



DEPARTMENT DISCIPLINARY PHILOSOPHY

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I. PURPOSE

The purpose of this order is to state formally the Department Philosophy of discipline and to establish the policies and procedures for using training and counseling as methods of positive discipline and to set out the forms of punitive disciplinary options used by the Iowa City Police Department.

II. POLICY

It is the policy of the Iowa City Police Department to develop positive disciplinary procedures so as to minimize the necessity of negative, punitive disciplinary actions. The primary methods used in positive discipline may include supervisory coaching, training, tangible and intangible rewards and supervisory counseling.

III. DEFINITIONS

POSITIVE DISCIPLINE - are those types of discipline which develop in the member the same objectives as those in the organization.

- A. This discipline can be developed by effectively training and counseling the employee.
 - 1. Training
 - 2. Counseling

NEGATIVE DISCIPLINE - form of punishment or chastisement.

- A. When positive methods fail or are inappropriate to achieve conformity, then negative disciplinary action must follow to preserve the integrity of the organization.
- B. Non - Punitive actions:
 - 1. written warning
 - 2. written reprimand - minor
- C. Punitive actions:
 - 1. written reprimand - major
 - 2. suspension
 - 3. demotion
 - 4. termination

IV. PROCEDURES

DEPARTMENT DISCIPLINARY PHILOSOPHY

One of the primary tasks of a supervisor is the maintenance of discipline. Discipline may be positive or negative. It may involve a range of responses including encouragement, training, counseling, or the imposition of punitive sanctions. Discipline has as its immediate purpose the channeling of individual effort into effective and productive action.

The exercise of positive discipline requires foresight and planning rather than mere reaction. Positive discipline requires an assessment of actual performance and performance capabilities, which when combined with proper training, recognition, and positive rewards, may result in effective contributions to the organization.

Employees who violate their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of Iowa, or the Ordinances of the City of Iowa City, or who violate any provision of the Rules and Regulations of the Iowa City Police Department, or knowingly disobey any lawful order, or are incompetent to perform their duties are subject to appropriate disciplinary action.

Each employee will have access to a copy of the Department Rules and Regulations and are expected to have an understanding of them. The Rules and Regulations will be housed at specified locations in the police department as well as electronically in conjunction with the departmental Policy and Procedures manual.

The Iowa City Police Department expects a high level of professional conduct from members, both sworn and civilian. However, members of the Department often perform their duties in a manner exceeding departmental standards. Official commendation of

such performance is provided by the Department to give full recognition to those who have brought distinction to themselves and the Department. The awards and standard for measure for exemplary performance are as follows;

COMMENDATIONS

- A. Commendation of Valor
 - 1. For an act involving extreme bravery, heroism or outstanding action while facing great personal danger.
 - 2. This award may be given posthumously to any department member whose life is given in the performance of their duty and circumstances indicate that an act of valor was performed.
 - 3. The award for this category will consist of a Medal of Valor and a "red, white & blue" award bar.

 - B. Commendation of Distinguished Service
 - 1. For an act involving significant bravery, heroism or action while facing personal danger.
 - 2. The award for this category will consist of a Medal of Distinguished Service and a "red & white" award bar.

 - C. Commendation of Life Saving
 - 1. For an act involving rescue or attempts to rescue any person from medical emergency, trauma, or other life threatening peril. The act must be exemplary and situation unique.
 - 2. The award for this category will consist of a Medal of Life Saving and a "blue & white" award bar.

 - D. Special Commendation
 - 1. For an extraordinary act of service representing the department in which selfless conduct during a time of crisis or emergency is demonstrated.
 - 2. The award for this category will consist of a certificate and a "blue" award bar.
- The subsequent awarding of any of the above awards to the same individual will result in an additional medal/certificate being presented with a corresponding award bar displaying the number of times the person has received the commendation.
- E. Letter of Commendation
 - 1. For an act deserving recognition which goes beyond the normal expectations of duty
 - 2. The award for this category will consist of a certificate.

 - F. Letter of Favorable Occurrence
 - 1. For an act demonstrating exemplary professional conduct or performance.
 - 2. The award for this category will be a certificate.

ANNUAL AWARDS

These awards are open to any sworn officer of the Iowa City Police Department. Nominations must be made in writing during the month of November each year explaining why the officer is being nominated.

A. Officer of the Year Award

On an annual basis, this award may be given to an officer who most significantly demonstrates work and behavioral ethics that mirror our oath of honor and exemplify a positive image of the Iowa City Police Department as well as the community. This award recipient will be chosen by Command Staff. Criteria for selection will be;

1. professionalism
2. sustained work ethic
3. personal conduct ethic
4. demonstrated leadership
5. vision
6. communication
7. compassion

The officer selected for this award will be given a plaque along with a "gold" award bar.

B. Richard Lee Award

On an annual basis, this award may be given to an officer in recognition of outstanding sustained efforts over the last year which positively impacted the community through a program or activity. This award recipient will be chosen by the officers of the Department after nominations have been received. The criteria for selection will be;

1. professionalism
2. compassion for citizens & other officers
3. unique & effective ways of accomplishing objectives
4. specific action/program exemplifying

The officer selected for this award will have their name inscribed on the Department plaque along with being given a "silver" award bar.

