



### III. GENERAL.

The authority to discipline subordinates is inherent to each supervisory and managerial position within the organizational structure. The policy and procedures developed to administer the disciplinary system detail a progressive system of differing levels of severity which includes both punitive and non-punitive actions. It should be noted however, that department employees shall not be subject to disciplinary action unless their actions constitute one of the following:

- A. A violation of local, state, or federal law.
- B. A violation of the standards of conduct.
- C. A violation of written or verbal department policies, procedures, rules, or orders.
- D. Malfeasance of duty.
- E. Misfeasance of duty.
- F. Nonfeasance of duty.

Prior to the initiation of any disciplinary action, the supervisor and/or Commander responsible for the subordinate should examine the following areas so as to render a thoroughly balanced judgment:

- A. Mitigating and extenuating circumstances.
- B. Previous training history.
- C. Level of experience.
- D. Past performance ratings.
- E. Prior complaints/disciplinary actions.
- F. General attitude and conduct of the employee.
- G. Seriousness of the offense/misconduct.

#### IV. DISCIPLINARY SYSTEM.

To be effective, discipline cannot be arbitrary in nature and its administration must be supported by appropriate documentation and facts. The form and severity of discipline shall generally be incremental in nature, unless the violation merits a serious and immediate disciplinary response. The types of disciplinary options shall be classified into two general categories: Non-Punitive Actions and Punitive Actions.

##### A. Non-Punitive Actions

###### 1). Remedial Training

Mandatory training assigned to an employee when a failure in personal conduct and/or performance is deemed to be the result of inadequate instruction or knowledge.

Such training may be conducted in-house by another member of the department or the employee may be assigned to attend one or more classes at the St. Louis County and Municipal Police Academy. Should the latter be the option selected, class assignment will be in accordance with the academy's established schedule.

###### 2). Counseling

Mandatory interview sessions with a supervisor or outside professional (psychologist, sociologist, etc.) intended to address a situation or trend in performance or conduct which is unacceptable and could result in additional disciplinary action if continued or repeated.

In the event an outside professional is chosen to counsel/treat an employee for a specific problem (alcohol, substance abuse, gambling, etc.), the city shall generally assume the costs of the counseling program and may permit such sessions to be held during regularly scheduled duty hours. The employee shall then be required to schedule visits/sessions as necessary and attend same in a regular manner. At the beginning of the counseling program, the employee will be expected to sign a release permitting the periodic disclosure of information to the department to verify attendance in the program and if the employee is fit for duty.

Counseling sessions shall be documented by a City of Clayton Corrective Action Report in addition to whatever investigative documentation may have preceded such discipline. The original of the Corrective Action Report will be placed in the employee's personnel file while a copy is placed with the internal affairs case file, should one

exist. The employee's supervisor will also retain a copy of the file to be used in preparing the employee's annual performance evaluation.

## B. Punitive Actions

### 1). Verbal Reprimand

A formal disciplinary conference between an employee and his immediate supervisor. The conference should be held in private surroundings where the supervisor will explain the infraction or misconduct to the employee and indicate what steps may be taken to correct the problem. This may include the need for additional training which the supervisor will assign as circumstances permit. The supervisor will also inform the employee of the potential for additional disciplinary action should there be a future re-occurrence of the misconduct under discussion. At the end of the conference, the supervisor will document the conversation via a City of Clayton Corrective Action Report and forward the document through his Platoon and/or Division Commander to be placed in the employee's personnel file. The supervisor will also retain a copy of the report for reference purposes in preparing the employee's annual performance evaluation.

The affected employee will be required to sign the Corrective Action Report and be given the opportunity to write a rebuttal. In the event an employee refuses to sign the document or note their objections, the supervisor shall write "Refused to Sign" on the employee signature line.

### 2). Written Reprimand

A formal written response by department management to an employee's commission of a more serious infraction or to the continued wanton and/or negligent violation of department policy, procedure, or regulations. The initiating supervisor or complainant will consult with the appropriate Platoon or Bureau Commander and provide them with the documentation and facts pertinent to the incident under review.

