the action taken and prepare a written memorandum to the chief of police.
 - d. An employee placed on emergency administrative leave shall be required to report to his or her bureau commander the following working day.

9.3.3 Disciplinary Procedures

- A. Whenever a supervisor discovers that a subordinate may have violated department rules of conduct or engaged in other misconduct, he or she shall investigate the matter thoroughly and take immediate action. Investigations into alleged employee misconduct can be initiated at any level in the chain of command. The reporting and investigative process involving violations of department rules of conduct or other misconduct will be the same as defined in 9.1.3-A.3.
- B. Although supervisors are the key to effective discipline in the department, it is imperative that all employees, regardless of rank, always be on the alert for any evidence of unsatisfactory performance or conduct.
 - 1. Whenever an employee believes that a violation of rules of conduct has occurred, the employee shall submit a written memorandum to his or her immediate supervisor. The supervisor has the responsibility to take appropriate action to ensure that the matter is investigated promptly and thoroughly.
 - 2. Whenever an employee feels that his or her supervisor or any other supervisor in the department is in violation of the rules of conduct, he or she shall submit a memorandum to the chief of police detailing the circumstances. The chief of police will cause an investigation to be conducted.
- C. In pending disciplinary actions, the chief of police may place the employee on leave without pay but may also choose to place the employee on leave with pay or allow the employee to remain in his or her current position or a modified position. The chief of police may, at his or her discretion, immediately suspend the employee if the employee's continued presence may be a substantial threat to the welfare of the city or fellow employees.
- D. Interviews of employees suspected of misconduct shall be conducted under the following conditions:
 - 1. The interview shall be conducted at a reasonable hour, preferably at a time when the employee is on duty, unless the investigation is such that an immediate interview is required. If an employee is interviewed during off-duty time, the employee shall be compensated for such off-duty time in accordance with regular department procedures.
 - 2. The interview shall take place at either an office within the police department or any other place agreeable to both parties.
 - 3. The employee under investigation shall be informed of the nature of the investigation.
 - 4. Interview sessions shall be for reasonable periods of time and shall allow rest periods as are reasonably necessary.
 - 5. No promise of reward or threat of disciplinary action shall be made as an inducement to answer or to elicit a specific answer to any question.
 - 6. If needed, the nature of the interview (administrative or criminal) will determine the type of advisement given to the employee. See section 9.1.7.
- E. Upon completion of investigations of misconduct the investigating supervisor shall prepare a written report providing the following information:
 - 1. Name, rank, and assignment of the employee;
 - 2. Date, time, and location of the misconduct; or, the period of time during which continuing unsatisfactory job performance or detrimental personal conduct occurred;
 - 3. Policy or procedure violated;
 - 4. A complete statement of the facts regarding the misconduct or unsatisfactory job performance;

5. The disciplinary action recommended;
 6. All documentation supporting the investigation shall be attached.
 7. All such reports and supporting documents will be reviewed through the chain of command to the chief.
- F. It is the intent of the Sheridan Police Department to administer discipline that is both consistent and fair to the employee and the department. Disciplinary action taken shall be determined by:
1. The seriousness of the violation or the extent of injury to the victim. Disciplinary action shall be commensurate with the circumstances surrounding the incident and made with consideration of the employee's disciplinary record and past work performance;
 2. The impact of the incident on the organization;
 3. More serious forms of discipline are called for when:
 - a. Minor violations are repeated; or minor or moderately serious infractions are associated with a pattern of disciplinary problems; or
 - b. An intentional or willful violation of rules, procedures, or other requirements occurs.
- G. When discipline is necessary, the discipline chosen will be that which is intended to correct the problem and which is appropriate to the offense. The chief of police shall consider all recommendations when making the final decision on the discipline to be administered. Discipline may take any form specified in Sheridan Civil Services Rules and/or City of Sheridan Handbook .
1. Coaching or counseling
Counseling is the process of approaching a suspected or identified problem with an employee through a private interview. In minor or routine cases, the supervisor may conduct informal counseling. This is the on-going "coaching" of an employee that is a key part of a supervisor's responsibilities and will normally prevent minor issues from becoming big problems. Counseling shall be documented in the Guardian Software, giving the action taken and identifying the relevant performance factors and core values involved.
 2. Written reprimand
A written reprimand is when an employee is made aware of his or her violation in writing. A written reprimand shall be documented on the Written Reprimand form giving the action taken and identifying the relevant performance factors and core values involved. Written reprimands will be retained in the employee's personnel file.
 3. Performance improvement plan
Performance improvement plans are used when job performance falls below an acceptable standard. A plan will identify the specific unacceptable deficiency in the employee's performance, the necessary improvement, the period of time in which improvement must occur, and further consequences that will result for failing to show improvement. Information shall be documented on the Performance Improvement Plan form and retained in the employee's personnel file.
 4. Suspension
Suspension is the temporary removal of an employee from duty and/or pay status.

Employees may have accrued paid time off deducted in lieu of suspension without pay.

a. Written documentation for suspensions shall include information on the specific violations leading to the suspension, the dates of suspension, and a clear statement regarding the loss of police powers during the suspension period. Records of a suspension shall be placed in the employee's personnel file and retained for the life of the file.

5. Demotion

Demotion is the placement of an employee in a position in a lower class or rank for which a lower maximum rate of pay is authorized. The chief of police may demote an employee for disciplinary reasons or for unsatisfactory performance. A member so demoted shall be given written notice of the reasons for the demotion. Records of a demotion shall be placed in the employees personnel file and retained for the life of the file.

6. Termination

Termination is involuntary separation from employment. The chief of police may terminate an employee for cause. When a member is terminated, he or she will be provided the following information:

- a. A written statement citing the reason for the termination;
- b. The effective date of the termination;
- c. The status of fringe and any other benefits available after the termination, such as accrued vacation time, sick time, retirement benefits, etc. shall be provided by the City of Sheridan Human Resources Department.

Records of a termination shall be placed in the employees personnel file and retained for the life of the file.

7. When appropriate, restitution for loss or damage to city property may be ordered in addition to discipline.

8. Disciplinary actions are subject to City of Sheridan Civil Service Rules.

H. Additional suspension considerations

1. If an employee is suspended without pay during the time that any deductions for insurance premiums are normally deducted from the employee's check, the employee will be responsible for making the necessary arrangements to pay his or her portion of the premium.
2. If the employee must attend court during the time of the suspension, the employee will be subpoenaed in the same manner as witnesses.

I. Enforcement of rules and regulations is not subject to the grievance process.