




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This policy is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Number 1-17		Effective Date March 20, 2023	Review Date March 1, 2020	Reviewing Division Administration
Subject EMPLOYEE DISCIPLINE		<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Amends <input type="checkbox"/> Replaces:		This policy shall apply to personnel assigned to the following divisions: <input checked="" type="checkbox"/> All Personnel <input type="checkbox"/> Patrol Division <input type="checkbox"/> Administration Division <input type="checkbox"/> Investigation Division
References VLEPSC: PER.09.01 - .05 CALEA				
 <hr/> Chief of Police or Designee		March 20, 2023 <hr/> Date		

I. PURPOSE

The purpose of this policy is to establish procedures concerning informal and formal disciplinary practices within the Department.

II. POLICY

It is the policy of the Winchester Police Department to impose disciplinary action fairly and impartially, in accordance with the City of Winchester Comprehensive Employee Management System, and to offer adequate appeal procedures to ensure that the rights of employees are protected. Discipline is a process of imposing formal sanctions, which will help train or develop an employee, preferably through constructive rather than punitive measures. Discipline in the Department involves reward of employees, training, counseling, and punishment.

III. DEFINITIONS

A. Days

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

B. Relief from Duty

An administrative action by a supervisor whereby a subordinate officer is temporarily relieved from performing his or her duties.

IV. PROCEDURES

A. Verbal Counseling

1. Supervisors are expected to counsel employees regularly without verbal reprimands. Counseling is informal, positive, and supportive.
2. 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 unacceptable, and the desired or acceptable performance. Counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance, or to solve the problem.
3. A variety of counseling resources are available within the community including psychological, family, marital, and financial counseling. Employees in need of counseling, or desiring information about available resources, are encouraged to contact the Public Safety Mental Health Specialist or use the City of Winchester Employee Assistance Program (EAP). The Department recognizes that no stigma is attached to seeking professional counseling to solve problems.

B. Consistency in Discipline

1. The Department abides by the philosophy that discipline must be applied consistently and uniformly. RR 1-16, Internal Investigations, describes internal investigations procedures against Department employees, whereas this order discusses the range of disciplinary action for various infractions.
2. The Department does not provide employees with an all-inclusive 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 personnel generally.
3. The Chief of Police or his/her designee will consult with the City Manager and Human Resources Director prior to issuance of any disciplinary action that is a written reprimand or greater. See section IV, E.

C. Relief from Duty

1. An employee may be relieved from duty with or without pay whenever a supervisor, whether the Chief of Police, Deputy Chief of Police, Captain, Lieutenant, Sergeant, or civilian supervisor questions an employee's physical or psychological fitness for duty. An internal affairs investigation may follow.
2. A Captain, Lieutenant, Sergeant, or civilian supervisor has authority to relieve an employee from duty, after consultation with the Deputy Chief of Police. A written report setting forth details and circumstances must be completed by the end of shift.
3. If the necessity to relieve from duty is not immediate, the behavior or actions of the employee shall be deemed a matter of administrative investigation. In an administrative investigation, only the Chief of Police or Deputy Chief of Police may relieve an employee from duty. Only the Chief of Police, may suspend without pay an employee whose continued presence on the job constitutes a substantial and immediate threat to the welfare of the Department, the public, or to himself or herself.
4. An employee who refuses to obey a direct order in conformance with Department directives and policies may be relieved from duty by the Deputy Chief of Police, Captain, Lieutenant, Sergeant, or civilian supervisor, who may recommend suspension to the Chief of Police. The Chief of Police may then suspend the employee without pay.

E. Forms of Disciplinary Action

An employee suspected of violating Department directives and policies may be placed on administrative leave with pay, pending the outcome of an investigation. This provides the Chief of Police time to investigate the complaint without financially harming the employee. When a complaint is founded, disciplinary action may take any of the following forms and is not necessarily restricted to the order set forth below:

1. Verbal reprimand;
2. Written reprimand;
3. Suspension;
4. Withholding of merit increase;
5. Administrative decrease;
6. Disciplinary demotion;

7. Dismissal or discharge; or
8. Decision Day.

F. Verbal Reprimand

1. A verbal reprimand is a discussion between the supervisor and the employee wherein the employee is notified and cautioned with reference to unsatisfactory work performance or misconduct. Although it is documented on WPD-146, it is not placed in the employee's official personnel file.
2. Verbal reprimand may involve remedial training. This training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance at academy classes and 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.

G. Written Reprimand

1. A written reprimand is a written documentation to the employee from the supervisor, wherein the employee is notified and cautioned with reference to unsatisfactory work performance or misconduct.
2. A written reprimand is issued by the Chief of Police or his/her designee, A written reprimand cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the Department. A written reprimand becomes a permanent part of the employee's personnel record.

H. Suspension

1. A suspension is the temporary removal from duty of an employee for cause. The suspension period may be with or without pay. If the situation warrants, the Chief of Police, may demote an employee or suspend without pay, measures normally considered equivalent. During a suspension, the employee shall not undertake any official duties.
2. In no case shall an employee convicted of a felony continue to work for the Department.
3. If an employee is acquitted of criminal charges, the employee may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.
4. Any employee suspended for a period five (5) days or longer shall return all Department owned property. On any suspension, the officer must return to Department custody his or her badge, identification card, and issued firearm.

I. Disciplinary Demotion

Disciplinary demotion is a reduction in the pay grade of an employee for disciplinary reasons in conjunction with a change in job duties and responsibilities. Demotion shall be to the next lowest rank.

J. Dismissal or Discharge

1. Dismissal is the involuntary separation from employment initiated by the employing authority as a result of an employee's unsatisfactory work performance or misconduct
2. 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. See RR 1-19, Termination of Employment for guidance on dismissals.
3. Whenever dismissal or suspension is planned, the Department shall provide notice to the employee.

K. Administrative Decrease

An administrative decrease is a reduction within the pay range of a class as a disciplinary action resulting from unsatisfactory job performance or misconduct.

L. Decision Day

1. The Chief of Police may utilize the option of Decision Day in lieu of disciplinary action. An employee is instructed to take one day off with pay to decide if he or she wants to continue to work for the City.
2. If the employee decides to resign from the City, he or she may do so voluntarily by submitting a written resignation. If the employee decides to continue working for the City, he or she shall sign an agreement to abide by all orders and directives of the employer. The employee is also notified that should additional misconduct occur, or unsatisfactory performance continue, the employee will be subject to disciplinary action up to and including dismissal.

M. Reporting Arrests

Any employee arrested for, charged with, or convicted of any crime or traffic offense, or is required to appear as a defendant in any criminal or civil proceedings, must inform the Chief of Police in writing as soon as possible. Failure to notify the Department of the foregoing shall be cause for disciplinary action.

V. **INFRACTIONS AND PUNISHMENTS**

A. General

While the discipline process may take some time, it is important that each employee be dealt with justly and in a manner which clearly indicates that positive, constructive measures to change behavior or performance preceded the imposition of more negative sanctions.

B. Probationary Employees

1. Probationary employees shall be dismissed, suspended, or otherwise disciplined according to this policy. Probationary employees have no right of appeal.
2. In the case of a dismissed probationary employee, the official record shall merely indicate that the person was dismissed during probationary employment.

C. Sexual Harassment and Other Discrimination

The Department is committed to a policy of nondiscrimination. Employees found to have engaged in discrimination on the basis of race, color, religion, national origin, political affiliation, handicap, age, or sex (including sexual harassment) will be disciplined.