

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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PROGRESSIVE DISCIPLINE AND COUNSELING

303.00 PURPOSE

The purpose of this General Order is to set forth a program of progressive discipline. The intent is to establish uniformity in the administration of discipline. The type of discipline administered must correspond to the seriousness of the violation and the level of discipline administered to other employees for similar violations.

303.01 MINOR VIOLATIONS

Generally, minor violations of rules and regulations will be handled through counseling and progressive discipline. Examples of minor violations would include; unexcused tardiness; abuse of rest or lunch period; leaving patrol area without proper reason or permission; rudeness to other employees (Not to include insubordination); clerical errors; unkempt appearance / uniform; and chargeable automobile accidents not involving gross negligence or violations of the law. Oral and Written Reprimand forms are used to document minor violations.

303.02 MAJOR VIOLATIONS

Examples of Major Violations would include; neglect of duty; insubordination; disobeying a direct order; failure to report to duty; physical abuse of prisoner or citizen; violation of local, state, or federal laws; and repeated minor violations.

Occasionally a determination as to the proper discipline to administer to an employee for a specific incident or repeated offenses may be difficult to make. In those cases the supervisor considering the disciplinary action should discuss with the Chief of Police the circumstances prior to taking formal action against the employee. In this manner uniformity of discipline can be maintained.

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303.03 PROGRESSIVE DISCIPLINE - The below steps of progressive discipline will be followed:

A. Minor Violations - The normal sequence of discipline is as follows:

1. Oral Reprimand - If an Oral Reprimand is received it will be placed in the personnel jacket for a period of one year and then removed with no record of it in the personnel jacket.
2. Written Reprimand - If a Written Reprimand is received, it will be placed in the personnel jacket for a period of two years and then removed with no record of it in the personnel jacket.
3. Counseling - Three reprimands within six months requires counseling with first and second level supervisors and the employee. Counseling should include identification of the issues(s) resulting in the reprimands, corrective action to be taken and a discussion of expected outcomes. Counseling must be completed within 30 days of the third reprimand and must be documented in an employee counseling form (F137).

B. Major Violations

Any major violation requires the filing of an Allegation of Misconduct Report against the accused employee. The Chief of Police taking into consideration the totality of the circumstances and the employee's prior record will determine discipline for a major violation. Demotion, suspension or dismissal of an employee requires the approval of the City Manager.

303.04 DISCIPLINE AND COUNSELING GUIDELINES

From time to time it may become necessary to counsel an officer or employee. It is the Ferguson Police Department's policy to encourage open lines of communication in these situations.

It is important to have these counseling sessions documented in the employee's file. This documentation will be helpful in recording exactly what was covered in the session, as a follow-up in determining whether or not the problem was corrected, and to determine if subsequent training or disciplinary action is needed.

303.05 ROLE OF SUPERVISORS

The role of supervisors, especially first line supervisors, is crucial in the disciplinary process. First line supervisors have the best opportunity to observe the conduct and appearance of officers and detect those instances when disciplinary actions are warranted (remedial

training, counseling, or punishment). First line supervisors also have the opportunity to understand the personality traits of the personnel under their supervision and to determine the most effective methods of discipline.

Strong leadership and good supervisory practices reduce the need for disciplinary actions. If employees realize that rules and regulations will be enforced fairly and consistently, satisfactory behavior should result. Counseling when a minor problem is identified early can be used as a function of discipline. Employees must have a clear understanding of what work performance is expected. When performance problems are identified early, additional training can be used to prevent reoccurrence of substandard performance.

Some basic supervision techniques will help in gaining voluntary compliance with departmental procedures. Be sure employees know what is expected of them and be consistent in supervision. Be certain that you as a supervisor know departmental policies and interpret them intelligently for your subordinates. Plan and organize the work of subordinates. Set a good personal example. The supervisor's attitude toward the Department is reflected in the subordinate's attitude.

All supervisors are empowered to administer counseling, remedial training, oral and written reprimands as a means of discipline to those employees under their direct supervision.

Progressive discipline above the level of a written reprimand must be issued by the Chief of Police. Generally, employees will accept disciplinary action as justified and fair if it contains the following elements:

A. Advance Warning - There must be clear warning that a given offense will lead to a known amount of discipline. This means not only that rules must be clearly communicated, but also that your manner of enforcement must be made known in advance. Sudden enforcement of a rule that has been repeatedly violated in the past is almost universally considered unfair. Each time a new rule is established or your enforcement policy is changed, you should communicate the change to your employees.

B. Immediate Discipline - You should begin the disciplinary process as soon as possible after a rule has been violated. When a violation is followed quickly by discipline, the offending person will associate the discipline with the offense rather than with the person imposing the discipline. Of course, this does not mean that an employee should be judged without full investigation.

C. Consistency - Discipline that is consistent helps to set limits; inconsistent discipline inevitably leads to confusion and uncertainty. Every individual wants to know the limits of permissible behavior. One way to establish these limits clearly is to discipline those who exceed them.

Consistent discipline does not require that the penalty be determined entirely by the offense, without regard to the personal history and background of the offender. The common practice is to be more lenient on first offenses. You should always consider the seriousness and

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circumstances of the particular offense, the past conduct of the employee, the lapsed time since he was last disciplined, and your handling of similar offense in the past.

D. Objectivity - Impose all discipline quietly and objectively. Emotional clashes endanger your future relationship with the employee. If the disciplinary action is justified, there is no need to be apologetic or to feel guilty. Although it is understandable that you may tend to avoid the employee or alter your attitude toward him in subtle ways, such shifts should be avoided, since they may well generate corresponding changes in the employee's attitude toward you. Try to make it clear that you assume the employee will not repeat the offense and that the incident is to be forgotten.

By order of:

A handwritten signature in black ink, appearing to read "Colonel Thomas Jackson".

COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel