

POLICIES, PROCEDURES, AND RULES

Subject: 26.1.1 Disciplinary Matters & Award Procedures	Effective Date: November 19, 2020
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I. PURPOSE

Effective discipline is a positive process when its perceived purpose is to train or develop by instruction. Among the programs having an impact on discipline in a law enforcement agency are selection, training, direction, supervision, and accountability. These elements are inter-dependent, and a weakness in any one is damaging to effective discipline. Many standards bearings on a disciplinary system are included in other chapters relating to selection, training, and direction. Therefore, the purpose of this directive is to focus on the accountability component of a disciplinary system [CALEA 26.1.4 a.].

II. DISCUSSION

It shall be the policy of the Fayetteville Police Department to follow and abide by the disciplinary policies and procedures in effect and addressed in the rules and regulations of the Civil Service Commission of the City of Fayetteville. An employee whose work becomes unsatisfactory should immediately be notified by his/her supervisor in what way the work is deficient and what must be done if work performance is to be judged satisfactory [CALEA 26.1.5 (NT)]. An employee who is suspended or dismissed for unsatisfactory performance of duties should normally have received three warnings:

Supervisor Counseling - an oral warning from the employee's supervisor. The supervisor must record the dates of the discussions with the employee, the performance deficiencies discussed, and the corrective actions required. [CALEA 26.1.5 (NT) 26.1.4 b.]. The supervisor shall maintain this record for the duration of the employee's performance evaluation period [CALEA 26.1.8 (NT)].

Written Record of an Oral Warning- an oral warning with a follow-up letter to the employee that sets forth the points covered in their discussion. The Chief of Police shall have authorized a written record of an oral warning. The supervisor shall keep a record of a written record of an oral warning. The supervisor should maintain this record for the duration of the employee's performance evaluation period [CALEA 26.1.8 (NT)].

Written Reprimand - a written warning from the Chief of Police (or in the Chief of Police's absence, by the Deputy Chief of Police) serving notice upon the employee that noted deficiencies must be corrected immediately in order to avoid further disciplinary action up to and including dismissal. A written reprimand shall be placed in the employee's personnel file [CALEA 26.1.8 (NT)].

An employee who is suspended without pay or dismissed for unsatisfactory performance of duties or violations of policy shall receive a letter from the Chief of Police (or in the Chief of Police's absence, by the Deputy Chief of Police) outlining the noted performance deficiencies or policy violations and effective date of suspension or dismissal. A copy of this letter shall be placed in the employee's personnel record [CALEA 26.1.4 c. and 26.1.8 (NT)].

A sworn employee so discharged, reduced in rank, or suspended for twenty-four hours or more shall have the right, within ten calendar days from the date of such written notice, to request a trial through the Civil Service Commission. Sworn employees should reference the Civil Service Rules and Regulations for procedures to request a trial [CALEA 26.1.6 (NT)].

Any sworn employee can request a grievance hearing to review a suspension of less than twenty-four hours by submitting a written explanation to the Civil Service Commission within ten calendar days of receiving such disciplinary action stating why such discipline was unwarranted or otherwise improper. Sworn employees should reference the Civil Service Rules and Regulations for procedures to request a grievance hearing [CALEA 22.4.1 a., b., c.].

The Administrative Captain should maintain departmental employees' administrative files. It should contain any letters of commendation or appreciation, administrative letters and replies, results of sustained punitive disciplinary action (written reprimand, suspension, demotion, and termination), as well as other pertinent information. Information in this file will be maintained indefinitely. All official personnel files are maintained by the City of Fayetteville's Human Resources Division [CALEA 26.1.8 (NT)].

It is suggested immediate supervisors maintain an employee performance/counseling file for each person under their supervision. This file might contain oral warnings during the current evaluation period, letters of job-related counseling sessions, copies of correspondence between the employee and supervisor, complementary correspondence, and other similar information regarding the performance of the employee. It is suggested this material be kept in a secured location by the immediate supervisor. This information should be purged after one year and after being noted on the employee's performance evaluation [CALEA 26.1.8 (NT)].

Nothing in this policy shall prohibit the Chief of Police from exercising all authority granted under Civil Service Commission Rules and the Arkansas Code.

A. Compliance with Department Directives

Supervisors are expected to set a proper example to their subordinates in the matter of due respect and regard for the policies, procedures, and rules in all matters pertaining to proper discipline.

