

KANSAS CITY, MO. POLICE DEPARTMENT <b>PERSONNEL POLICY</b>		DATE OF ISSUE 6/29/01	EFFECTIVE DATE 7/11/01	NO. 312-5
SUBJECT Policy Series 300: Employee Relations 312 - Disciplinary Actions			AMENDS	
REFERENCE Policies 301 & 317 PI - Citizens Complaint Policy & Procedure		RESCINDS 312-4		

## I. POLICY

- A. Discipline is a function of command that must be exercised in order to develop direction and control. It should be viewed as conduct that prompts an individual or group to adhere to the orders, directives, and procedures that supports the accomplishment of department goals and objectives.
- B. Discipline should be thought of as a form of training and an important constructive tool of leadership used to eliminate operational weaknesses. The best disciplined forces are the best trained and consequently the least punished.
- C. Violations of orders, directives, and procedures require some form of action be taken. The department is dedicated to protect all members against unfounded accusations, personal spite, or unreasonable supervision, and to see that inefficient, inept, incompetent, or dishonest employees are removed from service.
- D. Discipline shall be established and maintained through positive supervisory practices that motivate members to perform in an acceptable manner, achieve a quality work product, and helps prevent disciplinary action.
- E. Each supervisor is accountable for members under their scope of supervision. The supervisor should not look to higher authority to initiate corrective and/or disciplinary actions.
- F. For discipline to be effective, it should be an instructive device, not a retaliatory measure, and it must meet the following criteria:
  1. The member shall be aware of the infraction they have committed.
  2. The discipline shall be immediate or as soon as practical.
  3. The discipline shall be consistent with the violation regardless of the member's status.
  4. The discipline shall be impersonal.

## II. ADMINISTRATIVE REQUIREMENTS

- A. Immediate suspension pending further action is NOT a disciplinary action. Refer to Personnel Policy 317, Suspension of Members.
- B. Any member suspended upon final disposition of a disciplinary action will be subject to the rules and procedures regarding suspended members as set forth in Personnel Policy 317, Suspension of Members.
- C. Supervisors/Commanders shall initiate disciplinary actions or appropriate corrective actions when members fail to comply with department written directives.
- D. Each alleged violation shall be specifically identified by department written directive on a Personnel Incident Report, Form 387 P.D., accompanied by documentation. A completed Demeanor Record, Form 386 P.D., shall be attached to the Form 387 P.D.
  - 1. Form 386 P.D. shall include an evaluation of the member's performance strengths and weaknesses and a listing of the member's career commendations and disciplinary actions.
  - 2. For sworn members, discipline imposed prior to their commissioning will not be included on Form 386 P.D. or considered in determining appropriate discipline.
- E. Members will be given notice of any alleged violation and will be given a reasonable opportunity to respond to the allegation prior to any disciplinary recommendation as provided herein.
- F. Supervisors/Commanders may recommend the following:
  - 1. No disciplinary action.
  - 2. Disciplinary counseling.
  - 3. Letter of reprimand.
  - 4. Suspension for one or more days.
  - 5. Reduction in rank.
  - 6. Termination.

The first supervisor/commander, who recommends board-appealable discipline, i.e., fifteen or more suspension days, reduction in rank, or termination, must personally speak with the member to notify the member of the serious nature of the recommendation.

- G. In unusual circumstances, e.g., member does not report for duty or is determined to be unfit for duty, etc., a supervisor/commander may place the member on an Absent (A) Day pending final disposition on the Form 387 P.D. The supervisor/commander will complete a Disposition of Time Lost (Dock Slip), Form 6 P.D., and attach it to the Form 387 P.D.