Any employee of the police department may nominate another for a commendation or award. Written documentation is to be forwarded through the chain of command to the Chief of Police. For integrity of the system, the Chief may appoint a supervisor(s) to conduct an inquiry to verify the facts of the nominated act with the final decision as to the validity and degree of the commendation/award being made by the Chief of Police

When the "Class A" dress uniform is worn, awarded medals will be worn on the right breast pocket flap and award bars will be worn directly above the name tag. Medal of Valor recipients have the option of wearing the medal on a long ribbon around their neck. Award bars may also be worn on the normal duty uniform, but not medals.

Documentation for all nominations and awarding of commendations or awards will be placed in the employees personnel file. Employees may also have a "Report of Inquiry/Incident Form" denoting exemplary service submitted by a supervisor or letters of appreciation from outside the department placed in their personnel file.

TRAINING IN THE DISCIPLINARY PROCESS

- A. Discipline may take the form of training or experience that corrects, molds, strengthens or perfects. Such discipline allows for a professionally oriented department.
 1. Training should take place in recruit school; recruit field training' in-service training, advanced training, and remedial training.
 - a. The training process should be designed to reinforce desirable behavior patterns and to call attention to noticeable actions which are deemed undesirable.
 - b. A well-disciplined department is a well-trained department.
 2. The supervisor, by his/her actions, sets the example for employees to follow. A good example is necessary if positive discipline is to work. Primary responsibility for maintaining the appropriate level of discipline lies with the first line supervisor.
- B. Officer's acts, which are committed because he/she either misunderstood procedures or was never made aware of the correct action, are indicators of training needs.
 1. These needs may be corrected by remedial training programs.
 - a. Remedial training is personalized training to correct a specific deficiency which is usually identified by testing, evaluation during training, or by a supervisor evaluating an employee during routine job performance, or by acts requiring disciplinary actions.
 2. A review of Internal Investigations should analyze information to determine possible training needs by identifying undesirable behavior trends of those individuals.
 3. Training may be used as part of the department's disciplinary system by itself, or in conjunction with other disciplinary procedures as determined by the Chief of Police.
 4. An employee may be assigned to remedial training based on the results of an Internal Affairs Investigation or by the Chief of Police as a positive measure to correct a deficiency.
 5. In a non-disciplinary action, an employee may be assigned to remedial training if his supervisor, through the division commander, recommends the process to correct a lack of skill, knowledge, or abilities to perform their assigned tasks properly.
 6. Upon completion of a remedial training program participants shall be evaluated to determine whether or not existing deficiencies were alleviated. Results of the evaluation shall be forwarded through the chain of command to the Chief of Police.

COUNSELING IN THE DISCIPLINARY PROCESS

Counseling is assisting employees in the process of problem solving. It may be corrective or preventive in nature. Counseling as a component of the disciplinary

system, may be employed by itself or in conjunction with one or more of the components of the disciplinary system. Counseling may focus on:

- A. the necessity for a person to change an existing behavior, or deficient work method.
- B. the necessity for a person to alter behavior in preparation to be considered for additional responsibilities;
- C. a disciplinary problem which may be handled in a positive manner by itself, or in conjunction with other disciplinary measures.

The following criteria should exist for using counseling:

- A. There must exist a reasonable belief that the employee has an existing problem or is experiencing difficulty in understanding, adjusting to, or internalizing matters which:
 - 1. Are job related, pertaining to assigned tasks
 - 2. Involve personnel policies pertaining to departmental policies
 - 3. Involve interpersonal relationships with co-workers
 - 4. Involve personal matters which are affecting the employees work performance.
- B. The process may be based on the results of an Internal Affairs Investigation concerning a disciplinary matter, by recommending counseling for the employee to the Chief of Police, as a positive measure to correct a deficiency.
- C. Factors must be present which indicate the employee's problem is having a detrimental effect on work performance.
- D. There must be a reason to believe that counseling may assist the employee in a supportive way or otherwise have a positive impact on work performance.

The following procedures should be followed for using counseling as a function of discipline:

- A. The employee or their immediate supervisor may initiate the counseling process;
- B. The initial counseling effort shall be intended to find a remedy or, if not possible, to route the counseling process to one of the following as appropriate: watch commander, division commander or outside professional counseling service;
- C. Counseling sessions shall be documented either on the department's Report of Inquiry / Incident form or the supervisor's own documentation system.

TYPES OF COUNSELING APPROACHES

Directive Approach -

- A. Counselor determines items to be discussed and solutions desired.
- B. Counselor controls and directs course of conversation.
- C. Used as a means of disciplining an employee, or providing specific information, amplifying, clarifying the nature of the infraction and the appropriate behavior desired.

Non-Directive Approach

- A. Employee does most of the talking, says what's on their mind. (conversation not steered by counselor)
- B. Counselor helps employee examine facts.

- C. Counselor helps employee think through the situation, choose alternatives and solve the problem.
- D. Used most for problem solving instead of discipline.