1. The primary function of a supervisor is to maintain the day-to-day activities of police operations. Compliance with department directives is an integral part of those operations. Supervisors are authorized to take action when department directives are not being followed [CALEA 26.1.5 (NT)]:
 - a. A supervisor may elect to coach an employee whose performance has been found to be deficient.
 - b. A supervisor, after approval from his or her division captain, may refer an employee to the Training Division or designated supervisor to correct deficient performance.
 - c. A supervisor may document deficient performance and refer it to the Chief of Police in the form of an official complaint.

- d. In cases of a major infraction of policy or department directive, a supervisor may relieve an employee of duties, with pay, and refer the matter to the Chief of Police.
2. In case(s) of alleged unjust treatment in violation of these policies, procedures, and rules, any employee may make a complaint against a supervisor. When any employee suspects a violation of these policies, procedures, and rules has occurred, they are to notify the Chief of Police for investigation and may request results of the findings. Reporting a suspected violation confidentially is not a violation of the policies, procedures, and rules.
3. The following acts, infractions, or violations of the policies, procedures, and rules shall be deemed sufficient cause for separation from the department:
 - a. Willful disobedience of lawful orders.
 - b. Disrespect or insolence toward a superior officer or supervisor.
 - c. Being under the influence at any level of intoxicants, or illegal drugs, including abuse of prescription drugs while on duty.
 - d. Absence without leave - Absence without leave is defined as any time a department member is scheduled for work and fails to report for duty without first notifying a supervisor prior to the start of the scheduled shift.
 - e. Incompetence.
 - f. Driving any machine or apparatus of the department carelessly or maliciously, in such a manner as to collide with, cause personal injury, damage a vehicle or other property, or any other wanton or malicious conduct, which causes injury or damage to a citizen or property.
 - g. Neglect or refusal to pay just debts.
 - h. Agitating or creating dissension in the department or attempting in any manner to cause ill feeling against any member of the department.
 - i. Making any false or unwarranted report, either publicly or otherwise, about a member of this department.
 - j. Dishonesty at any time when representing this department.
 - k. Lack of Candor when questioned by a department supervisor or during any Office of Professional Standards investigation.
4. It shall be the policy of the Fayetteville Police Department that all personnel maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by, but not limited to:
 - a. A lack of knowledge of the application of laws and ordinances required to be enforced.
 - b. An unwillingness or inability to perform assigned tasks.
 - c. The failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.
 - d. Absence without leave.
 - e. Written record of repeated infractions of policies, procedures, rules, directives, or general orders of the department.

B. Unbecoming Conduct

Employees shall be held responsible at all times for conduct unbecoming an officer and/or a police department employee, which tends to lower the law enforcement service in the estimation of the public. Employees should be governed by ordinary rules of good behavior observed by law abiding and self-respecting citizens.

1. Any idle, indiscreet, disrespectful or discriminatory remark(s) or rudeness or any greeting(s), conversation(s), or remark(s) tending to show undue familiarity with members of the opposite sex while on duty shall subject a member to disciplinary action (See FPD Policy 26.1.2 Harassment and Discrimination in the Workplace) [CALEA 26.1.3].
2. Employees are cautioned that the use of obscene, immoral, profane or disrespectful language, agitating and tending to create dissension in the department or attempts to cause undue or unfavorable reflection(s) upon any member of the department, will not be tolerated. Employees shall not engage in altercations between themselves under any circumstances.
3. All employees when reporting for duty shall be completely attired in the regulation uniform or dress attire as prescribed by the Chief of Police (FPD Policy 41.3.5 Grooming and Uniform Requirements). Failure to do so may subject the member to disciplinary action.
4. Relationships in the workplace
 - a. All supervisors are strictly prohibited from dating any employee they supervise and/or who is within their chain of command.
 - b. Co-workers who do not manage and/or supervise each other may continue in the dating relationship but must inform their direct supervisor and the Chief of Police of the relationship. The Chief of Police may consult with the Director of Human Resources if there is any concern regarding the existence of the relationship.
 - c. Employees who fail to inform their supervisor and the Chief of Police of their dating and/or physical relationship will be subject to disciplinary action up to and including termination.

C. Use of Alcohol & Drugs

1. No employee shall possess or consume alcoholic beverages while on duty or at the police department. Possession is authorized when directly related to a case or as an evidence item.
2. Employees are prohibited from reporting to work with a blood alcohol content (BAC) level higher than .000.
3. Employees are prohibited from using or possessing illegal drugs. Possession is authorized when directly related to a case or as an evidence item.
4. No employee shall be absent or sick from scheduled duty due to the use of alcoholic beverages, illegal drugs, or abuse of prescription drugs.
5. Failure to submit to a supervisor ordered blood or alcohol test shall result in a disciplinary action up to and including termination.