- \* H. On a recommendation of fourteen or less suspension days, supervisors/ commanders may recommend a portion of the suspension days be held in abeyance.
  - 1. Suspension days may not be held in abeyance for more than one year.
  - 2. A subsequent incident may result in member serving the days held in abeyance in addition to what is recommended for the new incident.
- I. Bureau commanders will decide the final disposition on recommendations of disciplinary counseling, letters of reprimand, Absent (A) Day, and up to and including five suspension days, on incidents other than substantiated OCC complaints. The Chief of Police shall decide the final disposition on all other recommendations, including all recommendations resulting from substantiated OCC complaints.
- J. On a final disposition of **fourteen or less days** of suspension, the member will be given the option, on the Notification of Disciplinary Action form, to elect in writing to either serve the suspension days or forfeit accumulated vacation, extra, or compensatory days. The member may elect to use any combination of forfeiture days and suspension days. The option to forfeit leave days is **strictly voluntary** for the member.
  - 1. The suspension letter will indicate the option selected by the member.
  - 2. If member elects to serve the suspension days, the days will be scheduled and entered in timekeeping by the element of assignment. All pay and allowances will be forfeited for that period.
  - 3. If member elects to forfeit accumulated leave, Personnel Records Section personnel will adjust the member's leave balance.

When the forfeiture option is selected, no record of the suspension days will appear in the Automated Timekeeping System. To ensure all assessed suspension days are included on Forms 386 P.D., copies of the disciplinary action letter and Form 387 P.D. will be filed in members' unit jackets.

- K. Once Charges and Specifications have been filed with the Board of Police Commissioners, members may submit their written resignations that must be approved and accepted by the Chief of Police.
- L. The disciplinary action will be listed on all future Demeanor Records, Form 386 P.D.

### III. **ALTERNATIVE CORRECTIVE ACTION**

An instructional interview is not a form of disciplinary action and should not be confused with disciplinary counseling. An instructional interview:

- A. Is used for the purpose of training or instructing a member regarding inappropriate behavior.

- B. May be implemented by supervisory level personnel and does not **require** prior approval or subsequent review by a higher level of command.
- C. Will be summarized in writing on a Form 191 P.D. by the supervisor. The Form 191 P.D. will be signed and dated by the member and placed in the member's unit jacket for a period not to exceed one year.
- D. May be used as an underlying factor for future disciplinary action if similar behavior continues within the next year.
- E. Will be purged from the member's unit jacket, if the inappropriate behavior addressed does not recur within the next year.
- F. Will not appear on a Demeanor Record, Form 386 P.D.

#### **IV. PROCEDURES**

- A. Prior to initiating disciplinary action, a supervisor/commander may direct a member to prepare an Interdepartment Communication(s), Form(s) 191 P.D., concerning an incident, unless the member has already completed a Form 154 P.D. regarding a police vehicular accident or has presented a written and signed statement of the incident.

The member is required to prepare the Form(s) 191 P.D. within a reasonable period of time (two working days), relating all information pertinent to the incident and to discuss the facts involved with the supervisor/commander to clarify the situation.

- B. To initiate a disciplinary action, the supervisor/commander will prepare a Personnel Incident Report, Form 387 P.D. and a Demeanor Record, Form 386 P.D. and present to the member for review.
- C. Any amendments or additions to the original allegations as presented to the member will be documented on a Form 387 P.D. In each instance, the member will be given the opportunity to review, endorse, and respond on a Form 191 P.D. All signed Forms 387 P.D. will be included in the disciplinary package.
- D. The member will:
  1. Review Form 387 P.D. and indicate on the form if they wish to submit a written response on a Form 191 P.D. (within two working days).
  2. Sign and date to acknowledge notification of the incident.
- E. The supervisor/commander will:

1. Review the written response and discuss the facts involved in the situation with the member to clarify the member's role.
  2. Have the member sign the Form 387 P.D.
  3. Recommend appropriate disciplinary action, sign, and date the Form 387 P.D.
  4. Attach all Forms 191 P.D. received from the member to the Form 387 P.D. and forward with any other applicable reports through the chain of command.
- F. Each member in the chain will recommend appropriate disciplinary action, sign, and date Form 387 P.D. Any contact with the member pertaining to the incident will be documented on a Form 191 P.D. and attached to the Form 387 P.D.
- G. Final Disposition of Disciplinary Counseling, Letter of Reprimand, Absent (A) Day, or Suspension of Fourteen Days or Less
1. The bureau office will prepare a "Notification of Disciplinary Action" form and forward to the member's commander, who will meet with the member and the immediate supervisor to review the decision.
    - a. To ensure members are aware of their rights, the form shall include the following statement:

