	ANDOVER POLICE DEPARTMENT GENERAL ORDER	Number: M1209 Page: 1 of 5 Distribution: All
Title: DISCIPLINARY PROCEDURES		Section: Personnel
Issued: 05/11/2010	Effective: 05/19/2010	Revised: 07/10/2013
Rescinds: All Previous	Amends:	
CALEA References: 26.1.4, 26.1.5, 26.1.6, 26.1.7, 26.1.8		
Review: Annual	Authority: Chief Michael A. Keller	

I. Purpose

The purpose of this General Order is to establish a system of discipline to be used in correcting errant member conduct.

II. Policy

It is the policy of the Andover Police Department to utilize a system of discipline that is prompt, resolute, fair and consistent in its efforts to control and correct member conduct. When discipline is applied, the Department's policy is to use a system of "progressive discipline" that uses the least possible form of corrective action necessary to obtain its intended purpose. However, there are situations where conduct is such that more severe discipline may be warranted without progressive applications.

III. Definitions

Rev. 07102013

A. **Discipline:** The practice of training people to obey rules or a code of behavior using counseling, verbal or written reprimands, suspensions, demotions, training, and terminations.

B. **Reckoning Period:** The period of time during which a Department member is expected to have a record free of a similar type offense he/she was found in violation of previously. Reckoning periods shall be computed from the date discipline is imposed for a sustained violation of a departmental or City rule or regulation.

C. **Disciplinary Counseling:** Disciplinary counseling calls to the employee's attention a specific deficiency in performance or improper action and suggests or details corrective measures that will assist in correcting a problem.

D. **Progressive Discipline:** Increasingly significant measures of discipline that are utilized to provide feedback to employees so they can correct conduct or performance.

IV. Regulations

(This space intentionally left blank)

V. Procedures

A. Authority to Discipline

1. The authority and responsibility to initiate discipline rests with first line supervisors who have the best opportunity to detect inappropriate conduct and recommend appropriate corrective action, however, each ascending level of the chain of command may assume the responsibility and authority of preceding levels if desired. (26.1.5).
2. All supervisory recommendations for discipline and related paperwork are to be forwarded up a member's chain of command for approval prior to actual administration of disciplinary action. The involved employee's chain of command may also initiate recommendations for discipline, however, the Chief of Police must authorize any formal discipline other than counseling or training when counseling or training are the sole corrective action.
3. Recommendations for discipline must minimally contain:
   a. A detailed description of the member's attendance, performance or conduct in question, including date, time and place.
   b. The exact wording of the regulation violated.
   c. Date of any prior documented violations of the same regulation occurring within the reckoning period.
   d. The penalty code assigned to the violated regulation, the range of punitive action suggested by this General Order, the punitive action recommended by the supervisor, and recommended disciplinary training or counseling.
4. In situations where a complaint is made against the department or a member of the department, the procedures in General Order M1107 Complaints & Internal Investigations will be followed and the Chief of Police will administer discipline in accordance with this General Order.
5. If the penalty for a violation of a written directive or City Personnel Rule is not clear, the Chief of Police has the authority to determine the appropriate penalty.

B. Disciplinary Training

1. Supervisors are encouraged to use training as a means of improving the productivity and effectiveness of subordinates. When it is determined that poor performance or the violation of procedure is the result of inadequate training, the supervisor will ensure that the requisite training is provided and documented (26.1.4a).
2. Examples of performance that may require additional training are failure to conform to operational procedures as a result of unfamiliarity with policy or procedure, inability to qualify with issued firearms, and poor quality of preliminary investigations. In performance issues like these the Department

and the individual are generally better served with additional training rather than with more common disciplinary methods.

3. Disciplinary training will be documented through approved department methods.
4. Training may be employed exclusively or in conjunction with one or more of the other components of the disciplinary system.

C. Disciplinary Counseling

1. If a supervisor determines that poor or inadequate performance results not from insufficient training, but rather from an individual's personal feelings or attitudes about the job, the supervisor may determine that personal counseling is appropriate. In such event the supervisor will:
   a. Conduct a private counseling session to discuss the attendance, performance or conduct issue;
   b. Document the counseling session through approved department methods.
   c. Include in the documentation the details of the attendance, performance or conduct issue; the intended purpose of the counseling, and the observance of any effect the counseling may have had on the employee (26.1.4b).
2. Counseling is not a prerequisite, in all cases, to a verbal warning.
3. Counseling may be employed exclusively or in conjunction with one or more of the other components of the disciplinary system.

D. Punitive Discipline

1. When additional training and or counseling is insufficient or inappropriate, the penalties listed in Table 1 shall be a guide for disciplinary action in the interest of uniformity and fairness (26.1.4c).
2. Similar violations occurring within a reckoning period will be considered a 2nd, 3rd, etc. offense for penalty purposes. A new and separate reckoning period will be imposed with each new similar violation.
3. All penalties recommended by supervisors for offenses of Department regulations shall be within the prescribed limits of the penalty code assigned to the regulation.
4. The penalty schedule listed in Table 1 shall in no way limit any penalty which the Chief of Police may impose, nor does it change in any way the at-will employment status of any member of the department.
5. A workday, for the purpose of suspension, shall be determined by an employee's assignment at the time discipline is imposed.
6. Officers who have been suspended must surrender their duty weapon, badges, building keys, identification card, SecureID token and commission cards prior to beginning the suspension period. Civilian employees must surrender their

identification cards, SecureID token and building keys prior to beginning the suspension period.

7. An employee who has been suspended can request to use holiday, vacation or comp time to off-set up to ½ of the wages lost from the suspension upon approval of the Chief of Police.

Rev. 07102013

8. If employee misconduct results in dismissal, the following information will be provided to the employee:
   a. A written statement citing the reason(s) for dismissal.
   b. The effective date of dismissal.
   c. A statement of the status of the employee's fringe and retirement benefits after dismissal including KP&F retirement benefits, vacation pay, and Consolidated Omnibus Budget Reconciliation Act (COBRA) insurance information (26.1.7).

E. Open Door Policy

1. Employees who have concerns about disciplinary measures levied against them, including discharge from Employment, may have those concerns considered if they are presented in writing, within three business days of the taking of disciplinary action, to the City Administrator.
2. If the City Administrator has levied the discipline, the written concerns must be delivered within three days of taking of the disciplinary action to the President of the City Council.
3. The City Administrator (or the President of the City Council when the concern involves the City Administrator) shall address the concerns as soon as is practical, and shall do so in writing to the employee (26.1.6)
4. Nothing in this process is intended to, nor shall it be construed as, creating any procedural, property, or contractual rights in favor of the employee; nothing in this process alters or amends employees' status as employees at will. The City, or the employee, may terminate the employment relationship at any time, with or without reason, and with or without advance notice.

F. Maintenance of Records

1. Disciplinary records will be permanently maintained in a department approved software database that limits access to the department member and their chain of command, and in the office of the official responsible for the human resource function for the City of Andover (26.1.8).

Table 1

Penalty Code	1st Offense	2nd Offense	3rd Offense	Reckoning Period
A	Verbal Warning to Written Reprimand	Reprimand to 3 Days Suspension	1 to 5 Days Suspension	1 year
B	Reprimand to 3 Day Suspension	1 to 5 Days Suspension	3 to 15 Days Suspension	1 year
C	1 to 5 Day Suspension	3 to 15 Days Suspension	5 to 30 Days Suspension to Dismissal	2 years
D	1 to 15 Day Suspension	5 to 30 Days Suspension to Dismissal	15 to 30 days Suspension to Dismissal	2 years
E	15 Day Suspension to Dismissal	Dismissal		3 years
F	Dismissal			

PROGRESSIVE DISCIPLINE IS THE NORM, HOWEVER, THERE ARE SITUATIONS WHERE CONDUCT IS SUCH THAT MORE SEVERE DISCIPLINE, UP TO AND INCLUDING DISMISSAL, MAY BE WARRANTED WITHOUT PROGRESSIVE APPLICATONS.