Should a letter of reprimand be issued, the Bureau Commander responsible for its compilation should also utilize a City of Clayton Corrective Action Report to summarize the misconduct and behavioral areas noted for improvement. The affected employee will be required to sign the form and be given the opportunity to write a rebuttal. In the event an employee refuses to sign the document or to note their

objections, the Bureau Commander shall write "Refused to Sign" on the employee signature line. The written reprimand shall then be placed in the employee's personnel file where it will remain for a minimum of one year or for a period of time as determined by the Bureau Commander or Chief of Police.

At the conclusion of the designated time period, the written reprimand shall be removed from the employee's personnel file and destroyed. The Corrective Action Report accompanying the written reprimand shall remain in the file as part of the employee's permanent record.

### 3). Special Probation

A trial period of a specified length of time during which the employee is required to fulfill a set of conditions or improve work performance or on-the-job behavior. Failure to meet a special probationary requirement may result in additional disciplinary action, up to and including dismissal. An employee may be placed on special probation in conjunction with another form of disciplinary action. In addition, an employee shall not be eligible for any performance salary increase during their tenure in this type of probationary status.

A written notice announcing an employee's assignment to special probation will be issued by the Chief of Police, following consultations with the appropriate bureau commander and the City Manager, as necessary. The notice of special probation will state the Length of time for the probation, and when the employee will be eligible for his/her next performance increase.

Written notices covering these type of disciplinary actions will be placed in the employee's personnel file.

### 4). Suspension

Subordinate employees may be relieved of duty by any department supervisor or commander in those situations where the circumstances require the employee's immediate removal from duty. Such action will constitute a temporary measure only, and shall generally not exceed a period of time beyond that necessary for notification to be made to the appropriate Bureau Commander and Chief of Police. Once notification has taken place, the Chief of Police may order a formal suspension be initiated (either with or without pay) or to have the employee return to duty pending the results of an internal affairs investigation.

Prior to the imposition of a suspension, the Chief of Police shall generally take the following steps:

- a. Schedule a meeting with the employee and apprise same of the reasons for the proposed disciplinary action.
- b. Afford the employee an opportunity to explain their actions.
- c. Consider all relevant information concerning the incident.
- d. Consult with the City Manager.

The length of a suspension shall rest solely with the considered judgment of the Chief of Police, though same shall usually not exceed a maximum of ninety (90) calendar days. It should be noted however, that in order to accommodate potentially lengthy investigative processes, the overall length of suspensions may be extended in thirty (30) day increments as necessary.

The underlying specifications that lead to each suspension will be documented along with the procedural process that was followed in both a formal internal affairs investigative report and City of Clayton Corrective Action Report. The original report shall be entered in a secure file maintained by the Office of the Chief of Police, while a copy of the written conclusion of fact will be provided to both the accused employee and the originating complainant. A copy of the Citizen Complaint Summary (if applicable), the City of Clayton Corrective Action Report and associated suspension order will be placed in the employee's personnel file as part of their permanent record.

Concurrent with the imposition of a suspension, employee(s) affected by the order shall relinquish their department identification card, badge, and service weapon to the Office of the Chief of Police. While under suspension, an employee may not serve in an official capacity, represent themselves as serving under the color of law, nor wear the uniform or insignia of rank.

Upon the conclusion or termination of a suspension where an employee is granted permission to return to active duty, the items relinquished to the department shall be returned to the employee.

## 5). Demotion

A form of discipline wherein, at the discretion of the Chief of Police and the City Manager, an employee may incur a reduction of rank or grade or both. Demotion may serve as a disciplinary measure in and of itself, or occur in conjunction with another form of disciplinary action such as a written reprimand or suspension.

