

Discipline

1016.1 PURPOSE AND SCOPE

To define the authority and responsibility delegated to departmental supervisors for the maintenance of discipline.

1016.2 POLICY

Supervisors are responsible to ensure that departmental members and employees perform their duties in a satisfactory manner in accordance with the policies, procedures, rules and regulations and authoritative instructions of the police department.

Supervisors are required to initiate action(s) in response to the acts of commission or omission of the rules of conduct and or laws by personnel who are either;

- (a) Assigned to their supervision, or
- (b) Come to their attention, or
- (c) Under their supervision (for however brief of a period)

1016.3 AUTHORITY

Supervisors are required to initiate the following corrective measures to fulfill their responsibility of assuring compliance with department rules, regulations, policies and procedures. The supervisor should instruct a subordinate on how to correct noted inadequacies.

**** Note **** Nothing established herein should preclude the supervisor from regularly instructing officers on their performance.

- (a) Give remedial instruction in instances that are or may be construed to be violations of Departmental directives and or;
- (b) Initiate discipline proceedings as allowed by current directives in and accordance with the current collective bargaining agreement.
- (c) Recommend through the chain of command, to the Chief of Police, the proffering of departmental charges in accordance with the current collective bargaining agreement.

1016.4 RELIEVE FROM DUTY

Relieve from Duty: Patrolman and Detective:

If a supervisor determines that an officer is unfit for duty (for either medical or psychological reasons) he may excuse that officer for the remainder of his tour. When it is indicated that the possession of a firearm or other equipment by a police officer is dangerous to himself/herself or others, the said equipment will be secured from the officer generally by the supervisor or under extreme circumstances, any other officer. The supervisor shall immediately advise the Chief of Police whenever this measure is taken. When the Chief of Police deems necessary, shall order

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the employee to the Town appointed physician and/or psychiatrist for evaluation, prior to their return to duty.

Relieve from Duty: Supervisory Personnel:

There may come a time, when a situation will arise, when a supervisor, either through health, emotional stress or psychological trauma, is unable to perform his/her duties and the immediate demands of the situation warrant a relief of duty and the command passed on to another.

Any time a relief of command is contemplated or made, the officers making such decision will always look first toward any reasonable alternative.

These following considerations should be used as guidelines before a logical, intelligent decision to relieve is made. Try to get input and document relevant facts and circumstances.

- (a) The urgency of the situation is of the utmost importance.
- (b) Does this change of command have to be done immediately?
- (c) Will the change of command cause more harm than good in regards to the emergency?

After the relief from duty has been made and the paperwork is documented and forwarded to the Chief of Police, an investigation will be made. When a subordinate relieves a supervisory officer in accordance with this policy, no retribution and/or punishment will befall the relieving officers.

When it is determined that a supervisor in his/her position as immediate supervisor is unfit for duty after taking into account one of the aforementioned alternatives, whenever possible:

- (a) The highest-ranking supervisor regardless of division or unit will be advised to respond and take charge of the situation and effect the relief.
- (b) Anytime a relief of command or relief of duty is made, respect, courtesy, and decorum will always be shown to the member being relieved.

1016.5 PROGRESSIVE DISCIPLINE

Law enforcement has to have a system of discipline to ensure conduct, productivity, morale and progress. The Town of Cheektowaga Police Department utilizes a progressive approach to discipline, which encompasses instruction and correction for its employees. It is understood that most violations of rules and regulations will not warrant dismissal, but nevertheless, must be addressed so as not to encourage future violations.

Progressive discipline is a form of discipline imposed in graduated steps, from the least severe:

- (1) Letter of counsel
- (2) Letter of reprimand
- (3) Letter of suspension with loss of pay, time or both.
- (4) Discharge

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The action to be taken shall be determined by the seriousness of the misconduct and by the extent of wrongdoing or injury to the victim. It shall also be commensurate with the circumstances surrounding the total incident and with the member's service record or prior sustained complaints. A record of all disciplinary actions will be entered into the IAPro database.

If there is continued behavior resulting in similar or identical incidents of misconduct, the disciplinary action shall be more severe than for the first offense.

Participation in a counseling program may be required of an officer in lieu of a more serious disciplinary action if, in the determination of the Chief of Police, the member would benefit. Such a disposition may be revoked in favor of a more severe penalty, however, if the officer fails to participate or to participate successfully in the program.

Disciplinary Action:

No member of the police department shall be reduced in rank, suspended, fined, discharged, or otherwise punished or disciplined except upon charges as provided upon a complete investigation and finding.

Nothing in this policy shall forgo the member's rights under their collective bargaining agreement.