

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 209.2
	Subject/Title: Discipline Guidelines Matrix	Issue date: May 28, 2015	
		Effective Date: July 1, 2015	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: C.G.S. § 7-109		Rescinds: 209.1	Amends: N/A

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding the administration of discipline in the Department using the Disciplinary Matrix.

II. POLICY

- A. It is the Policy of the East Haven Police Department (EHPD) that the discipline system will be fair, rational, efficient and consistent; reflect the values of the EHPD; protect the rights of officers and all Department personnel residents and visitors; promote respect and trust within the EHPD and the community; and create a culture of public accountability, individual responsibility and maintenance of the highest standards of professionalism.

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 business day.
- B. Discipline: Developing an employee by proper supervision and instruction.
- C. Relieved From Duty: An administrative action by a superior whereby a subordinate officer is temporarily relieved from performing his or her duties, consistent with the Collective Bargaining Agreement (CBA).

- D. Disciplinary Matrix: A guide for the fair and impartial administration of discipline within the East Haven Police Department (EHPD).

IV. GENERAL GUIDELINES AND CONSIDERATIONS

- A. Discipline is a process of imposing formal sanctions that will help train or correct poor performance of an employee, preferably through constructive rather than strictly punitive measures.
- B. Experience has shown that it is important in police organizations to establish procedures concerning informal and formal disciplinary practices which result in strengthened relationships and increased levels of trust within the Department as well as the community by ensuring both clarity in expectations and accountability for actions by both the EHPD and the individual employee.
- C. Progressive discipline is a process for correcting conduct that fails to meet established performance expectations. Its purpose is to assist employees in overcoming behavioral issues and improving performance. To be effective, progressive discipline must be consistent, fair and impartial.
- D. Toward achieving this end, all disciplinary action must be administered for the purpose of ensuring that the offense will not recur, and that the best interests of the employees, community, and the Department will be paramount. Discipline may be imposed as counseling and as an educational process to assist an employee in meeting the standards set by the Department.
- E. Verbal counseling and remedial training are non-punitive corrective measures to assist employees in improving performance.

V. PROCEDURES

- A. Authority to Impose Discipline/Corrective Measures
 - 1. Final Departmental authority and responsibility for disciplinary actions rests with the Chief of Police and/or the Board of Police Commissioners depending on the level of discipline administered. The Chief or designee is authorized to delegate some of the responsibility necessary for the effective implementation of the disciplinary system, particularly in minor matters involving counseling and training.
 - 2. With the exception of verbal and written reprimands, all disciplinary action taken by commanding officers and supervisors must be reviewed by the Chief/Deputy Chief and/or the Board of Police Commissioners. Commanding Officers and supervisory personnel may take the following disciplinary or corrective measures:
 - a. Verbal counseling (must be documented in writing for records purposes)
 - b. Verbal reprimand (must be documented in writing for records purposes)
 - c. Written reprimand

- d. Relieved from duty
- e. The Chief or Deputy Chief can suspend up to ten (10) days. The Board of Police Commissioners can suspend for longer than ten (10) days, demote, or terminate employment.

B. Consistency In Discipline

- 1. The Department abides by the philosophy that discipline must be applied consistently and uniformly. This policy describes the complaint procedure against Department employees. Additionally, it discusses employee recognition and penalties for various infractions.
 - a. The Department does not provide employees with one all-inclusive list of specifically prohibited behavior. A list of examples of such behavior appears in this policy. Employees are expected to have a reasonable perception of what constitutes proper behavior based on Academy training and the observance of the behavior of employees generally.
 - b. The list attached to this directive is not exhaustive, but like violations will receive the same general discipline. Repeat violations will receive greater penalties.

C. Relieved from Duty

- 1. An employee may be relieved from duty whenever a superior officer has cause to question an employee's physical or psychological fitness for duty. An administrative investigation may follow.
 - a. The first line supervisor, sergeant or higher ranking officer has authority to relieve an employee from duty, but must promptly report this action to the Chief of Police, accompanied by a written report setting forth details and circumstances.
 - b. An employee who refuses to obey a direct order in conformance with the Department's orders may be relieved from duty by the first line supervisor or superior officer, who shall bring the matter to the Chief of Police through appropriate channels. The Chief or his/her designee shall conduct a hearing in accordance with the Department's disciplinary procedures and the relevant CBA and may then recommend a disciplinary course of action to include but not limited to suspension or dismissal from employment.

