



**YARMOUTH POLICE DEPARTMENT
POLICY AND PROCEDURE
DISCIPLINE AND ACCOUNTABILITY**

2018-17

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Chief Frank G. Frederickson

Certification Standards:

Accreditation Standards: 26.1.5; 26.1.6; 26.1.7 a-c; 26.1.8

Optional Accreditation Standards:26.1.2; 26.1.4 a-c

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.

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.

**Policy
26.1.4**

It is the policy of the Yarmouth Police Department to administer discipline in a fair, timely and consistent manner, directed toward ensuring that members have every opportunity to correct deficient performance, are regularly evaluated on their performance, and that when sanctions are applied, they are consistent with the seriousness of the offense and the employee’s prior record. The discipline process is used to train and develop by instruction. The process includes positive, corrective, and punitive actions in the interest of promoting discipline within the department.

Disciplinary
System
26.1.4 a-c

Training-In some cases, an employee's deficiencies may be addressed by additional training in the problem area. Successful completion of a course of training and application on the job will determine the effectiveness of this method. This may be accomplished through prompt "in-house" training by a supervisor, training officer or certified instructor. At the discretion of the Chief of Police, an employee may be required to attend such training.[26.1.4 a]

Counseling-When a Supervisor recognizes a problem or the potential for one with an employee; he/she shall discuss the matter with the employee, outlining the corrective action expected before more stringent disciplinary methods are required. This may be accomplished at the time of the concern, after report/incident review by supervisor, or at a later time, if discussing the concern will be better understood and accepted. Review Policy: **Internal Affairs and Professional Standards, supervisor duties**. [26.1.4 b]

Relief from Duty-The Shift Commander may relieve those under his/her command from duty for the balance of the shift if he/she determines that any person under his/her command is engaged in serious misconduct or not properly able to carry out his/her duties. In all such cases, the Chief or the Chief's designee shall be notified as soon as possible and no later than the employee's next tour of duty. A written report shall be submitted to the Chief concerning such action. Review Policy: **Internal Affairs and Professional Standards, supervisor duties**

Members may be disciplined for just cause. This would include any misconduct or unsatisfactory behavior, which impairs personnel or departmental efficiency or effectiveness. Disciplinary actions which may be imposed after statutory procedural requirements are observed are as follows:[26.1.4 c]

Punishment Duty: (M.G.L. c.31, §62)-Punishment duty is unpaid, extra duty. Punishment duty shall be performed at the discretion of the Chief, at the department, and under the direction of a Superior Officer.

Suspension: (M.G.L. c.31, §41)-Relieved from duty without pay for any infraction of departmental written directives. In all cases of suspension, the Chief will notify the appointing authority. Any officer suspended has the right to a hearing before the appointing authority relative to his/her suspension. The Chief of Police may suspend for up to 5 days for an infraction. A suspension in excess of 5 days may be the recommendation of the Chief and is imposed at the discretion of the Town Manager (Appointing Authority).

Lowering in Rank and Compensation: (M.G.L. c.31, §41)-Reduction in rank and compensation for any officer at any time for just cause, and after due hearing, at which the cause shall be specified. |

Employee
Dismissal
26.1.7 a-c

When removing any employee, at any time for just cause, and after due hearing, the cause shall be specified in the order of dismissal. Upon dismissal by the appointing authority, the employee who is being dismissed will be provided with a written statement citing the reason for the dismissal, the effective date of the dismissal, the status of fringe and retirement benefits after dismissal, and such notice of dismissal shall be entered into their personnel file.[26.1.7 a b c] Statutory provisions provide for review before the Civil Service Commission for civil service employees (M.G.L. c.31, §43) and thereafter before the state courts (M.G.L. c.31, §44).

Probationary Officers having less than one year of service and charged with violations of the department's rules and/or procedures are subject to discharge under the provisions of M.G.L. c. 31, §34.

Role and
Authority of
Supervisors
26.1.4
26.1.5

All Superior Officers have the duty to ensure that discipline is maintained within the department. It must be remembered that discipline can be positive in nature and includes recognizing and rewarding exemplary performance, training, counseling, as well as punitive action.[26.1.5]

The first line Supervisor has the best opportunity to observe or foresee disciplinary problems and therefore bears the primary responsibility for the conduct, discipline and duty performance of all personnel under his/her supervision and the basic accountability for failure to take warranted disciplinary action.[26.1.5]

Supervisors shall be responsible for discovering marginal or problem employees and for uncovering evidence of corruption, dishonesty or malfeasance by personnel under their supervision.[26.1.5]

Sergeants and Lieutenants-Have the authority to counsel, evaluate, praise and recommend employees for recognition. They also have the authority to counsel, orally reprimand, relieve from duty, and recommend a formal written reprimand or more serious disciplinary action, as appropriate. [26.1.4][26.1.5] **Review Rules and Regulations section 12 and Internal Affairs and Professional Standards, relieved from duty.**

Chief of Police-The Chief has all of the above authority, plus the authority in accordance with all applicable law and Department of Personnel Administration Rules, to recommend demotion, impose punishment duty, mandate training, issue a formal written reprimand, suspend, and begin termination proceedings.[26.1.4] [26.1.5]

Commendations
26.1.2

It is an essential part of an effective internal disciplinary process to have a positive program of awarding commendations for an employee's performance. A commendation program is the means by which deserving Officers can receive official recognition for their accomplishments and actions that are in accordance with the department's mission. Any officer may submit a formal letter to the Executive Officer detailing the officer's actions supporting recognition or commendation. The recommendation will be debated in an awards committee comprised of members of all ranks. The Chief of Police will review the recommendations of the awards committee and make the final decision on awards or commendations. **Review Rules and Regulations: section 12 awards and commendations.**[26.1.2]

Disciplinary
Appeal
26.1.6

Disciplinary action for sworn personnel may be appealed in accordance with the employee's collective bargaining agreement. Non-sworn personnel may appeal a disciplinary action in accordance to the employee's collective bargaining agreement. [26.1.6]

Records
26.1.8

Disciplinary records will be maintained in the personnel file of the affected employee in accordance with Massachusetts General Laws and applicable collective bargaining agreements, until retirement or separation, at which time they will be archived. Active personnel files are stored in the administrative office of the Chief of Police [26.1.8] Internal affairs records are to be stored and maintained separately in a secured file cabinet in the administrative office of the Chief of Police. Access to those records shall be limited the Chief of Police, Deputy Chief of Police and the Chief's Administrative Assistant.[26.1.8][52.1.2]

Employees may request to review their file at a time convenient to the Chief of Police or Deputy Chief of Police and the requesting employee.

Internal Affairs records are to be maintained in accordance with the Records Retention Schedule as set forth by the Massachusetts Supervisor of Public Records.