JOPLIN POLICE DEPARTMENT	2-07 STANDARD OPERATING GUIDELINE
SUBJECT: Administrative Actions	**REVIEW DATE:** Annually - February
EFFECTIVE DATE: 02/03/2021	**ACTION DATE:**
AMENDS/SUPERSEDES: 2-07 Disciplinary Action	**AMEND DATE:**
ACCREDITATION INDEX: 26.1.4 a, b, c, 26.1.5, 26.1.6, 26.1.7 a, b, c, 26.1.8, 26.3.7	**APPROVED:** Richard A. Pearson **Chief of Police**

I. POLICY

It is the policy of the Joplin Police Department to maintain the professional and operational disciplines expected of all employees in a fair and impartial manner. Administrative Actions are exercised when formal sanctions are necessary to maintenance the discipline of an employee. Maintenance of discipline involves reward, training, counseling, and as a last resort, punitive measures. (26.1.4)

II. PURPOSE

To establish procedures concerning informal and formal administrative actions within the department.

III. DEFINITIONS

A. Administrative Action

An action taken by supervisory personnel to reenforce or correct future conduct of an employee.

B. Blue Team

Administrative reporting software utilized to create and track administrative actions.

C. Category I -Violation

Category I violations are of minor severity yet require correction in the interest of maintaining the discipline of employees in a productive and well-managed department. Category I violations normally result, in the first offense, in informal measures such as counseling, or perhaps a formal verbal reprimand.

D. Category II – Violation

Category II violations include more severe misconduct. Category II offenses normally result, in the first instance, in issuance of a formal written reprimand.

E. Category III – Violation

Category III violations include acts of such severity as to merit suspension, demotion, or dismissal at a single occurrence.

F. Days

The term "days," as used herein, means calendar days provided, however, that if the last day of any time mentioned herein is a Saturday, Sunday, or holiday, the time shall be extended to the next working day.

G. Discipline

Training or developing an employee by proper supervision and instruction. Maintaining discipline may be positive (awards) or negative (punishment).

H. Fact-Finding Administrative Hearing

A hearing required under the City of Joplin due process requirements before any action can be taken to correct an employee's conduct of performance which would result in a loss of pay in any form, including involuntary transfers, demotions, suspensions, or dismissals.

I. Malfeasance

Doing something that is illegal.

J. Misfeasance

The performance of a lawful action in an illegal or improper manner.

K. Moral turpitude

An intentional act or behavior displayed in words or actions which violates public morals or the common sense of the community involving but not limited to intent to defraud, intentional dishonesty for personal gain, lying, perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or excessive use of force.

L. Nonfeasance

A failure to act or to do what ought to be done.

M. Relief from duty (26.3.7)

An administrative action by a superior whereby a subordinate employee is temporarily relieved from performing his or her duties. Relief from duty shall be with pay.

IV. PROCEDURES

A. **Consistency** (26.1.4 c)

The department abides by the philosophy that discipline must be applied consistently and uniformly.

1. The department does not provide employees with a comprehensive list of specifically prohibited behavior. Employees are expected to have a reasonable perception of what constitutes proper behavior, based on academy training and the observance of the behavior of employees generally.

2. To maintain consistency, the supervisor of the employee who has engaged in improper behavior may counsel the employee utilizing the counseling form as required in this policy. However, the decision to discipline or to not discipline the employee will not lie with the employee's supervisor but will be decided as outlined within this policy.

3. The following qualifying factors will be considered in determining the appropriate level of administrative action for any given violation: (aggravating or mitigating factors)

    a. Severity of the violation itself.
    b. The member's general past performance and work history; and
    c. Action taken in similar circumstances for the same violation.

4. The Department will employ progressive discipline but reserves the option of selecting a more serious level of discipline, determined by the seriousness of the infraction. Repeated similar violations will result in an increasing level of disciplinary action, even when the individual violation would not ordinarily warrant the higher level of discipline. Positive discipline

B. **Positive Actions**

Positive actions seek voluntary compliance with established policies, procedures, and orders. Methods of positive action include:

1. External Recognition

    a. When people outside the department compliment an employee's performance, the person who receives the information shall make a record of the comments and pass them to the employee's supervisor and to the Chief of Police.

        - When the Chief receives compliments about an employee, he or she will write a thank-you to the citizen.