D. Verbal Counseling and Remedial Training

- 1. Verbal counseling, while informal, requires written documentation of such record. The following steps shall be observed:
 - a. At the time of a verbal counseling, the employee receiving the counseling shall be advised as to correct behavior, and that a written record shall be maintained concerning the counseling, and also that the employee may read the record.
 - b. The employee shall be further advised that he or she has the right to file a statement in his or her personnel file setting forth his or her position in case of disagreement.

- c. The counseling supervisor shall record the counseling using the Department Review system.
- d. Verbal counseling may involve remedial training. This training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance at Academy classes, 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.
- e. If the employee receives counseling and performs her or his duties properly during the year of the incident plus two (2) additional years, the record of counseling can be removed from the employee's personnel file at his or her request in accordance with retention guidelines per Connecticut General Statutes § 7-109.
- f. Supervisors are expected to counsel employees regularly without verbal reprimands. Most counseling is informal, positive and supportive.
- g. Supervisors are responsible for counseling employees. Counseling may include identification of unacceptable behaviors or actions, identifying what was done wrong and the desired or acceptable performance. Counseling can attempt to determine the reason for the particular behavior, how to correct or improve performance.
- h. 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 talk with the Employee Assistance Program (EAP) representative. The Department recognizes that no stigma is attached to seeking professional counseling to solve problems.

E. Levels of Discipline/Penalties

- 1. Pursuant to the EHPD disciplinary policy, the following penalties are available:
 - a. Verbal reprimand
 - b. Written reprimand
 - c. Suspension
 - d. Demotion
 - e. Termination from Department

F. Verbal Reprimand

- 1. A verbal reprimand, issued by the Chief of Police or superior officer, cautions an employee about poor behavior, and advises of the modified behavior mandated by the Department.

- a. Verbal reprimand requires written documentation in the Department Review system.
- b. An accumulation of three (3) verbal reprimands in one (1) year may result in a written reprimand or suspension.

G. Written Reprimand

1. A written reprimand, issued by the Chief of Police or superior officer, cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the Department, and specifies the penalty in cases of recurrent poor behavior. A written reprimand becomes a part of the employee's personnel record.

H. Suspension

1. The Chief, Deputy Chief, or the Board of Police Commissioners may suspend providing that due process is afforded to the affected employee.
 - a. Suspensions shall be based on the Disciplinary Matrix.
 - b. Suspensions resulting from criminal investigations or arrest may be prolonged pending court action.
 - 1) In no case shall an employee convicted of a felony continue to work for the Department.
 - 2) If an employee is acquitted of criminal charges, the employee may still be subject to disciplinary action.
 - c. Any employee suspended shall return all Department-owned property.
 - d. During a suspension, the employee shall not undertake any official duties without the approval of the Chief of Police.

I. Recommendation for Demotion

1. Demotion shall only apply to an officer of the rank of Detective or above.
2. An employee may appeal a demotion in accordance with the respective CBA.

J. Dismissal

1. Dismissals will be recommended by the Chief of Police to the Police Commission in cases of untruthfulness/lying, extreme misfeasance, malfeasance, or nonfeasance of duty. All persons with knowledge of the circumstances of the alleged offending behaviors shall prepare a complete written record.

K. Reporting Arrests

1. Any employee arrested for, charged with, or convicted of **any** crime, or required to appear as a defendant in any criminal proceedings or civil proceedings, must immediately inform the appropriate supervisor through proper channels in writing. Employees are not required to report parking tickets or non-moving traffic offenses. Additionally, employees must report citations or arrests for reckless driving, DUI, violations for speeding, or any

other moving traffic offenses. Failure to notify the Department of the foregoing shall be cause for disciplinary action.

L. Time Requirements

1. The timelines for all disciplinary actions must meet the requirements of the current CBA.

VI. TRAINING

- A. All supervisory personnel will be trained on this policy by the Training Division of the EHPD.

APPENDIX A – DISCIPLINARY MATRIX

The following Matrix is a guide for the fair and impartial administration of discipline within the East Haven Police Department (EHPD).

The purpose of the Matrix is to provide a guideline for possible discipline ranges when employees are found to have engaged in violations of policies or rules of conduct, to establish consistency, predictability, and fairness in the discipline process, and to deter misconduct.

It is the purpose of this disciplinary Matrix to provide guidelines to determine the appropriate penalty by considering the totality of the circumstances, including the employee's history and mitigating and/or aggravating factors. The Matrix addresses the handling of both single and multiple offenses. For example, where an employee has engaged in multiple offenses, often the single act that warrants the highest penalty is used as the discipline guide, with the remaining acts considered as aggravating factors.