6. When deemed operationally necessary, officers in undercover assignments may consume alcoholic beverages and/or simulate the use of drugs. In doing so, officers shall submit a memo to their supervisor documenting the consumption of alcohol or simulation of the use of drugs.

D. Abuse of Authority

1. No officer shall receive or collect any fine or fines for parking tickets, other traffic violations, or any other offenses whatsoever. Members shall courteously advise citizens that all fines are payable at the Fayetteville District Court.
2. No employee shall directly or indirectly, except by permission of the Chief of Police, sell tickets, solicit any money, circulate any petitions, subscriptions, or allow the use of the department's name for any fair, exhibition, benefit, or similar project. In deciding whether to grant such permission, the Chief of Police shall not discriminate against any officer of the department. Such permission may be granted if the activity will not adversely affect the administration or management of the department or decrease the trust or confidence of the public.
3. Employees shall not create a conflict of interest by taking, soliciting, retaining, receiving or extorting any fees, property, rewards, gifts, compensation, or thing of value or free service in any form from any person, firm, or corporation for any services rendered in the conduct or performance of the duties as a police officer. However, the police department does recognize there are occasions when members of the public want to make a kind gesture toward a member of the department and expects nothing in return. Employees may not accept gifts, money, discounts, or favors, other than those of nominal value. "Nominal Value" means items with a value less than \$100.00. The acceptance of any currency or prepaid stored value money card of any value must be approved by the Chief of Police or his or her designee.
4. It shall be the policy of the Fayetteville Police Department that its employee shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, towing firm, bail bondsman, mortician, etc.).

E. Use of Force

1. Refer to FPD Policy 1.3.1 (Use of Force).

F. Proper Care & Maintenance of Equipment

1. Employees shall not loan any department equipment or tools, except on permission of the Chief of Police or other supervisor.
2. The reporting procedures for damaged, lost or stolen department issued equipment:
 - a. Each employee is responsible for maintaining and keeping track of his or her department issued equipment.

- b. Damaged, lost or stolen equipment shall be reported to the employee's immediate supervisor in a memorandum. The document shall be forwarded through the employee's chain of command to the Chief of Police.
- c. The Administrative Lieutenant will track damaged, lost, or stolen department issued equipment.
- d. A case report may be required if the lost or stolen item is law enforcement sensitive or could create a security risk.

G. Employee Awards/Commendations [CALEA 26.1.2 (NT)]

1. Commendation procedures shall be made available to the community through the Community-Oriented Policing Division and disseminated to all employees annually [CALEA 26.2.4].
2. It shall be the policy of this department to recognize heroic actions, meritorious service and significant achievements under the provisions of this policy. Facilitation of awards will be made through the Awards Committee. The Awards Committee will be comprised of departmental Captains, as permanent members, and departmental employees as appointed by the Chief of Police. Nominations to the Awards Committee will be received by way of the departmental award application form. The Awards Committee will review all applications and make recommendations to the Chief of Police who has final authority on awards. Awards will be presented at a time designated by the Chief of Police.
3. Classification of Awards
 - a. Chief's Award of Valor: Nominated by the Chief of Police, awarded for an act of extraordinary bravery or heroism by an employee who has demonstrated in great degree the characteristics of selflessness, personal courage and devotion to duty.
 - b. Exceptional Duty Award: Nominated by departmental supervisors, awarded for exceptional performance, which, in the opinion of the supervisor, is deserving of recognition.
 - c. Life Saving Award: Nominated by any employee of the department, awarded for a successful effort in saving a human life which involved exceptional courage or performance.
 - d. Unit Meritorious Performance Award: Nominated by any employee, awarded to any individual or unit (sworn or civilian) who has exhibited exceptional professional skill and conduct during a coordinated action.
 - e. Fayetteville Police Department Commendation: Nominated by any employee, awarded to any employee for an outstanding act or achievement, which brings great credit to the department and involves performance above and beyond that required by the individual's basic assignment.
 - f. Community Service Award: Nominated by any employee, awarded to any employee for involvement both on and off duty in youth activities, work with non-profit

organizations, working with the police department on special projects or other activities for the public good.