        - Copies of the citizen's statement and the chief's response shall be sent to the employee involved, the supervisor and, if the subject is deemed significant, a copy of all correspondence shall be placed in the employee's personnel file.

    b. Truly exceptional acts shall be clearly and promptly identified to the Chief of Police. These acts may be the basis for special awards or for special recognition by citizen-community groups or media coverage.

2. Internal Recognition

    Internal recognition can be delivered informally in many ways by peers and supervisors alike. The following describes the procedure that all employees may use to formally recognizing employees for excellent work behaviors:

a. Create an "Award Nomination" administrative report in the Blue Team administrative reporting software. Any employee can log-in to the Blue Team administrative reporting software to nominate an employee for a general or specific award.

b. All applicable information in the award nomination should be filled out. The award nomination narrative should describe the details of why the employee is deserving of a formal award.

c. If a specific award is being requested for the employee, the recommendation for that award should be included in the nomination narrative.

d. Forward the nomination through the Bureau Commander. The Bureau Commander will forward to the Office of Internal Affairs to facilitate an Awards Committee review process as described in the Awards policy (2-04).

3. Verbal Counseling / Mentorship

An informal method of maintaining discipline through quality discussions about the policy and expectations of the organization with employees to promote their individual growth.

4. Training (26.1.4 a)

a. Training may be appropriate when the employee's conduct was unintentional, the result of a lack of knowledge, or involved slight negligence.

b. Remedial training should always be considered as an addendum to any punitive administrative actions. Remedial training may include attendance at academy classes, in-service, or other training specially created to help the employee correct or modify his or her behavior. Remedial training is reasonably offered until the employee can demonstrate proficiency in the corrected behavior. All training shall be documented.

C. **Punitive Actions**

Supervisors are responsible for enforcing conformance with departmental standards and orders. Supervisors shall know the employees in their charge by closely observing their conduct and appearance. Supervisors shall be alert to behavioral changes or problems in their employees and, if necessary, formerly document these changes and confer with their chain of command.

The following punitive actions are available to supervisors for maintenance of discipline and they are in concert with the City's progressive discipline policy (Section 8.6 of the Joplin Employee Manual):

1. Counseling (26.1.4 b)

Supervisors are responsible for counseling employees concerning job-related matters, within their capabilities. Many things can affect the job and an employee's performance; so job-related counseling may involve family and other individual, personal subjects. Counseling may include identification of unacceptable behaviors or actions; specifically, what was done wrong and the desired or acceptable performance. Counseling can attempt to determine the reason for the behavior, determine and recommend how to correct or improve performance or to solve the problem.

Supervisors are expected to counsel employees regularly without verbal reprimands. A supervisor shall counsel an employee under their authority when it is discovered that the employee is/was involved in inappropriate conduct classified as Category I conduct. Counseling is used to adjust and correct minor, infrequent errors, or instances of poor performance and to ascertain the nature of any professional or personal problems that bear on performance. (26.1.5)

a. Supervisors shall document all instances of counseling using Blue Team in the form of an "administrative action" report.

    - A counseling form will be utilized by the supervisor and signed by the officer prior to the creation of an administrative action report.

    - The signed counseling form shall be scanned, in its entirety, and attached to the administrative action report by the submitting supervisor.

    - The completed administrative action will then be forwarded to the appropriate Bureau Commander for approval.

    - An approved administrative action report will be forwarded to the Office of Internal Affairs by the Bureau Commander.

b. A formal counseling will become a part of the employee's internal affairs file but will not become a part of the employee's official personnel record maintained by the City of Joplin Human Resources Department.

2. Verbal Reprimand (26.1.4 c) (26.1.5)

Verbal reprimands should be issued to an employee after it is discovered that the employee is/was involved in inappropriate conduct classified as Category I conduct and formal counseling is not an appropriate action to address the conduct. The verbal reprimand is a first level punitive administrative action in the progressive discipline process and should be qualified by identifying either the aggravating or mitigating factors that led to the action.

a. Supervisors shall document all instances of verbal reprimand using Blue Team in the form of an "administrative action" report.

    - A verbal reprimand form will be utilized by the supervisor and signed by the officer prior to the creation of an administrative action report.

    - The signed verbal reprimand form shall be scanned, in its entirety, and attached to the administrative action report by the submitting supervisor.

    - The completed administrative action will then be forwarded to the appropriate Bureau Commander for approval.

    - An approved administrative action report will be forwarded to the Office of Internal Affairs by the Bureau Commander.

b. A verbal reprimand will become a part of the employee's internal affairs file but will not become a part of the employee's official personnel record maintained by the City of Joplin Human Resources Department.

3. Written Reprimand (26.1.4 c) (26.1.5)

Written reprimands are issued by the Chief of Police as they are predicated by a Category II violation, Category III violation, or as part of a progressive disciplinary process. This reprimand type is used as a caution to an employee about unacceptable behavior, establishes the corrected behavior mandated by the department, and specifies the penalty of recurrent poor behavior.

a. Supervisors shall document all instances of employee misconduct by using Blue Team in the form of an "administrative action" report.

    - Since the violation is Category II or Category III in nature, the supervisor will complete the administrative action report normally, but will not issue formal discipline. Instead, the supervisor will make it clear in their report what type of misconduct has occurred and the category of the violation.

    - The completed administrative action will then be forwarded to the appropriate Bureau Commander for approval.

    - An approved administrative action report will be forwarded to the Office of Internal Affairs by the Bureau Commander.

b. Violations recommended for written reprimand will be investigated by the Office of Internal Affairs on behalf of the Chief of Police.

c. A written reprimand becomes a part of the internal affairs file and a permanent part of the employee's personnel record maintained by the City of Joplin Human Resources Department.

4. Suspension, Demotion or Dismissal

If the situation warrants, the Chief of Police, in consultation with the Human Resource Director and City Manager, may suspend an employee without pay, demote them, or dismiss them from employment. Below are a few steadfast criteria that will be followed:

a. In no case shall an employee convicted of a felony continue to work for the department.

b. On any suspension, the officer must return to department custody his or her badge, identification card, and issued firearm. The officer must return these items to his/her Bureau Commander prior to the suspension period.

c. During a suspension, the employee shall not undertake any official duties including overtime or extra duty details.

d. Dismissals are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. All persons having knowledge of the misbehavior shall make a complete record of the circumstances of the misbehavior.

e. An employee may protest a suspension, demotion, or dismissal within thirty days of the effective date of such action. An employee may appeal a suspension, demotion, or dismissal through the City's Personnel Board. The decision of the Personnel Board shall be the final determination of all appeals unless set aside by an appropriate court order

or decree. (See Section 8.10 - Appeal to Personnel Board, of the City of Joplin Employee Manual). (26.1.6)

D. **Administrative Action Reviews**

Bureau Commanders along with the Office of Internal Affairs will be responsible for checking for patterns of misconduct by reviewing all forwarded administrative actions. If a determination is made that there is a pattern of misconduct or improper behavior, the information will be forwarded to the Chief of Police who will decide if further disciplinary action is warranted.

E. **Relief from Duty** (26.3.7)

An employee may be relieved from duty whenever any supervisor questions an employee's physical or psychological fitness for duty. An internal affairs investigation may follow.

1. A Sergeant, Corporal, or officer in charge has authority to relieve an employee from duty after conferring with a supervisor of the rank of Bureau Commander or above.

    - The supervisor who approves the action must promptly report this action to the Chief of Police and must ensure that the Sergeant, Corporal, or officer in charge completes an administrative action report setting forth details and circumstances.

2. If the necessity to relieve from duty is not immediate, the behavior or actions of the employee shall be deemed a matter of internal affairs. In an internal affairs investigation, only the Chief of Police may relieve an employee from duty.

F. **Administrative Hearing** (26.1.6)

If an administrative action will be taken to correct an employee's conduct and the results of such action will result in the loss of pay, in any form, including involuntary transfers, demotions, suspensions or dismissals, the employee has a right to due process procedures in the form of a fact-finding hearing.

Under the City's due process requirements, before any administrative action can be taken resulting in one of the above-mentioned outcomes, the following must take place:

1. The employee is given written notice as to the time of a Fact-Finding Administrative Hearing to discuss misconduct and/or work rule violations or other unacceptable actions or behaviors. This notice shall include time, date, and location of such hearing.

2. The employee is provided the facts constituting the basis for administrative action.

3. The employee is provided the opportunity to respond or explain their side.

4. The Chief of Police and/or designee and the Human Resource Director shall make disciplinary recommendations, if any, to the City Manager.

