

Management Guide to Discipline



1st Edition

Billings Police Department

February 2014

INTRODUCTION

The *Guide* was written primarily for Department supervisors to assist them in assessing the appropriate level of discipline and corrective action. The discipline philosophy articulates the Department's expectations for all employees and maintains a standard among all employees, sworn and civilian alike.

The proper administration of discipline depends on a careful balance of factors, which are relative in each situation and to each employee. Fairness, consistency, and clearly stated expectations make discipline tenable in large organizations. Equally important to the process is the obligation to balance the needs of the employee with the needs of the organization and the public trust. Compromising any one of those three elements weakens the Department's ability to function properly, effectively, and efficiently.

Rich St John
Chief of Police

PENALTY GUIDE

Supervisors and employees must recognize that penalty schedules cannot accurately, fairly, or consistently address every situation. Times and issues require that discipline must be flexible in its ability to modify behavior to conform to current social expectations. Supervisors must conduct *an individual analysis of each employee for each incident*, and then recommend a penalty based upon the need to modify the employee's behavior, set expectations for other employees, and maintain the public trust.

One of the responsibilities of an Internal Affairs Investigation is to review all complaints to evaluate the fairness and consistency of the adjudication and any proposed penalty. With the institutional knowledge gained over time, estimations of penalties based on recent penalty trends for similar acts or omissions have been developed. The Penalty Guide represents an anthology of common offenses and their commensurate penalties derived from that accumulated institutional knowledge.

The penalty ranges listed are estimations that represent only a starting point from which supervisors can begin to assess the appropriate level of discipline. Management insight should be used to reflect the appropriate penalty recommendation for all the alleged acts of misconduct, taken as a whole, rather than as summation of penalties for individual acts of misconduct. Every penalty recommendation must consider the employee's complaint history; relative job knowledge and experience; motives; intent; and damage caused, both tangible and intangible. This assessment must be balanced with the impact the alleged act had on other employees, the Department, and the community we serve.

Supervisors should neither rely solely on previously imposed penalties, nor quote them as an authority in penalty rationales. **It must be remembered that this is a guide.** As such, it may not always reflect the appropriate penalty for every set of circumstances. Indeed, for a given set of circumstances, the appropriate penalty may be higher or lower, depending on *current* issues and the impact of the particular misconduct on the community and/or fellow employees. When deviating from the Penalty Guide, supervisors should provide a convincing documented explanation for the deviation.

The Chief of Police will have the final decision making authority in all penalties.

Penalty Guide

Revision date: February 11, 2014

Legend	
A = Verbal Warning B = Written Warning C = 1 through 2 Days suspension	D = 3 through 4 days suspension E = Two weeks (80 hrs) suspension F = Termination Recommendation

	1 st Occurrence	2 nd Occurrence	3 rd Occurrence
ALCOHOL			
Unfit for duty due to prior alcohol consumption	C	D-F	F
Under the influence of alcohol (on-duty)	D-F	F	F
Improperly possessed alcoholic beverage (on-duty)	B-C	D	F
Improperly consumed alcoholic beverage (on-duty)	D-F	F	F
DISCOURTESY (on-duty involving public)			
Discourteous/improper remark to a member of the public	B	C	C-F
inappropriate gesture	B	C	C-F
Improper remark in public	B	C	C-F
DISCOURTESY (on-duty no public involved)			
Discourteous/improper remark to/regarding fellow employee	B	C	C-F
Inappropriate gesture	B	C	C-F
Improper remark in the workplace	B	C	C-F
DISHONESTY / THEFT			
Knowingly receives any compensation to which not entitled	F	F	F
Converts found/recovered/seized property to personal use	B-F	F	F
Converts City property/resources to personal use	B-F	F	F
Improperly takes/appropriates/converts the property of another.	B-F	F	F
Purposely falsify time sheet	F	F	F

	1st Occurrence	2nd Occurrence	3rd Occurrence
DOMESTIC VIOLENCE			
Domestic Violence (misdemeanor conviction)	F	F	F
Violates an Order of Protection (as determined by the Court)	D-F	F	F
DRIVING			
Preventable traffic collision	B-C	B-D	B-F
Improper/unsafe driving (on/off duty)	B-C	C-D	D-F
Failure to advise Communications Center of Code 3 status	B	B	C
Failure to wear seatbelt	B	B	C
DRIVING UNDER THE INFLUENCE (OFF-DUTY)			
Driving Under the Influence (conviction)	E	F	F
Driving Under the Influence (conviction) with traffic collision	E-F	F	F
Driving Under the Influence (conviction) with injury traffic collision and/or aggravated circumstances	F	F	F
ETHNIC BIAS			
Improper remark(s) showing ethnic/culture bias	B-C	C-D	E-F
Show/display material showing ethnic/culture bias	B-C	C-D	E-F
Knowingly/improperly detaining someone due to ethnic/culture bias	C-F	F	F
FAILURE TO APPEAR			
Failure to appear/late for court or other administrative hearing.	B	B-C	B-F
FALSE & MISLEADING STATEMENTS			
Knowingly make false or misleading statement(s) during official inquiry	D-F	F	F
Knowingly make false or misleading statement(s) Under Oath	F	F	F

	1st Occurrence	2nd Occurrence	3rd Occurrence
FALSE IMPRISONMENT / SEARCH			
Knowingly detain/transport someone without cause	D	F	F
Knowingly arrest someone without cause (false arrest)	F	F	F
GENDER BIAS/SEXUAL HARASSMENT			
Improper remark(s) showing sexual/gender bias	B-D	E-F	F
Show or otherwise display material showing sexual/gender	C	D	E-F
Create/allow hostile work environment showing sexual/gender bias	E-F	F	F
INSUBORDINATION			
Improper comments to a supervisor (one-on-one/limited parties present)	B-C	D-E	F
Improper comments to a supervisor (public setting/roll call/group)	B-D	D-E	F
Refusal/fail to obey direct order	C-D	F	F
Refuse/fail to follow requirements of restricted duty letter	B-D	C-D	E-F
NARCOTIC/DRUGS			
Improperly possess/ingest/sell illegal narcotics/drugs	F	F	F
Improperly possess/ingest/sell prescribed narcotics/drugs	F	F	F
Present where illegal narcotics/drugs being used	B-C	D-E	F
Knowingly transport/accompany person to buy/obtain illegal narcotics/drugs	F	F	F
NEGLECT OF DUTY			
Fail to care for Department/City equipment resulting in its damage/loss	B	C	D-F
Intentional damaging Department/City property	C-F	E-F	F
Improper/unsafe use of Department/City equipment	B	B-C	B-F
Fail to properly care for property of arrestee/victim/other	B	C	D-F
Fail to properly handle/process evidence	B	C	D-F
Fail to have car audio/video activated as required	B	C-D	E-F

	1st Occurrence	2nd Occurrence	3rd Occurrence
Tardiness (late for duty)	B	B-C	C-D
Sleeping on duty	B	C	D-F
Fail to show up for work	B-C	C-E	E-F
Conduct excessive personal business while on-duty	B	C	D-F
Fail to return to duty/clear breaks on time	B	C	D
Fail to handle assigned radio/MDT call	B-C	C-E	E-F
Fail to take appropriate action/provide appropriate service	B-C	C-D	E-F
Fail to report on-duty use of force incident	B-C	D	E
Fail to process report in timely manner	B	C	D
Unauthorized weapon/ammunition	B-C	C-D	D-F
Fail to properly search arrestee/detainee	B	C	D-F
Transport unauthorized passenger in City vehicle	B	B	C
Fail to properly care for/monitor person in custody	B-F	C-F	F
Work off-duty without permit (outside employment)	B	B	C
Release confidential reports/information/records	B-F	C-F	F
Improper off-duty use of City vehicle	B	B-C	F
NEGLECT OF DUTY (SUPERVISOR/MANAGER)			
Fail to take appropriate action	B-C	C-E	F
Fail to initiate/process personnel complaint	C	D	E-F
Fail to properly review/approve Department report(s)	B	B-C	D-E
Work off-duty without permit (outside employment)	B	B	C
Release confidential reports/Information/records	B-F	C-F	F
Improper off-duty use of City vehicle	B	B-C	F

	1st Occurrence	2nd Occurrence	3rd Occurrence
POLICIES/PROCEDURES			
Violate any codified/published/or otherwise specified/articulated Department policy/rule/procedure	B-C	C-D	E-F
REPORTS/DOCUMENTS			
Knowingly prepare/submit false Department report	F	F	F
Knowingly prepare/submit inaccurate/incomplete Department report	B-C	C-D	E-F
SHOOTING POLICY (Includes Taser)			
Discharge weapon in violation of Department policy	B-E	E-F	F
Accidental discharge (negligence) injury to self/another	B-E	F	F
Accidental discharge (negligence) no injury	B	C	D-F
UNAUTHORIZED FORCE			
Specified/articulated incidents/acts	B-F	C-F	D-F
UNBECOMING CONDUCT			
Unnecessarily involved in dispute resulting in response of law enforcement	B	C-D	E-F
Fail to cooperate with official law enforcement investigation	B-F	C-F	D-F
Off-duty, improper remark to on-duty law enforcement personnel	B	C	D
Fail to maintain personal finances resulting in collectors contacting the Police Department or City Administration.	B	C	D-F
Use official position to acquire gratuities/gifts/special favors	B	C	D-F
Retaliate against another for filing complaint	B-E	E-F	F
Attempt/convert on-duty contact to social relationship	B-E	D-E	E-F
Improper use of Department computer systems/data bases/records	B-F	C-F	F
Improper messages/communications through MDT/radio-frequency	B	B-C	C-E

	1st Occurrence	2nd Occurrence	3rd/plus Occurrence
Fail to maintain valid driver's license/registration/car insurance	B	C	D-F
Compromise an official investigation	B-F	F	F
Knowingly allow minor to consume alcohol	B-D	D-E	F
Knowingly provide alcohol to minor	B-C	D-E	F
Off-duty, unnecessarily involved in altercation	B	C	D-F
Off-duty, unnecessarily strike another	B-D	D-E	F
Criminal act (other than DUI) no conviction	B-F	C-F	D-F
Criminal act (other than DUI) with conviction	B-F	F	F
Smoking in a patrol vehicle	B	B-C	C
Sexual contact with another while on duty	D-E	E	F
Any act/conduct not otherwise specified/articulated by the Department to be unbecoming/inappropriate/unsafe/negligent/unethical	B-F	D-F	D-F
Violate court order other than domestic violence (as determined by the Court)	B-F	B-F	B-F
Absence Control	A	A	B-F

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