

Rockville City Police Department

GENERAL ORDER



Subject DISCIPLINARY PROCEDURES		Procedure G.O. # 2 - 5
Authorizing Signature 	Effective: 08-27-2012 Revised: 11-16-2020 Revised: 02-05-2021	Total Pages 12

I. POLICY

This Department provides a code of conduct for all personnel to observe and obey. It shall be the policy of this Department to enforce the code of conduct through the establishment of a Disciplinary Table of Offenses and Penalties. This system shall be based upon fairness and consistency to the employee and the agency. These disciplinary actions shall be imposed in an impartial manner as deemed necessary and just.

II. PURPOSE

- A. The purpose of this General Order is to establish the procedures to be used and the disciplinary steps to be taken for violations of departmental rules, General Orders, special orders, standard operating procedures, and for misconduct. Also included are the rights of the accused employee and the appeal procedure for disciplinary action.
- B. The maintenance of effective discipline is an essential component of the Department's ability to satisfactorily achieve its objectives. True discipline is achieved through a high degree of training and good morale.
- C. All Departmental employees are responsible for conforming to rules, General Orders, special orders, and standard operating procedures of the Department, as well as all other rules, regulations, policies and procedures of the City. It is the supervisors' duty to ensure that their employees conform to all guidelines. Supervisors setting a positive example best accomplish this goal. In those cases where guidelines are violated, there must be a uniform system of discipline.
- D. Refer to General Order 2-5a, Disciplinary Table of Offenses and Penalties, which addresses the categories of violations and their scope.

III. DEFINITIONS

A. Counseling

Supervisory counseling of subordinates is a non-disciplinary corrective action. In most cases, the action taken will not be made part of the employee's permanent personnel record but a record of the same is maintained by the employee's immediate supervisor.

B. Demotion

Employees demoted for cause shall be placed in the lower salary graded position at an appropriate step, not to exceed their present salary, as determined by the Chief of Police, concurred by the Director of Personnel and approved by the City Manager. Employees demoted for cause will be placed on probation for an amount of time specified at the time of the demotion.

C. Disciplinary probation

Depending on the infraction, the probation period is generally 6 to 12 months. A copy of the memorandum instituting the probation will be placed in the employee's personnel file. The starting and ending dates of the probation should be indicated in the memorandum.

D. Dismissal

Dismissal is the permanent removal of an employee from duty, thereby ending their employment with the City.

E. Fines

In combination with other disciplinary measures or as a standalone punishment monetary fines may be imposed by the Chief of Police.

F. Letter of reprimand

This is the least severe punitive action that can be given to an employee. The letter documents the violation for inclusion into the employee's personnel file.

G. Remedial action form

A remedial action form is a non-punitive written warning to the employee from their supervisor, or Office of Professional Responsibility (OPR) describing the way in which the employee's conduct or performance has failed to meet prescribed standards. The remedial action form should be used in cases where a past verbal warning has been ineffective or where an offense has been committed which requires more severe action than a verbal warning. The remedial action form shall specify the violations charged against the employee or the failures in work performance of the employee and shall specify corrective action. It shall warn the employee that repeated offenses will lead to sterner measures. A copy of the remedial action form, signed by the employee to acknowledge receipt, shall be made a part of the supervisor's or (OPR) file for a period of one year. This form will not be placed in the employee's permanent personnel file.

H. Summary punishment

Disciplinary action for sworn police officers that may be imposed based upon a thorough investigation of the facts and a finding of sustained to the allegations as registered. Summary punishment may not exceed three days suspension without pay, or a fine of \$150.00. A letter of reprimand is an example of summary punishment.

I. Suspension

It is the policy of the Rockville City Police Department to suspend the police powers and, law enforcement authority, of a sworn officer when deemed to be in the best interest of the public and the Department. Every suspension shall be consistent with applicable laws, rules, regulations, the *Law Enforcement Officers Bill of Rights* (LEOBR), and related Rockville City Police General Orders. Reference General Order 2-18 Suspension Procedures.

IV. AUTHORITY IN DISCIPLINE MATTER

- A. The Chief of Police has authority for disciplinary action involving sworn police personnel within the guidelines of the Law Enforcement Officer's Bill of Rights (L.E.O.B.R.).-The Chief of police has authority for disciplinary action involving department civilian employees within the guidelines of the City of Rockville's Personnel Policies and Procedures.
- B. Any member who violates the oath of office or trust, the laws of the United States, the State of Maryland, or the City of Rockville, or who violates any provision of Departmental rules, General Orders, special orders, standard operating procedures, or who disobeys the lawful order of a superior, or who is incompetent in the performance of duties, is subject to disciplinary action.