5. The City Manager will review the Fact-Finding Administrative Hearing information and either accept, reject, or modify the recommendations. The employee will then be given notice of the City Manager's decision.

6. The employee will also be advised of their right to and procedure for requesting an appeal of the adverse action, if any.

G. **Notification of Dismissal**

When an investigation of an employee's misconduct results in dismissal from the Department, (refer to City Employee Manual RR 5.5) that employee shall be provided, in writing:

1. A statement giving the reason for dismissal; (26.1.7 a)

2. The effective date of dismissal; (26.1.7 b)

3. The status of any fringe or retirement benefits that may be due the member after dismissal. (26.1.7 c)

V. VIOLATION CATEGORIES (26.1.4 c)

Unacceptable conduct is divided into three categories according to severity of misbehavior.

A. **Category I**

1. Examples:

   a. Excessive absences, tardiness.

   b. Abuse of duty time (too much time away from established duties; too much time for personal business).

   c. Abusive or obscene language.

   d. Inadequate or unsatisfactory job performance.

   e. Disruptive behavior.

   f. Lost, damaged, or destroyed property with a value of $100 or more.

2. Category I offenses are of minor severity yet require correction in the interest of maintaining a productive and well-managed department.

3. ***Category I offenses normally result, in the first offense, in informal measures such as counseling, or perhaps by verbal reprimand.***

   - Counseling will not be appropriate if the unacceptable conduct falls within a Category II or III offense.

   - It should be noted that a counseling form simply documents that the supervisor has discussed the improper behavior with the subordinate along with future expectations.

B. **Category II**

1. Examples:

a. Failure to follow supervisor's instructions, perform assigned work, or otherwise comply with policy.

b. Violating safety rules without a threat to life.

c. Unauthorized time away from work assignments without permission during duty hours.

d. Failure to report to work without proper notice to a supervisor.

e. Unauthorized use or misuse of department property.

f. Refusal to work overtime when ordered by a supervisor.

2. Category II offenses include more severe acts and misbehavior. ***Category II offenses normally result, in the first instance, in issuance of a written reprimand.***

C. **Category III**

1. Examples:

a. Reporting to work under the influence or when ability is impaired by alcohol or the unlawful use of controlled substances.

b. Falsification of any reports such as, but not limited to, vouchers, official reports, time records, leave records, or knowingly making any false official statement.

c. Sleeping on duty.

d. Engaging in criminal conduct on or off the job.

e. Willful disobedience of a lawful command of a supervisor.

f. Acceptance of any service, bribe, gift, token, money, or other things of value intended as an inducement to perform or refrain from performing any official act, or any action of extortion or other means of obtaining money or anything of value through his position.

g. Manifesting cowardice, feigning illness, or otherwise attempting to shirk official duty.

h. Failure to answer questions specifically directed and related to official duties or job fitness.

i. The use of unnecessary force during an arrest/custody procedure.

2. ***Category III offenses include acts of such severity as to merit suspension, demotion, or dismissal at a single occurrence.*** Category III offenses may be punished by suspension, demotion (or a combination of suspension and demotion), or dismissal.

D. **Department Vehicle Crash Matrix**

The purpose of the Crash Matrix is to establish minimum thresholds for uniform disciplinary outcomes and is based on first time vehicle crash.

1. In the event of a sustained at fault crash, the Chief of Police shall utilize the crash matrix as a minimum disciplinary threshold for each identified crash category.

   a. Category I

      Under $2,000.00 in total damage = Counseling Form
      $2,000 - $4,000 in total damage = Verbal Reprimand

   b. Category II

      $4,000 - $7,000 in total damage = Written Reprimand

   c. Category III

      Over $7,000 in total damage = Suspension

2. The Chief of Police may lower the minimum threshold by one category if exigent/mitigating circumstances exist.

VI. RECORD KEEPING (26.1.8)

A. The department shall maintain a log of all complaints.

B. The complaints and internal investigative files shall be kept in a secure area and shall be maintained for five years after the employee leaves employment with the Joplin Police Department.

C. The Chief of Police shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.

D. The Chief of Police shall publish an annual or other periodic summary of complaints that shall be made available to the public.

VII. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules or the Joplin Police Department's Rules and Regulations and General Orders. Employees of the Joplin Police Department, while assigned to or assisting other agencies shall comply with this policy.

VIII. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.