Prior to the imposition of a demotion, the Chief of Police shall generally take the following steps:

- a. Schedule a meeting with the employee and apprise same of the reasons for the proposed disciplinary action.
- b. Afford the employee an opportunity to explain their actions.
- c. Consider all relevant information concerning the incident.
- d. Consult with the City Manager.

The employee will be formally advised in writing of a demotion and the underlying justification that led to such action. A warning may be included that should future disciplinary action be required, further demotion or termination may result.

A reduction in rank or grade as a result of disciplinary action shall be permanent until the requirements for promotion and/or advancement are met by the affected employee.

The underlying specifications that lead to a demotion will be documented along with the procedural process that was followed in a formal internal affairs investigative report. The original report shall be entered in a secure file maintained by the Office of the Chief of Police, while a copy of the written conclusion of fact will be provided to both the affected employee and initial complainant. A copy of the Citizen Complaint Summary (if applicable) and associated demotion order will be placed in the employee's personnel file as part of their permanent record.

#### 6). Restitution

A form of discipline where employees who have been determined, through the course of an investigation, to have negligently or with malice aforethought damaged or lost department property, may be ordered to make monetary restitution for the replacement or repair of the property in question.

Restitution may serve as a disciplinary measure in and of itself, or occur in conjunction with one or more other types of discipline.

The underlying specifications that lead to an order of restitution will be documented along with the procedural process that was followed. The original report, whether it be a formal internal affairs report or a Citizen Complaint Summary form, shall be entered in a secure file maintained by the Office of the Chief of Police. A copy of the written conclusion of fact will be provided to both the employee(s) involved and the originating complainant. In addition, a copy of the Citizen Complaint Summary form (if applicable) and associated restitution order will be placed in the employee's personnel file as part of their permanent record.

#### 7). Ban From Secondary Employment

A form of discipline where an employee may be barred from engaging in secondary or off-duty employment for a specified period of time.

The length of such a ban shall rest solely with the considered judgment of the Chief of Police, though same shall usually not exceed a maximum of ninety (90) calendar days. It should be noted however, that such a ban may serve as a disciplinary measure in and of itself, or occur in conjunction with one or more other types of discipline.

The underlying specifications that lead to a ban on secondary employment will be documented along with the procedural process that was followed. The original report, whether it be a formal internal affairs report or a Citizen Complaint Summary form, shall be entered in a secure file maintained by the Office of the Chief of Police. A copy of the written conclusion of fact will be provided to both the affected employee(s) and the original complainant. In addition, a copy of the Citizen Complaint Summary (if applicable) and associated disciplinary action shall be placed in the employee's personnel file as part of their permanent record.

## 8). Termination

The most serious form of discipline, where, upon the considered judgment of the Chief of Police and the City Manager, an employee is terminated from his/her position with the Police Department.

Termination of service shall generally be administered for: 1) a criminal conviction of a felony offense or serious misdemeanor, 2) a substantial violation of department policy, procedures, or regulations, 3) an accumulation of documented policy or procedural violations, and/or 4) the inability of an employee to adjust his performance and behavior to meet department standards.

The underlying specifications that lead to a termination of employment shall be documented along with the procedural process that was followed in reaching such a decision. The original investigative report shall be entered into a secure file maintained by the Office of the Chief of Police, while a copy of the written conclusion of fact shall be provided to both the accused employee and the original complainant. The terminated employee will also be provided with a cover letter containing a written statement citing the reason(s) for their dismissal, the effective date of the dismissal, and that information concerning potential pension and/or other fringe benefits may be obtained from the main personnel office at City Hall.

A copy of the Citizen Complaint Summary (if applicable) and associated termination documents will be placed in the employee's personnel file as part of the permanent record.

Once notice of termination has been issued, the employee will be required to surrender all department property at the earliest possible time. The employee may be financially liable for any missing property.

Disciplinary measures such as suspension, demotion, and termination require a Personnel Action form be filed with the City's personnel office in a timely manner.

## V. DISCIPLINARY AUTHORITY.

Disciplinary authority shall be progressive with the power to administer disciplinary measures increasing in conjunction with rank.