I have been advised of the incident upon which disciplinary action is based and, furthermore, I understand that Personnel Policy 301 defines my right of appeal and review of this action and Personnel Policy 312 clarifies the department's disciplinary action guidelines.
    - b. If suspension days are recommended, the form will include the option for the member to elect to serve the days or to forfeit accumulated leave.
  2. The member will sign and date the notification form (and indicate suspension day option, if appropriate), and the form will be returned to the bureau to be held for seven calendar days.
  3. After the seven-day holding period is concluded without a grievance request, or after the grievance process is completed, the final disposition shall be completed/administered. If number of suspension days was reduced by the grievance process and the member had elected to forfeit accumulated leave, the bureau office will contact the member to revise the days forfeited.
  4. The bureau office will forward the final disposition with a copy of the disciplinary package to the member's commander. The commander will schedule a conference with the member and the member's supervisor to officially notify the member of the disciplinary action, to provide

appropriate direction so the negative behavior will not recur, and to allow the member to ask questions and respond to the negative behavior and/or the disciplinary action. This process in no way restricts the bureau commander or the Chief of Police from exercising their prerogative of direct participation in the conference process.

- a. If the final disposition is disciplinary counseling, the counseling will be documented on a Form 191 P.D. The original Form 191 P.D. will be filed in the member's unit jacket and a copy will be forwarded to the bureau.
- b. If the final disposition is a letter of reprimand, the original letter, prepared by the bureau office, will be signed and dated by the member and the supervisor/commander. The member will retain the original letter, and a signed copy will be returned to the bureau.
- c. If the final disposition is suspension days, the disciplinary package will be forwarded to Personnel Records Section, which will prepare the letter for signature of the bureau commander/ Chief of Police. The original letter will be signed and dated by the member and the supervisor/commander. The member will retain the original, and a signed copy will be returned to the bureau.
- d. Upon final disposition on any Form 387 P.D. which has a Form 6 P.D. attached, the Form 6 P.D. (and the disciplinary package, if applicable) will be forwarded to Personnel Records Section for processing.

#### H. Final Disposition of Fifteen or More Suspension Days

1. The bureau office will forward the disciplinary package to Personnel Records Section for preparation of a letter for signature of the Chief of Police. The letter will include the following statement:

I have been advised of the incident upon which disciplinary action is based and, furthermore, I understand that Personnel Policy 301 defines my right of appeal and review of this action and Personnel Policy 312 clarifies the department's disciplinary action guidelines.
2. The Chief's office will forward the signed letter and disciplinary package to the bureau office.
3. The bureau office will forward the letter with a copy of the disciplinary package to the member's commander. The commander will schedule a conference with the member and the member's supervisor to officially notify the member of the disciplinary action, to provide appropriate direction to the member so the negative behavior will not recur, and to allow the member to ask questions and respond to the negative behavior and/or the disciplinary action. This process in no way restricts the bureau commander or the Chief of Police from exercising their prerogative of direct participation in the conference process.

4. The original letter will be signed and dated by the member and the supervisor/commander. The member will retain the original, and a copy of the signed letter will be returned to the bureau.

I. Final Disposition of Reduction in Rank or Termination

The disposition of these actions is handled on an individual basis. Personnel Records Section will prepare letters for signature of the Chief of Police as needed.

- J. Upon receipt of the signed disciplinary action letter from the division, the bureau office will distribute the copies according to the nature of the incident and the type of discipline.
  1. Original disciplinary action reports and a copy of the member's letter will be filed by Personnel Records Section personnel in the member's permanent jacket.
  2. The member's immediate supervisor will ensure a copy of each document concerning the incident and a copy of the member's letter is filed in the member's unit jacket.
- K. After distribution is complete, a copy of the Incident Report, Form 387 P.D., the Demeanor Record, Form 386 P.D., and a copy of the letter of disciplinary action shall be forwarded to the Chief of Police.

Richard D. Easley  
Chief of Police

Approved by the Board of Police Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

Dennis C. Eckold  
President