

DEKALB POLICE DEPARTMENT

Subject: **Administration of Discipline**

Effective Since: 8-21-03

Revision Effective: 1-1-19

Reference Material: NA

ILEAP Standards Covered: PER.07.01-07.03; PER.08.01-08.05

Policy#: **202.3**

Originally Issued As: R-5

FTO Training Task: # 5

**Page 1**

**of 4**

**PURPOSE:** The purpose of this policy is to outline the department's procedures for accepting, processing, and investigating complaints concerning allegations of employee poor performance or misconduct.

**POLICY:** Establishment of procedures for investigating complaints and allegations of employee misconduct is crucial to demonstrate and protect the department's integrity. The department shall accept and investigate fairly and impartially all complaints of employee poor performance or conduct to determine the validity of allegations and to impose any disciplinary actions that may be justified in a timely and consistent manner. The general conduct and behavior expected of all employees is listed in Policy 103.5, Rules and Regulations. [ILEAP PER.08.01]

**DEFINITIONS:** none

**PROCEDURE:**

- A. **Who is subject to disciplinary action** : Any employee who violates or attempts to violate a law of the United States of America, the State of Illinois, local ordinances, or who violates or attempts to violate any rule or regulation, policy or procedure, general or special order, verbal or written order, or who is incompetent to perform one's duty is subject to appropriate disciplinary action.
- B. **Who may take disciplinary action** : Any supervisor in any division may take appropriate disciplinary actions involving employees under their command.
- C. **Departmental authority to discipline** : Final departmental disciplinary authority and responsibility rests with the Chief of Police. Other supervisory personnel may take the following disciplinary measures:
  - 1. Oral reprimand.
  - 2. Written reprimand.
  - 3. Emergency temporary suspension (with pay).
  - 4. Written recommendation to the Chief for other penalties, including suspension or termination.
- D. **Emergency temporary suspensions** : Supervisors have the authority to impose an emergency temporary suspension with pay until the next business day against an employee when it appears that such action is in the best interest of the department.
  - 1. Situations may include, but are not limited to, those of a particularly serious nature; those that involve an interpersonal conflict among employees; or cases where an employee's behavior, mindset, attitude or reaction is clearly detrimental to workplace operations or serving the public.
  - 2. An employee receiving an emergency suspension shall be required to report to the Chief of Police on the next business day unless otherwise directed by constituted authority. The supervisor imposing or recommending the suspension shall also report to the Chief of Police at the same time.
  - 3. The Chief may extend the emergency temporary suspension if deemed necessary.
- E. **Discipline meeting** : Except in cases of undocumented oral reprimands, the employee being disciplined shall have a discipline meeting with the investigating supervisor to review the complaint and determine the validity of the charges.
- F. Union and/or legal representation should be offered whenever required or appropriate.
- G. All cases involving a supervisor shall be investigated by the next senior supervisor in the chain of command.
- H. All investigations of the Chief of Police shall be conducted by the City Manager or a designated agent.

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FTO Training Task: # 5

**Page 2**

**of 4**

- I. **Serious complaints or allegations** : If, in the opinion of the supervisor, an incident is of serious gravity, the supervisor shall notify the respective Division Commander as soon as possible, who will notify the Deputy Chief and/or Chief of Police if deemed necessary. In addition, immediate action necessary to preserve the integrity of the department shall be taken. Should the matter pertain to or involve the Chief of Police, the City Manager shall be notified by a command staff member.  
[Paragraphs B-I, ILEAP PER.08.03]
- J. **Internal Affairs investigations** : Complaints that are particularly serious in nature will be assigned to the formal Internal Affairs function by the Chief of Police as listed in Policy 202.5, Internal Affairs Investigations.
- K. **Investigation of poor performance or alleged misconduct** : The supervisor assigned the investigation of poor performance or an alleged act of misconduct on the part of an employee of the department shall conduct a thorough and accurate investigation.
  - 1. Such investigation will include formal statements from all parties concerned whenever possible.
  - 2. When necessary and pertinent, the gathering and preservation of physical evidence pertaining to the case, and all other information pertaining to the matter.
- L. **Appropriate disciplinary action** : If required, appropriate disciplinary action will be recommended by the investigating supervisor. The report will be forwarded via the chain of command to the Chief of Police with each supervisor in the chain indicating his approval or disapproval and attaching any remarks or observations bearing on the case.
- M. **Performance Improvement Plan (PIP) as a function of discipline** : The department may employ the use of a Performance Improvement Plan in order to document deficiencies in performance and provide avenues for improvement.
  - 1. A PIP will have a defined time period within which performance is required to improve.
  - 2. If performance has not improved by the end of the PIP period, appropriate progressive discipline will be employed.
  - 3. A uniform PIP template is included in this policy as Annex A.
- N. **Training as a function of discipline** : The department understands that additional training specific to the incident at hand may serve to remediate or prevent further infractions. Whenever possible, the department will provide additional training to the employee when deemed appropriate and possible. [ILEAP PER.08.02(a)]
- O. **Counseling as a function of discipline** : The department understands that supervisory counseling specific to the incident at hand may serve to remediate or prevent further infractions. Whenever possible, the department will provide performance counseling with the employee when deemed appropriate and sufficient to mitigate the issue. [ILEAP PER.08.02(b)]
- P. **Punitive actions in the interest of discipline** : The following formal actions may be assessed against any employee of the department as disciplinary action:
  - 1. Oral reprimand (documented in writing)
  - 2. Written reprimand
  - 3. Suspension
  - 4. Termination; when employee poor performance or misconduct results in dismissal, the following information must be provided to the employee:
    - a. A statement citing the reasons for dismissal. [ILEAP PER.08.04(a)]
    - b. The effective date of the dismissal. [ILEAP PER.08.04(b)]  
[ILEAP PER.08.02(c)]
- Q. **Reports of disciplinary action taken or recommended** : Whenever punitive action in the interest of discipline is taken or recommended, a Disciplinary Report must be submitted immediately containing the following information:

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FTO Training Task: # 5

**Page 3**

**of 4**

1. The name, rank, badge number, and present assignment of the person being disciplined, including specific assignment and hours of assignment.
  2. The date(s) and time(s) of the misconduct and location(s), indicating on or off duty.
  3. The section number(s) of this Policy Manual violated or common name of the infraction.
  4. A complete statement of the facts of the misconduct.
  5. The punishment imposed or recommended.
  6. The written signature and position of the supervisor.
  7. The department's uniform Disciplinary Report is included with this policy as Annex B.
- R. **Distribution of reports of disciplinary action:** The report shall be distributed as follows by the one imposing or recommending disciplinary action:
1. Original and one copy to the Chief of Police via the chain of command.
  2. One copy to the employee(s) being disciplined in the report.
- S. **Grievance Procedures :** If an employee alleges that a violation of a specific provision of a collective bargaining agreement occurred in the course of discipline or other matters prescribed in the collective bargaining agreement, the grievance procedure listed in the applicable bargaining agreement shall be followed.
1. The procedures for employee grievances are subject to state statute exemptions and applicable collective bargaining agreements.
  2. It is the policy of the department to adhere to the grievance procedures outlined in the employee's collective bargaining agreement. Details of these procedures are listed in the applicable collective bargaining agreement.
  3. The grievance procedures include the following elements:
    - a. Stating the scope of the grievance.
    - b. Time limitations for filing the grievance.
    - c. Procedural steps and time limitations at each step in the grievance procedure.
    - d. Criteria for employee representation.
    - e. The position within the agency responsible for the coordination of grievance procedures (Chief of Police).
- [ILEAP PER.07.01]
4. Grievance documents contain the following elements:
    - a. Statement of the grievance and the information upon which it is based.
    - b. Specification of the alleged wrongful act and resulting harm.
    - c. Description of the remedy, adjustment, or other corrective action sought.
- [ILEAP PER.07.02]
5. The following procedural elements will follow the process related in the applicable collective bargaining agreement:
    - a. The department's response to the grievance.
    - b. Appeals process.
    - c. Maintenance and controlling of grievance records; both the union and the department will keep all grievance records confidential and secure.
- [ILEAP PER.07.03]
6. The department does not utilize an internal grievance board. [ILEAP PER.07.04]
- T. **Appeal Procedures :** Should the nature of punitive discipline imposed not be covered in a labor agreement grievance procedure, or if the employee is not a union member, the employee shall follow the following appeal procedures if the employee wishes to contest the discipline imposed:

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**Page 4**

**of 4**

1. The employee shall submit a memo directed to the Chief of Police via the chain of command, stating the reasons why the application of discipline is believed to have been incorrectly applied.
2. The Chief or a designee shall review the memo, investigate whether proper procedures were followed, and reply to the employee in writing as to the findings of the review and what, if any, modifications to punitive actions are being made.
3. The employee may also consult with a representative of Human Resources to review the discipline procedures that took place.

[ILEAP PER.08.02(d)]

- U. **Maintenance and security of disciplinary records:** All documentation of formal discipline shall be forwarded to Human Resources to be retained in the employee's personnel file. Supervisors should not maintain their own personal files of discipline measures. Citizen complaints are to be maintained in the RMS system, which has limited access to supervisors only. [ILEAP PER.08.05]

**Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police.**

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.