V. RETRAINING AND COUNSELING

- A. It may be determined that while an incident may have resulted in an infraction of controlling regulations, the infraction is not severe enough to rise to the level of reprimand. In such a case, an appropriate alternative to disciplinary action may be directed toward improving employee performance through positive and constructive means.
- B. When counseling or training is used as a positive means to improve employee performance it is not considered formal discipline. This fact should be made clear in any formal documentation prepared relative to the incident. Written records of the counseling or training must be maintained, however, either as a part of the formal documentation or as performance notes.
- C. Training may be used in conjunction with other forms of discipline.
 - 1. Training can be used to strengthen the employee's knowledge, skills, and/or abilities.
 - 2. Training can be in the form of in-service or extra-Departmental training.

3. The agency may demand a certain level of performance be demonstrated following completion of training and prior to making a final decision considering the ultimate outcome of disciplinary proceedings.
- D. Counseling should always be used in conjunction with discipline and may be used in lieu of discipline.
1. The counseling may be on a formal or an informal basis.
 2. Counseling may be handled intra-departmentally, inter-departmentally, or by an external agency.
 3. The agency may demand documentation of counseling sessions, especially if handled external to the agency.
 4. The City of Rockville has an Employee Assistance Program (E.A.P.) that is available to all benefit eligible employees of the City and their dependents. In appropriate cases, prior to implementation of a corrective action, a supervisor may require an employee to make an initial contact with the E.A.P. in order to mitigate the corrective action or eliminate the need for said action.
- E. Nothing in this General Order prohibits the use of counseling or training in combination with the formal disciplinary penalties identified in this section, nor in matters not directly related with infractions of regulations.

VI. DISCIPLINARY SYSTEM

- A. Disciplinary actions are taken to reinforce the expectations, rules, regulations, policies, procedures, etc., required to be followed by City employees. To that end, the purpose of disciplinary actions not only serves to put employees on notice that they have failed to meet the City's expectations in these areas, but also to give employees an opportunity to meet these expectations. Disciplinary actions may also define what consequences may be incurred if warnings are not heeded.
- B. Whenever work habits, attitudes, production, infraction of regulations or personal conduct of an employee falls below a desirable standard, the supervisor of the employee in question should point out the deficiencies at the time they are observed.
- C. Progressive discipline should always be conducted and maintained confidentially and all levels of progressive discipline should include:
 1. That area of deficient performance citing specific examples where possible.
 2. The performance expectations.

3. What consequences may be incurred for failing to heed those warnings and expectations.
 4. A measurable period of time for correcting difficulties.
 5. A notation of previous discipline, if any.
- D. Progressive discipline should be followed whenever possible. Progressive discipline may include counseling, remedial action, summary punishment, loss of time, disciplinary probation, suspension and dismissal. First offenses of minor infractions should only incur remedial action, written reprimand, or summary punishment. Subsequent offenses would incur more severe forms of disciplinary action. However, the nature, extent, and severity of the infraction must always be considered in determining the degree of the disciplinary action. Nothing in these guidelines would preclude the Department from taking more severe forms of disciplinary action including suspension and/or dismissal for first offenses. Also, nothing in these guidelines will preclude the Department from imposing multiple forms of discipline (i.e., demotion, probation and suspension).
- E. The forms of progressive discipline for civilians, PEOs and NSOs are:
1. Verbal warning or counseling
 2. Remedial action form
 3. Letter of reprimand
 4. Disciplinary probation
 5. Suspension without pay
 6. Demotion
 7. Dismissal
- F. The forms of progressive discipline for sworn police officers are:
1. Verbal warning
 2. Remedial action form
 3. Summary punishment
 4. Suspension in excess of three days w/o pay
 5. Demotion
 6. Dismissal