If internal counseling is not an appropriate remedy to the problem, then the employee may be referred to an outside counseling service, or other appropriate sources.

NON-PUNITIVE ACTION

Non-Punitive actions constitute a part of the Department's disciplinary system. Non-punitive action includes:

- A. Written warning (may be in conjunction with other disciplinary action)
- B. Written reprimand-minor (may be in conjunction with other disciplinary action)

PUNITIVE ACTION

Punitive actions constitute a part of the Department's disciplinary system. Punitive actions include:

- A. Written reprimand-major (may be in conjunction with other disciplinary action)
- B. Suspension (may be in conjunction with other disciplinary action)
- C. Demotion (may be in conjunction with other disciplinary action)
- D. Dismissal

WRITTEN WARNINGS

Written warnings may be made for actions contrary to the rules and regulations or the policies and procedures of the Iowa City Police Department. A written warning may be initiated by the employee's supervisor. Written warnings shall be documented on the departmental Report of Inquiry / Incident Form.

WRITTEN REPRIMAND

A written reprimand may be initiated by the employee's supervisor and may be applied to any infraction of policies, Rules and Regulations, for procedural errors, or any infraction of other written directives. The written reprimand shall follow the chain of command with the Chief of Police maintaining final authority. Written reprimands shall be documented on a departmental Report of Inquiry / Incident form and forwarded to the employee's personnel file in the Human Resources Department. Upon forwarding of the form, the Chief of Police will designate on the form whether the written reprimand is for a minor or major infraction.

SUSPENSION

When the infraction is of such a nature that a written warning or written reprimand is inappropriate, the Chief of Police may suspend an employee. The employee shall be given written notice of the suspension and the reason(s) for the suspension.

- A. Any supervisor may impose a fully paid emergency Administrative Leave of Absence on a member or employee when it appears necessary to preserve the efficient and safe operation of the Department. The supervisor shall promptly notify the Commanding Officer, Field Operations, who shall promptly notify the Chief of Police.
 - 1. Any person so relieved of duty shall be instructed to report to the Office of the Chief of Police at 9:00 a.m. on the next business day, unless otherwise instructed.

- a. The supervisor imposing or recommending the Administrative Leave of Absence will report at the same time.
- B. Being relieved of duty does not constitute a suspension, demotion, or dismissal, nor shall the employee lose any pay or benefits for the time he/she was relieved on an Administrative Leave of Absence.

DEMOTION

With proper cause, the Chief of Police may order an employee demoted. An employee may also be demoted due to lack of work, prudent business reasons, a series of violations, or one very serious violation. The employee shall be given notice in writing of the demotion and the reasons for the demotion.

DISMISSAL

Dismissal may occur after progressive discipline has been taken and there is no change in the employee's performance or behavior, or when an act is of a serious nature. Any employee whose conduct results in dismissal shall be provided the following:

- A. A statement citing the reason for dismissal.
- B. The effective date of the dismissal.
- C. A statement of the status of fringe and retirement benefits after dismissal.
- D. A statement as to the content of the employee's employment record relating to the dismissal.
- E. A statement indicating the steps and time frame in which appeals need to be made in accordance with the grievance process and appeals pursuant to the civil service process.

APPEAL OF DISCIPLINARY ACTION

All appeals of disciplinary actions administered to non-sworn employees will follow the grievance procedures established within existing labor contracts and agreements.

Iowa Code Chapter 400.20 is as follows:

The suspension, demotion, or discharge of a person holding civil service rights may be appealed to the civil service commission within fourteen calendar days after the suspension, demotion, or discharge.

The grievance process shall be initiated within the time frame spelled out the existing labor contracts.

SUPERVISORS ROLE IN THE DISCIPLINARY PROCESS

Supervisors are responsible for the performance, conduct, and adherence to departmental directives and policies and procedures of their subordinates. Supervisors are the initiators of the disciplinary process and should use their knowledge of supervision, subordinates, and knowledge of the infraction and its circumstances to recommend corrective action.

Any supervisor may initiate a written warning or reprimand. Written reprimands may be initiated by any supervisor but must be passed upward along the chain of command. A copy of all Report of Inquiry / Incident Form shall be forwarded to the Commanding Officer Field Operations. Suspensions, demotions, and dismissal may only be

administered by the Chief of Police or designee. The Chief of Police retains final authority in all disciplinary matters.

ANNUAL REVIEW OF DISCIPLINARY CASES

- A. The Commanding Officer, Field Operations will submit an annual report to the Chief of Police after reviewing all departmental disciplinary cases. The review will be conducted to determine the need for modifications in the following areas:
 - 1) training
 - 2) change in policy, procedure, or Rules and Regulations
 - 3) adequacy of supervision
 - 4) need for inspection or other controls

- B. During the review process, the Commanding Officer, Field Operations will analyze all formal citizen complaints. This report will be used in the development of departmental goals in preparation for the annual planning and departmental budget process.

MAINTENANCE OF DISCIPLINARY RECORDS

All written records of the administration of disciplinary actions above a written warning shall be maintained in the employee's personnel file.

Samuel Hargadine, Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.