### A. First Line Supervisors

First line supervisors have the best opportunity to observe their subordinate's conduct and appearance, and to detect those instances where disciplinary action and/or investigation may be warranted. As such, first line supervisors have the authority to relieve employees from duty, administer certain types of non-punitive and punitive discipline (counseling, remedial training, and verbal reprimands), and to recommend more serious disciplinary measures.

Supervisors shall be responsible to document those disciplinary measures they impose on their subordinates, and have the authority to request and receive written memorandums and other documentation concerning any phase of an employee's performance. First line supervisors will also ensure that both the initiating complainant and departmental command staff are notified of disciplinary action taken against an employee.

In line with their overall responsibility in regard to disciplinary matters, supervisors may also attempt to provide guidance in solving those personal matters that negatively impact a subordinate's performance.

### B. Command Staff

- 1). Platoon and Division Commanders share much the same degree of responsibility and authority for discipline as first line supervisors. They possess the authority to relieve employees from duty, administer certain types of non-punitive and punitive discipline (counseling, remedial training, and verbal reprimands), and to recommend more serious disciplinary measures to their Bureau Commanders.

Platoon and Division Commanders shall be responsible to document those disciplinary measures they impose upon their subordinates and have the authority to request and receive written memorandums and other documentation concerning any phase of an employee's performance. Mid-level commanders will also ensure that both the initiating complainant and upper echelon command staff are apprised of any disciplinary action taken against a subordinate member.

As circumstances warrant, Platoon and Division Commanders may also attempt to provide guidance in solving those personal matters which negatively impact a subordinate's performance.

## 2). Bureau Commanders

The Captains assigned to command the department's bureaus possess the authority to administer a wider scope of disciplinary measures than first line supervisors and subordinate commanders. This authority encompasses both non-punitive and punitive disciplinary actions and includes relieving employees from duty, imposing remedial training, scheduling counseling sessions, and issuing both verbal and written reprimands. Bureau Commanders will also provide recommendations for more serious disciplinary measures to the Chief of Police and serve as an advisory council to same in such matters.

Bureau Commanders shall be responsible to document those disciplinary measures they impose on their subordinates and possess full authority to request and receive written memorandums and other documentation concerning any phase of an employee's performance. Bureau Commanders will also ensure that both the initiating complainant and the Chief of Police are apprised of any disciplinary action taken against a subordinate.

As circumstances warrant, the Captains heading departmental bureaus may attempt to provide guidance in solving those personal problems which negatively impact a subordinate's performance.

## C. Chief of Police

The Chief of Police shall possess the greatest degree of authority and latitude in the administration of internal discipline. In addition to those types of disciplinary measures that may be imposed by managerial and supervisory personnel, the Chief of Police possesses full authority to suspend, order restitution, ban from secondary employment, demote to a lower grade or rank, and/or terminate a subordinate's employment. The Chief of Police may also alter, suspend, or expand disciplinary actions ordered by command and supervisory staff members. It should be noted however, that the Chief of Police will be required to consult with the City Manager prior to the imposition of serious (suspension, demotion, and termination) disciplinary actions.

The Chief of Police shall be responsible to document those disciplinary measures he may impose upon a subordinate and will be required to maintain a confidential file containing internal affairs records. To assist in the investigative and disciplinary process, the Chief of Police possesses full and complete authority to request the drafting of written memorandums and other documentation concerning any phase of an employee's performance, and may also order such examinations as are outlined in General Order 98-23.

The initiating complainant will be apprised of any disciplinary action taken against an employee, and the forms/reports generated during the course of a disciplinary investigation shall be distributed and filed in an appropriate manner.

As circumstances warrant, the Chief of Police may attempt to provide guidance in solving those personal problems which negatively impact an employee's performance.