VII. TYPES OF DISCIPLINE

A. Remedial action form

1. The remedial action form is to provide supervisors or the Office of Professional Responsibility (OPR) with an instrument to document counseling and recommended corrective action for minor infractions of rules, policies or procedures.
2. The remedial action form is designed for use as a management tool in those cases initiated by a supervisor, or (OPR) where counseling and corrective action are necessary and appropriate. The following are illustrative, non-inclusive examples of incidents where, at the discretion of the supervisor or (OPR), the remedial action form may be used:
 - a. Employee tardiness.
 - b. Disruptive comments or behavior in roll call.
 - c. Failure to make timely radio responses.
 - d. Missing or being late for a detail.
 - e. Improper parking or speeding in police vehicles.
 - f. Other minor infractions that should be immediately pointed out and corrected.
3. The form may also be used at the discretion of any Rockville City Police Supervisor or the Office of Professional Responsibility (OPR) for minor citizen-generated complaints where, after initial inquiry, the supervisor and watch commander determine the incident does not warrant taking formal disciplinary action, yet they feel the incident should be documented and the behavior corrected through a positive supervisory approach. (Examples of this would be a citizen observing an improperly parked police vehicle or complaining about an officer's attitude or demeanor).
4. For the form to be an effective supervisory tool, the supervisor must determine after an initial inquiry (after listening to the complainant, through personal observation, or listening to comments from other employees, etc.) whether the incident should be handled through the formal disciplinary process or through the use of the remedial action form. This decision must be made prior to asking the employee for an explanation of the incident. If the complaint originates from a citizen, the supervisor will advise the complainant that the complaint will be documented and appropriate action will be taken.
5. The form is designed to provide a complete record of the incident including disposition for the supervisor. The form should be completed in an original and one copy. The original should be retained by the supervisor as part of their supervisory files for one year and then destroyed. One copy will be provided to the involved employee.

6. Under no circumstances will the remedial action form be completed without the employee being given an opportunity to review and make written comments concerning the incident, and sign the form.

B. Summary punishment

1. "Summary punishment may be imposed for minor violations of departmental rules and regulations when: (i) the facts which constitute the minor violation are not in dispute; (ii) the law enforcement officer waives the hearing provided by this subtitle; and (iii) the law enforcement officer, accepts the punishment imposed by the highest ranking law enforcement officer, or individual acting in that capacity, of the unit to which the law enforcement officer is attached." Maryland Code 3-111 as amended.
2. Summary punishment is punitive and will be made part of the officer's personnel file.
3. Summary punishment can consist of a letter of reprimand, suspension for 1 to 3 days or up to a \$150.00 fine.

C. Suspension

1. For civilians this is normally for a period of one to five workdays depending on the infraction (not to exceed 30 workdays without special approval of the City Manager) and with concurrence of the Director of Human Resources and approval of the City Manager.
2. For sworn police officers the period of time as deemed appropriate and in line with the (LEOBR).
3. The procedure outlined below shall be followed when it becomes necessary to suspend an employee:
 - a. Any suspension must be fully documented, before implementation, stating:
 - (1) Beginning and ending dates.
 - (2) The reasons for the suspension.
 - (3) Description of action to be taken in regard to the suspension and
 - (4) The timetable for taking additional action.
 - b. The documentation shall be signed by the employee's supervisor and the Chief of Police

4. If an employee is suspended and later proved not to be at fault, the employee is to be reinstated at the same duties, classification and rate of pay, and is to receive pay at their regular rate for the time lost.
5. Under certain conditions (when the continuation of an employee in duty status would adversely affect the health and/or welfare of other employee or City operations) suspension action may be taken by the supervisor orally to effect the immediate removal of the employee from duty status. The written notice should be completed as soon as possible after this action.

D. Demotion

1. Employees demoted for cause shall be placed in the lower salary graded position at an appropriate step, not to exceed their present salary, as determined by the Chief of Police, concurred to by the Director of Personnel and approved by the City Manager. Employees demoted for cause will be placed on probation for an amount of time specified at the time of the demotion.
2. Employees will be taken off probation by way of a memorandum outlining satisfactory performance during the probationary period.
3. If an officer or employee is demoted by the Chief of Police as the result of an investigation or upon recommendation of a hearing board, the following information shall be provided to the officer or employee:
 - a. The reason for the demotion.
 - b. The effective date of the demotion.
 - c. The new position to be held and
 - d. The new salary Grade and Step.

E. Dismissal

1. If the Chief of Police dismisses an officer or employee as the result of an investigation or upon recommendation of a hearing board, the following information shall be provided to the officer or employee:
 - a. The reason for the dismissal.
 - b. The effective date of the dismissal.
 - c. The status of fringe and retirement benefits after dismissal and
 - d. A statement referencing the content of the officer's employment record relating to the dismissal.

