

<b>PALM BEACH GARDENS POLICE DEPARTMENT</b>		
<b>CORRECTIVE ACTION AND DISCIPLINARY PROCEDURES</b>		
<b>POLICY AND PROCEDURE 4.1.12</b>		
<b>Effective Date :</b> 07/11/2011	<b>Accreditation Standards:</b> CALEA 26.1.4 – 26.1.8 CFA 11.02M – 11.06	<b>Review Date:</b> 10/01/2016

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**PURPOSE:** To establish the guidelines for corrective action or disciplinary steps to be taken for violation of department rules, regulations, policy, procedures, and for unlawful or improper conduct.

**SCOPE:** This policy and procedure applies to all members.

**REVIEW RESPONSIBILITY:** Chief of Police, Assistant Chiefs, and Bureau Majors

**POLICY:** The Palm Beach Gardens Police Department encourages behavior which is positive and supportive of providing proper and efficient services to the community. This Department also recognizes that effective discipline is essential to ensure conformity to department policies, rules and regulations, directives and procedures. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and consideration of the member's past performance and conduct. It shall be the policy of this Department to follow a system of discipline that is fair, equitable, and consistent for all members. A corrective action when initiated is a non-disciplinary deterrent.

## **1. MEMBERS SUBJECT TO CORRECTIVE ACTION OR DISCIPLINE**

- a. All members of the department are subject to corrective action or discipline under the provisions of this directive. Any member who violates the oath of office or trust, the laws of the United States or the State of Florida, or the City of Palm Beach Gardens ordinances, or who violates any provision of department rules and regulations, policies, procedures, or who is unlawful or improper in their conduct toward members or citizens, or who is incompetent in the performance of their duties, is subject to disciplinary actions.

## **2. CORRECTIVE ACTION**

- a. Subject to the City of Palm Beach Gardens Policies and Procedures or the Palm Beach County Police Benevolent Association (PBA) contract, the following may be imposed against a member of the department whenever an infraction, incident or violation warrants:
  - i. Corrective Action – A corrective action shall be intended to mean that which is educational rather than punitive in nature. Corrective actions are to be positive in scope, identifying

deficiencies while emphasizing training as a means to improving the productivity and effectiveness of members.

1. Remedial training is appropriate when an action or violation was caused primarily by the member being inadequately prepared for his or her responsibilities.
2. The specific nature and procedure for remedial training will be determined by supervisors and or training officers and documented on the Corrective Action Form.
3. The purpose of remedial training is to assist the Department in correcting and improving the member's performance level.
4. Policy and procedure review as corrective action is appropriate when the observed situation or behavior of the member is attributed to misunderstanding, misinterpretation or the need to restate the Department's written directive.

### **3. ELEMENTS AND TYPES OF DISCIPLINE**

- a. The disciplinary process should be a positive process, with emphasis on improving member productivity and effectiveness through positive and productive means.
- b. Subject to the City of Palm Beach Gardens Policies and Procedures or the Palm Beach County Police Benevolent Association (PBA) contract, the following punitive actions may be imposed against a member of the department whenever an infraction, incident or violation warrants discipline:
  - i. Written Reprimand – A written reprimand is the least severe disciplinary action and may be utilized when a member fails to adhere to corrective action or a more severe initial action is warranted. A written reprimand may be sent to a member with approval of the appropriate Assistant Chief of Police or Bureau Major, as formal notice of a deficient situation or behavior that threatens the member's job. A copy of the written reprimand shall immediately and permanently be placed in the member's personnel file. The Chief of Police reserves the right to review the circumstances surrounding a written reprimand issued by a supervisor, and may agree with, or impose stricter punishment or void the reprimand.
  - ii. Suspension Without Pay – A member may be suspended without pay for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absences or when the severity of the offense warrants such as a disciplinary action. The Chief of Police may, upon recommendation of the offending member's chain of command, temporarily remove a member from duty when the severity of the incident warrants such action. The length of time shall be appropriate and consistent to the offense.
  - iii. Demotion - Demotion shall be considered when the conduct of a member is unbecoming of his or her rank or position and is a serious act of misconduct or an improper or unlawful act. Recommendations for demotions should include all disciplinary information and must be forwarded to the Chief of Police for review. Demotion is a punitive action which shall be recommended by a member of superior rank or authority and approved or rejected by the Chief of Police.
  - iv. Dismissal - Is a punitive action which shall be recommended by a member of superior rank or authority and approved by the Chief of Police. Dismissal is the most severe disciplinary action and should be used for extremely serious infractions. Depending on the severity of the offense it may be the initial action.

**4. VARIANCES**

- a. For each violation, consideration shall be given to the severity of the misconduct, the time or interval between violations or offenses, the length and quality of service records, willingness to improve, and the ability, attitude and overall work performance of the member concerned.
- b. A specific incident in and of itself may justify severe initial disciplinary action.

**5. ADMINISTRATIVE LEAVE**

- a. The elements of Administrative Leave are defined in policy and procedure 4.3.2 – Internal Affairs Function.

**6. PROCEDURE**

- a. A Corrective Action Form could be initiated, at the supervisor's discretion, for any non-disciplinary actions pertaining to a department member and then placed in the members training file for evaluation purposes.
  - i. The form shall contain a statement of the incident and steps to prevent a reoccurrence.
    1. If the member does not repeat the conduct subject of this form for a period of one year, the form will be purged.
    2. If the conduct subject of the form is repeated by the member during the one year period, the member may be subject to discipline.
  - ii. The use of counseling techniques shall be an element of all corrective actions.
- b. All recommendations for disciplinary action shall be submitted through the offending member's chain of command on a Disciplinary Action Form, to include:
  - i. Member's name
  - ii. Incident or violation causing action
  - iii. Identification of the seriousness of the incident or violation; and
  - iv. Any supporting documentation outlining the recommended action for discipline only.
- c. Level of Authority
  - i. Final disciplinary authority and responsibility for department members rests with the Chief of Police.
    1. All supervisors are held responsible for any corrective action or discipline administered at any level below them within their span of control.
  - ii. Supervisors may exercise the following measures with the members under their control:
    1. Assistant Chiefs, Bureau Majors, Sergeants and civilian supervisors:
      - a. Corrective Action
      - b. Written Reprimand
      - c. Recommendation for disciplinary action
      - d. Emergency relief from duty
    2. Chief of Police:
      - a. Corrective Action
      - b. Written Reprimand
      - c. Suspension without pay
      - d. Demotion
      - e. Dismissal
- d. Levels of Action

- i. Any supervisor may initiate a corrective action on a member under their authority when the observed situation/behavior of that member is such that it adversely affects the performance of duties of the supervisor, the member, other members or the general public.
- ii. Whenever improper conduct of a member is observed by any supervisor, it shall be the responsibility of that supervisor to inform the offending member's supervisor for possible disciplinary actions.
  1. The use of counseling techniques shall be an element of all written reprimands, suspensions and demotions.
- iii. Whenever a member feels that another member of superior rank in the department is in violation of established standards or rules of conduct, the member shall:
  1. If the offending member is in the complaining member's chain of command, the complainant shall submit the specific details of the member's actions through the chain of command, bypassing the level of the offending member.
    - a. Examples:
      - i. A police officer observes a Sergeant in his or her chain of command commit a violation; the officer submits a memorandum detailing the incident to his or her Bureau Major.
      - ii. A police officer observes a Bureau Major in his or her chain of command commit a violation; the officer submits a memorandum detailing the incident to his or her Division Assistant Chief.
  2. If the offending member is a member of a different division, the member who observes the violation shall notify their immediate supervisor.
    - a. The memorandum will be forwarded via the chain of command to the offending member's supervisor.
- iv. In cases where the violation is of a serious or emergency nature, the following actions may be taken at the appropriate supervisory level:
  1. A member's immediate supervisor may sanction any disciplinary actions only at his or her level of command if an emergency action must be taken.
  2. In instances where the offending member poses an immediate threat to the safety and well-being of Department members, citizens of Palm Beach Gardens or the general public, any supervisor is authorized to immediately relieve that member from duty until the members next scheduled shift; at which time the member's chain of command shall follow the established disciplinary procedure.
  3. A member's immediate supervisor may relieve a member from duty on an emergency basis when it is in the best interest of the department.
    - a. Such is the case when a member reports to their tour of duty under the influence of intoxicants.
      - i. Such relief from duty will remain in effect until the start of the member's next scheduled shift, unless otherwise directed by competent authority.
      - ii. At that time, the relieved member and the supervisor effecting the relief will report to the member's Bureau Major or designee.
  4. A report detailing the emergency relief from duty will be forwarded to the Chief of Police no later than the start of the member's next scheduled shift.
  5. Relief from duty shall be with pay.