- g. Outstanding Citizen Award: Nominated by any employee, awarded to a citizen/member of the community who helps the department in apprehension of criminals or any other significant manner.
- h. Police Blue Star Award: Nominated by the Awards Committee, awarded to any sworn employee who has been seriously, critically or fatally injured while in the performance of police duty. This award should be limited to those incidents resulting from attack by an assailant, personal combat or the performance of an act of valor.
- i. Police Blue Shield Award: Nominated by the Awards Committee, awarded to any sworn employee who, as a result of accidental cause, has been seriously, critically or fatally injured while in the performance of police duty. This award should be limited to those cases resulting from an accident.
- j. Letters of Commendation: A letter of commendation may be written by the Chief of Police to any employee for job performance that might not meet the criteria for the above listed awards, but merits recognition nonetheless. Any person may recommend an employee of this department receive a letter of commendation by submitting a memorandum to the Chief of Police. A letter of commendation may be given:
 - (1) To commend an employee for completing a job task in an exemplary manner.
 - (2) To commend an employee for submitting a recommendation which directly contributes to increased department productivity or efficiency.
 - (3) For any other reason deemed appropriate by the Chief of Police.
- k. Certificate of Recognition: Nominated by departmental supervisors, this award is presented to one officer on each patrol shift, recognizing the highest level of over-all performance on his/her given shift. These officers have excelled above the normal course of daily duties.
- l. Dispatcher Distinguished Service Award: Nominated by departmental supervisors, this award is presented to any dispatcher for exceptional performance, which, in the opinion of the supervisor, is deserving of recognition.
- m. Special Commendation: Nominated by any employee, an award presented to any sworn or civilian member who through his or her efforts has made a significant impact on public safety or crime prevention.
- n. Police Officer of the Year (Patrol Officer): Nominated by any employee, this officer must have shown him or herself to have exceeded the duty requirements of his/her position, exemplified the values of professionalism and dedication, demonstrated a distinct pattern of community service, and proven his/her personal dedication to serve and protect the community. This award is presented to any police officer who has performed outstanding service as a police officer, over and above what is required as part of that officer's normal duties and functions:
 - (1) Considerations for this award:
 - (a) To what extent has the officer positively influenced the public's perception or confidence in the police department?

- (b) To what extent has the officer been involved in acts of compassion, humanity or support for individuals?
 - (c) To what extent has the officer demonstrated exceptional devotion to a particular police activity or duty?
 - (d) To what extent has the officer demonstrated excellence in a particular policing role or task?
- o. Police Officer of the Year (Specialized Division): Nominated by any employee, this officer must have shown him or herself to have exceeded the duty requirements of his/her position, exemplified the values of professionalism and dedication, demonstrated a distinct pattern of community service, and proven his/her personal dedication to serve and protect the community. This award is presented to any police officer who has performed outstanding service as a police officer, over and above what is required as part of that officer's normal duties and functions:
- (1) Considerations for this award:
 - (a) To what extent has the officer positively influenced the public's perception or confidence in the police department?
 - (b) To what extent has the officer been involved in acts of compassion, humanity or support for individuals?
 - (c) To what extent has the officer demonstrated exceptional devotion to a particular police activity or duty?
 - (d) To what extent has the officer demonstrated excellence in a particular policing role or task?
- p. Civilian Employee of the Year: Nominated by any employee, this award is presented to any civilian employee for recognizing performance for extra duties beyond those normally assigned:
- (1) Considerations for this award:
 - (a) Performing other roles when the department is short-staffed; developing new work methods that reduce waste or stretch resources;
 - (b) Making creative suggestions that save the department time/money; provides services to others that are beyond the assigned responsibilities;
 - (c) Documented consistently outstanding job performance and completing duties in an outstanding manner, setting an example of achievement for others to follow;
 - (d) Demonstrated leadership in performing duties that resulted in improved productivity of the unit, including customer focus, promoting teamwork, and commitment to achieving excellence;
 - (e) Demonstrates significant contributions to the community or charitable volunteer organizations; exemplifies the Fayetteville Police Department values of, "Honor, Respect, Professionalism, and Integrity."
- q. Dispatcher of the Year: Nominated by any employee, this dispatcher has shown to have exceeded requirements of the position, exemplified the values of professionalism and dedication, and demonstrated excellent customer service to the community. This award is presented to any dispatcher who has performed

outstanding service, over and above what is required as part of the dispatcher's normal duties and functions:

(1) Considerations for this award:

- (a) To what extent has the dispatcher positively influenced the public's perception or confidence in the police department?
- (b) This dispatcher has demonstrated the knowledge to get the job done, and the drive to produce the best work possible. This recipient is recognized for consistently going the extra mile in serving the public, officers and other co-workers.
- (c) This dispatcher demonstrates resourcefulness and enthusiasm in accomplishing the work necessary to perform this job. The recipient has shown excellence in their quality of service, and work ethic.
- (d) This dispatcher shows a remarkable ability to deal with challenging situations and critical incidents.
- (e) This dispatcher has demonstrated leadership in performance of duties and promotes teamwork and commitment to excellence.