

 <b>Lexington Police Department</b>	<u>Subject:</u> <b>Disciplinary Procedures</b>		<u>Policy Number:</u> <b>26C</b>			
	<u>Accreditation Standards:</u> <u>Reference:</u> 26.1.1; 26.1.2; 26.1.4; 26.1.5; 26.1.6; 26.1.7; 26.1.8		<u>Effective Date:</u> 12/1/16			
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	<u>Revision Dates:</u>	1/24/19				
<u>By Order of:</u> Mark J. Corr, Chief of Police						

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## GENERAL CONSIDERATIONS AND GUIDELINES

Under most circumstances, the term “discipline” is incorrectly interpreted to be solely a negative form of punishment. This directive reflects the term ‘discipline’ in its broader sense, as in having a “highly disciplined department.” In this usage, discipline takes on a positive connotation and is associated with conformance to a set of rules, a code of ethics and a high standard of conduct that results in a departmental image of professionalism. Department disciplinary policy differentiates between exemplary performance, performance deficiencies and intentional acts.

Exemplary performance should be recognized and/or rewarded. Performance deficiencies may be the result of the lack of training, knowledge or experience on the part of an employee and may be corrected through training or mentoring. On the other hand, intentional wrongful acts are a more serious matter. An employee who makes a conscientious decision to disobey a Department rule or policy, or a state or federal statute may be subject to discipline up to and including dismissal and/or criminal prosecution.

This disciplinary directive enables all officers and employees to know what is expected of them and to understand that appropriate discipline will be administered when required. Essential fairness and justice are the foundation of this process.

It is the Policy of the Lexington Police Department that:

- Discipline will be administered in a fair, timely and consistent manner.
- When appropriate, discipline will be directed toward ensuring that employees have an opportunity to correct deficient performance.
- Employees are regularly told of their performance deficiencies and when sanctions are to be applied.

- Discipline is consistent with the seriousness of the offense and the employee's prior record.
- The Department's disciplinary process includes training, rewarding, counseling and punitive actions in the interest of discipline.
- When possible, the discipline process is a positive process that is used to train and develop by instruction.

## PROCEDURE

### A. Definitions

1. **Competent Authority**: Any person authorized by law or policy to issue orders or directives.
2. **Discipline**: Any one of several actions designed to produce a pattern of behavior including, but not limited to, reprimand (oral and written); suspension; demotion; discharge; as well as reward, recognition, training and counseling.
3. **Note**: *When an employee's conduct is of such a nature that continued employment is not appropriate, termination is warranted. Nothing in this policy is meant to expand the definition of discipline contained in the Civil Service law or any applicable collective bargaining agreement.*

### B. Adherence to Directives

1. Employees will, at all times, adhere to the Laws of the Commonwealth, Rules and Regulations of the Police Department, the procedural guidelines set forth in this policy, and any other Department directive. [\[26.1.1\]](#)
2. All sworn and non-sworn personnel, upon appointment to the Police Department, shall have access to and shall become familiar with the Police Department's Rules & Regulations Manual, Policy & Procedure Manual and other directives issued by the Chief of Police or other competent authority.
3. Employees are required to obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank.
4. Failure to comply with the Rules & Regulations, to adhere to the Policies & Procedures of the Police Department, to obey the orders of a Superior, or to obey any other directives issued by a competent authority may result in disciplinary action against an employee.

### C. Role and Authority of the Supervisor [\[26.1.5\]](#)

1. First Line Supervisors
  - a. The first-line supervisor's familiarity with his/her personnel allows him/her the best opportunity to observe or foresee disciplinary problems and to determine the most appropriate methods to deal with them.
  - b. First line supervisors bear the primary responsibility for the conduct, discipline, and performance of all personnel under their supervision and the basic accountability for failure to take warranted disciplinary action.

- c. They shall be responsible for recognizing poor performance and for uncovering any evidence of corruption, dishonesty, or malfeasance by personnel under their command.
2. All supervisors have a duty to ensure that discipline is maintained within the Department. Supervisors should routinely look for opportunities to coach and mentor other staff members. Constructive criticism and positive reinforcement are essential to effective training and counseling.
3. The following is an outline by rank and command level of authority of supervisors to discipline their subordinates: (Each supervisor should also be aware of his/her duties as specified in the LPD job descriptions and Rules and Regulations):
  - a. Sergeants as First Line Supervisors have the authority to counsel, evaluate, praise, and recommend letters of recognition and other awards. They also have the authority to orally reprimand, issue letters of concern, and recommend a formal written reprimand or more serious punitive disciplinary action, as appropriate. Documentation at the first line of supervision is essential to maintain a disciplined Department.
  - b. Lieutenants and Captains as Command level have all of the above authority and additionally the authority to issue letters of reprimand and letters of recognition of individual or group achievements.
  - c. The Chief of Police has all the above authority, plus the authority in accordance with the law and the provisions of any applicable collective bargaining agreement to impose punishment.
  - d. Any superior officer who is directed to act in the capacity of a rank above his/her ordinary or usual rank shall, for that period of time, possess the authority of that rank.
  - e. Prior to the issuances of a written letter to a subordinate from a Sergeant or Lieutenant, whether positive or punitive in nature, the Captain of Operations, Captain of Administration and/or the Chief of Police shall be notified to discuss the matter.
4. All supervisors have the authority to initiate an emergency suspension with pay and relieve from duty an employee whom they deem to be unfit for duty. Supervisors may suspend any employee for the balance of a work day under any of the following conditions:
  - a. Impairment due to alcohol, prescription drugs or a controlled substance;
  - b. Impairment due to a physical injury or mental health problem;
  - d. Violation of criminal law;
  - e. Insubordination or misconduct that impedes the mission of the Department;
  - f. Falsifying a statement or record;
  - g. Abusing, stealing, damaging, destroying, or defacing property or equipment of the Department or others;
5. Supervisors will notify the Chief of Police, or his designee, **immediately** should a situation arise requiring an employee to be suspended under any of the above circumstances. The suspending supervisor will submit a detailed report to the

Chief of Police, the Captain of Operations or other designee at or prior to the end of the shift.

6. When circumstances permit, Supervisors should require an offending officer or employee to remain at the police station. By doing so, a supervisor has time to make notifications, properly review the facts and circumstances, and properly document the incident(s).

D. Types of Discipline [26.1.4]

1. Positive

- h. The Department recognizes excellent to extraordinary performance or acts of bravery with:
  - i. Letter of Recognition
  - ii. Letter of Commendation, accompanied with two (2) days paid leave
  - iii. Lexington Police Department Medal of Merit
  - iv. Chief James F. Corr Medal of Honor
- i. Supervisors may submit a written recommendation and appropriate supporting documentation through their chain of command to a superior who is authorized to issue such letter, award or decoration.

2. Advisory: **Letter of Concern**

- a. The Department provides employees annual performance evaluations. From time-to-time, a situation arises that should not wait a calendar year to be addressed. After speaking with the employee, a "Letter of Concern" may be used to address a performance deficiency or address remedial training.
  - b. Counseling an employee or to correct performance deficiencies: Document the condition(s) that prompted the counseling session and corrective action expected. Maintain the results for review, and file the letter with other performance reviews in the Chief's Office and include in the next performance evaluation. [26.1.4(b)]
  - c. Remedial training when training, job knowledge, or experience is at the root of performance deficiency: Document the employee's shortcomings, deficiencies, or lack of expertise. Take immediate steps to retrain in deficient areas or schedule for training. Maintain the results for review, and file the letter with other performance reviews in the Chiefs Office and include in the next performance evaluation. [26.1.4(a)]
3. PUNITIVE: First line supervisors will forward recommendations for punishment and all supporting documentation in writing to the Chief of police, Captain of Operations or Designee. It will be the decision of the Chief of Police, Captain of Operations or Designee to determine if punishment is warranted. [26.1.4(c)]

E. Imposition of Punishment [26.1.5]

1. Notice of Disciplinary Action: In all cases where punitive discipline is imposed, notice of disciplinary action will be served in writing prior to the effective date of imposition. The Notice will include violation(s) specifications, the disciplinary action to be taken, and the effective date of imposition of discipline.
2. If punishment is warranted, the type of punishment and effective date of imposition will also be determined as follows: [26.1.5]
  - a. Written (**reprimand**) warning or deficiency notice: the first level of punishment for minor offenses with some recent disciplinary action, or moderately serious offenses with little or no recent, prior disciplinary action. Written warnings should include the following:
    - i. Details of Offending Conduct: specify dates, times, persons present, location, etc.
    - ii. Rules Violated: list which rules and regulations or what orders or standards of conduct were involved.
    - iii. Require Future Conduct: make it clear what conduct is required. Specify an *order* if there is any doubt.
    - iv. Signatures: the supervisor should sign and request the employee to sign also (acknowledging *receipt* not necessarily admitting wrong). Note a refusal by an employee to sign the receipt. Refusal to do so is insubordination and may result in additional discipline.
    - v. Comments by Employee: provide space for employee comments or rebuttal, or afford the employee the opportunity to submit a written reply and have it attached to the written notice/warning.
  - b. Suspension: for a moderately serious offense with some recent disciplinary action or for a serious offense. The severity of offense should be commensurate with the length of suspension.
    - i. Short Term Suspension - of not more than 5 days may be imposed by the Chief of Police.
    - ii. Long Term Suspension: more than 5 days may be imposed by the Town Manager.
  - j. Demotion: In lieu of dismissal for a supervisor. A demotion of one or more ranks may be imposed by the Town Manager.
    - i. Dismissal: for the most serious of offenses, patterns of misconduct or deficient performance.
  - d. Discharge: The discharge of an employee may be directed by the Town Manager.

3. In the event that an employee is dismissed, the Town Manager shall ensure that the employee to be dismissed is provided with a written notice advising of the following [26.1.7]:
  - a. The reason for dismissal;
  - b. The effective date of dismissal;
  - c. The status of fringe benefits after dismissal; and
  - d. The status of retirement benefits after dismissal.

F. Appeals: [26.1.6]

1. Civil Service employees: Civil Service employees may appeal their disciplinary action imposed in accordance with the employee's respective collective bargaining agreement or M.G.L. c 31, s 41-45.
2. Non-Civil service employees: Members of the Department that are not civil service employees may appeal their disciplinary action imposed in accordance with the employee's collective bargaining agreement.

G. Records: Disciplinary records shall be maintained in the personnel files of the affected employee by the Chief of Police. For further information see Policy 82A-Records Management and Dissemination. [26.1.8]