- v. Civilian supervisors have authority only over members in their respective sections.
- e. Dismissal or termination
  - i. When a member is dismissed or terminated the following will be made available:
    - 1. a written statement citing the reason for dismissal;
    - 2. the effective date of dismissal; and
    - 3. a statement of the status of fringe and retirement benefits after dismissal.
  - ii. A specific reason for dismissal is not required for entry-level probationary members who are dismissed for failing to meet probationary standards.
- f. Notice and appeals process:
  - i. Corrective actions may not be grieved or appealed.
  - ii. Whenever a disciplinary action is recommended by a supervisor a notice of disciplinary actions form will be completed.
    - 1. The affected member will receive a copy of the form.
    - 2. The original form will be forwarded via the chain of command to the Chief of Police.
  - iii. Members desiring to appeal disciplinary actions related to reprimands, suspensions, demotions, or dismissals shall be guided by the City's Policy and Procedure manual.
  - iv. Members covered by the PBA contract desiring to grieve or appeal disciplinary actions shall be guided by that article of the contract addressing Grievance and Arbitration Procedures.
  - v. Whenever the disciplinary action has been determined, the Chief of Police or his designee will complete a disciplinary actions form.
    - 1. The affected member will receive a copy of the form.
    - 2. Typed on the form will be the statement "I understand that I have ten (10) days from receipt of this action to appeal this (suspension, reduction in pay, reduction in class, or removal) to the City Manager".
- g. Disposition Schedule
  - i. Corrective action forms shall, if no repeat of the conduct subject occurs for one year, be purged in accordance with the Florida Department of State General Schedule for State and Local Government Agencies.
  - ii. The Training Unit will be responsible for disposition of Corrective Action Forms.
  - iii. All reports of disciplinary actions taken for placement in a member's personnel file will be disposed of according to the following schedule:
    - 1. Reports of disciplinary actions involving reprimands, suspension, demotion, reduction in pay, or dismissal will become a permanent part of the member's file.
    - 2. If additional disciplinary reports are received prior to the expiration of a previous report, all reports will remain on file until the expiration date of the final report.
  - iv. Disciplinary actions will be retained for the designated time periods regardless of the rank of the member receiving the actions.
  - v. Letters of appreciation, awards, and commendations are also copied and/or maintained as a permanent part of the member's file.
- h. Records of complaints or misconduct
  - i. The Internal Affairs unit will be responsible for maintaining accurate records of all complaints against the department or its members, and providing at least annually, statistical summaries based on the records of internal affairs investigations to the Chief of Police for dissemination.

1. The source data for annual statistical summaries may be released Per F.S.S. 119.071.
  - i. Adjudication of internal affairs cases
    - i. The elements of internal affairs case adjudication are defined in policy and procedure 4.3.2 – Internal Affairs Function.

## 7. GLOSSARY

**Administrative Leave** - When a member is suspended from duty, with pay, during the time an investigation is being conducted into an incident in which member was involved.

**Conduct Subject** - The statement of the problem or area of concern, written on a Corrective Action Form, identifying the violation, infraction or lack of performance of a rule, regulation, policy, procedure or directive by a member of this Department.

**Corrective Action** - A form used to document a problem or area of concern involving a member that is minor in nature and may be addressed through some form of training and/or policy review. The form contains a statement of the problem and steps to prevent a reoccurrence. It is non-disciplinary and the form is placed in the members training file for evaluation purposes. Subsequent violations may lead to disciplinary action.

**Counseling** - Intended to allow the opportunity for the supervisor to meet with the affected member and discuss the situation or behavior that needs to be corrected, the discipline to be issued, and the expected improvement beyond the incident.

**Discipline** - Is the process whereby the employer ensures that each member's behavior conforms to standards established by the employer, which shall include compliance and adherence to departmental rules, regulations, directives, or departmental policies.

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- DISCIPLINARY PROCEDURES

### RESPONSIBILITY INDEX

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- ASSISTANT CHIEFS
- BUREAU MAJORS
- SERGEANTS
- SUPERVISORS

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APPROVED:



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Stephen J. Stepp  
Chief of Police

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Date