## VI. APPEAL PROCESS.

Department employees may appeal the imposition of disciplinary action such as mandatory counseling, written reprimand, ban from secondary employment, and restitution, by filing a written petition, within seven (7) calendar days of the date the disciplinary ruling was issued, to the Chief of Police. Such appeal shall be forwarded through the proper chain of command. An executive review will be performed and the appeal upheld or denied. The Chief of Police shall then notify the employee, in writing, of his decision concerning the appeal and a copy of the letter shall be placed in the internal affairs file and the employee's personnel record. The Chief's decision shall be final.

Department employees may also appeal the imposition of more serious disciplinary action such as demotion, suspension, and termination, by filing a written petition, within seven (7) calendar days of the date the disciplinary ruling was issued, to the City Manager. Again, the appeal shall be forwarded through the proper chain of command and must include the issues in question and the nature of relief sought by the petitioner. The City Manager shall arrange a meeting of all involved parties within forty-eight (48) hours for law enforcement officers and five (5) working days for all other employees. This time can be extended for reasonable cause. An administrative review shall be performed and will be limited to a single working day unless an extension is deemed necessary. Legal counsel will be allowed to represent either party. At the conclusion of the review process, the City Manager shall prepare a written decision upholding, overturning, or modifying the disciplinary action imposed. The decision of the City Manager is final.

In those instances when an employee is subjected to disciplinary action such as remedial training, internal counseling, or a verbal reprimand, where such action does not require a documented entry into the employee's personnel file, no appeal is permitted.

Employees removed from appointive rank or assignments do not have the right to appeal their removal if they are not reduced below their permanent rank or position.

Employees in-training shall be afforded the same right to appeal disciplinary actions as permanent employees with the exception of termination proceedings. In such instances, employees in-training shall have no right of appeal.

## VII. TERMINATION STATEMENT.

In those instances where a decision is made to terminate an employee for disciplinary reasons, the Chief of Police shall submit a formal letter to the affected employee citing the underlying reasons for the dismissal, the effective date of the termination, and that information concerning the status of pension and/or other fringe benefits may be obtained from the personnel office at City Hall.

The termination statement shall be hand-delivered to the employee at a date and time agreeable to the Chief of Police.

A copy of the termination statement will be placed in the appropriate internal affairs file, with a second copy placed in the employee's personnel file as part of their permanent record.

## VIII. RECORDS MANAGEMENT.

Written documentation shall be required in regard to all forms of disciplinary action. However, the type and/or extent of documentation shall vary by according to the disciplinary measures enacted. A written record in the form of a completed City of Clayton Corrective Action Report shall be completed by the appropriate supervisor in regard to verbal reprimands, written reprimands, suspensions, counseling sessions, and remedial training. The original of this form shall be placed in the employee's personnel file, while one copy is entered into the internal affairs case file (if same exists) and a second copy is retained by the appropriate supervisor to be used in connection with the department's annual evaluation process.

City of Clayton Corrective Action Reports shall become part of the employee's permanent personnel record and same shall not be purged, even in those instances where the department member has elected to terminate their employment with the City through resignation, retirement, etc.

Verbal reprimands shall be maintained in the employee's personnel file until the next performance evaluation period, or for six full calendar months, whichever is greater. At the conclusion of the designated time period, Corrective Action Reports detailing verbal reprimands shall be removed from the personnel files and destroyed.

Written reprimands shall be maintained in the employee's personnel file for a minimum of one year, or for such a period of time as the appropriate Bureau Commander and/or Chief of Police deem necessary. At the conclusion of the designated time period, written reprimands shall be removed from the employee's file and be destroyed. However, the Corrective Action Report which accompanies the written reprimand shall remain in the employee's personnel file.

Internal affairs case files and associated documentation, to include records pertaining to disciplinary actions, shall be maintained by the Office of the Chief of Police.

Personnel records shall be maintained by the Commander of the Investigations and Support Bureau.

BY ORDER OF:

THOMAS J. BYRNE  
Chief of Police

TJB:dld

CALEA Reference 26.1.4/26.1.5/26.1.6  
26.1.7/26.1.8/52.1.8