F. Maryland Code 3-107 as amended states:

"Except as provided in paragraph (2) of this subsection and 3-111 of this subtitle, if the investigation or interrogation of a law enforcement officer results in the recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues by a hearing board before the law enforcement agency takes that action."

G. A notification of disciplinary action will be placed into the employee's personnel file. Unless otherwise approved by the Chief of Police, the notification of disciplinary action findings shall remain in the employee's personnel file indefinitely.

VIII. ROLE OF SUPERVISORS

A. All supervisors shall be responsible for detecting those instances and actions when disciplinary actions are warranted for members under their immediate or indirect supervision. These responsibilities include:

1. Investigating allegations of employee misconduct when within the scope of their authority and responsibility
2. Counseling employees to improve job performance or correct minor infractions of Departmental rules, regulations, and procedures
3. Identifying training needs
4. Implementing disciplinary action approved by the Chief of Police

B. The Chief of Police, Office of Professional Responsibility or designee shall be responsible for the investigation of all disciplinary matters in the Department.

C. The Chief of Police shall review all submitted reports and evidence prior to making a determination in the disciplinary process. The Chief's responsibilities include:

1. Reviewing recommendations for disciplinary actions
2. Sustaining, reducing, or increasing the recommended disciplinary action
3. Imposing the forms of discipline identified in this General Order

IX. SUPERVISORY AUTHORITY

A. Final disciplinary authority and responsibility for departmental members rest with the Chief of Police. All supervisors are held responsible for any discipline administered at any level below them within their span of authority. Supervisors may exercise the following disciplinary measures:

1. Sergeants

For sworn police officers only

- a. Remedial action form
- b. Recommend a higher level of discipline
- c. Emergency relief from duty

2. Lieutenants/ Bureau Commanders

a. For sworn police officers

- (1) Remedial action form
- (2) Change of duty assignment within their span of supervisory control which does not result in loss of compensation
- (3) Recommend a higher level of discipline
- (4) Emergency suspension from duty

b. For PSCDs, PEOs and NSOs

- (1) Remedial action form
- (2) Letter of reprimand
- (3) Recommend a higher level of discipline
- (4) Emergency suspension from duty

3. Civilian Supervisors

For civilian employees only

- a. Remedial action form
- b. Letter of reprimand

- c. Disciplinary probation
 - d. Recommend a higher level of discipline
 - e. Emergency suspension from duty
4. Chief of Police
- a. For sworn police officers
 - (1) Change of duty assignment, which does not result in loss of compensation
 - (2) Remedial action form
 - (3) Summary punishment
 - (4) Suspension
 - (5) Emergency suspension from duty as outlined in the LEOBR (3-112 section (b) [with pay] and section (c) [without pay])
 - (6) Demotion in rank or pay
 - (7) Dismissal from the Department
 - b. For civilian employees
 - (1) Remedial action form
 - (2) Letter of reprimand
 - (3) Emergency suspension from duty without pay
 - (4) Suspension
 - (5) Disciplinary probation
 - (6) Demotion in rank or pay
 - (7) Dismissal from the Department

- B. Whenever any supervisor observes improper conduct of an employee, it shall be the responsibility of that supervisor to inform the offending employee's supervisor of the event.
1. If the misconduct is very minor, such as a minor infraction of procedures, or a case of poor judgement, which has not significantly impeded effective Departmental operations, the supervisor is authorized to take immediate corrective action.
 2. If the misconduct is serious and the supervisor determines that administrative review is necessary, the procedures identified in General Order # 2-6 shall be followed.
 3. If the misconduct is very serious, such as a violation of criminal law, gross negligence involving loss of life or potential loss of life, intoxication on duty, gross insubordination, or when deemed to be in the best interest of the Department, the supervisor may impose an emergency suspension. The Chief of Police shall be immediately notified in such instances. Such relief from duty will remain in effect until 0900 hours on the next business day (Monday - Friday), unless otherwise directed by competent authority. At that time, the relieved member and the supervisor effecting the relief will report to the office of the Chief of Police.

X. APPEAL PROCESS

- A. Civilian employees may file an appeal in accordance with the City of Rockville's grievance procedures.
- B. Sworn police personnel may file an appeal in accordance with Maryland Code 3-109 as amended. (L.E.O.B.R)