The discipline system of the EHPD must be fairly, efficiently, and consistently administered so as to promote and maintain a culture of public accountability, individual responsibility and maintenance of the highest standards of professionalism possible. The discipline ordered should reflect the mission and values of the EHPD and help to promote trust and respect within the Department and the community.

The investigation of allegations of misconduct must be fair, thorough, conducted with full regard for the rights of employees and designed to develop all relevant facts necessary for the fair determination of the issue in question.

Offenses not specifically included in the Matrix shall result in penalties consistent with offenses of a similar nature and seriousness.

Repeated violations of any of the Department's policies or any other course of conduct indicating a lack of regard or total disregard for the obligation or duties prescribed for members of the Department shall be just cause for imposition of maximum/aggravated penalty or dismissal proceedings.

When considering penalties, mitigating factors may reduce a penalty to non-punitive corrective action, while aggravating factors may increase the penalty. Mitigating factors may include, but are not limited to the following: the misconduct was not premeditated; the employee had a secondary and/or minor role in the misconduct; the employee was forthright and truthful during the investigation; the employee accepted responsibility for his/her conduct; and the employee reported the incident.

Aggravating factors may include, but are not limited to the following: the misconduct was premeditated; the misconduct involved gross negligence or recklessness; the employee should have understood the consequences (length of service, training, etc.); the employee was not forthright or truthful during the investigation; serious consequences or injury occurred or could

have occurred as a result of the misconduct; and the misconduct was committed with malicious intent or for personal gain. Other factors that should be considered include, but are not limited to: effect on the integrity of the Department, degree of culpability, prior disciplinary history, severity of misconduct (multiple offenses), training, and length of service.

Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

In some instances, demotion to a lower rank may be an acceptable means of discipline, depending upon the gravity and circumstances of the violation.

Probationary employees may be disciplined and dismissed without using the EHPD Discipline Matrix.

The following categories describe levels of conduct that will be deemed a violation of EHPD Policy, local and federal laws. The Matrix is divided into sections according to these categories.

Category A: Offenses are generally minor violations or disregard of policy. These are violations of policy or policies that do not involve a misuse of authority or an ethical offense, and have no impact or have minimal adverse impact on public safety or the professional image of the Department.

- Rude, discourteous, or inappropriate comments/behavior or gestures to include profane or obscene language
- Failure to report off duty involvement in any incident requiring Department notification
- No permit on file; violations of application process
- Using Departmental equipment while working secondary employment without authorization
- Improper/unauthorized transportation of prisoner
- Violation of prisoner processing/property procedures
- Violation of restraint procedures
- Failure to properly maintain firearm
- Failure to submit or file required reports
- Out of uniform/improper dress
- Failure to follow chain of command/obtain supervisor's approval
- Failure to advise of address/telephone change
- Failure to respond to the radio
- Failure to activate/use Body Worn Camera or Mobile Vehicle Recorder (MVR) video

and/or audio mic consistent with policy

Category B: Offenses are violations and/or disregard of policy. These are violations of policy or policies that involve a misuse of authority or ethical offense and/or that create or pose the potential for clear serious adverse impact on public safety or the professional image of the Department.

- Insubordination
- Failure to submit reports or responses to internal affairs requests by the time required
- Failure to notify a supervisor of a use of force as directed by policy
- Prohibition; restriction violations (i.e., location, hours, type of employment)
- Working while on sick leave, administrative leave, disability leave or limited duty status without authorization
- Inappropriate displaying of Department shield, logo or other police insignia and/or other equipment
- Improper/unauthorized searches including strip/cavity search
- Improper/unauthorized prisoner/detainee custody violations
- Prisoner/Detainee care violations
- Improper prisoner/detainee release
- Failure to follow proper procedures in the recovery and/or collection of evidence
- Failure to follow proper procedures in the preservation of a crime/incident scene
- Related to receipt of evidence (i.e., chain of custody)
- Chain of custody violations
- Improper storage and/or the release of evidence
- Improper recovery of found/abandoned property
- Improper storage and/or release of property
- Negligent or accidental discharge and/or use of firearm (no injuries or damage to property)
- Carrying an unauthorized firearm while on duty
- Carrying a firearm in violation of federal, state, local laws or Departmental regulations
- Failure to secure firearm (on/off duty)
- Carrying unauthorized ammunition while on duty
- Negligent or accidental use of Departmental less lethal weapons and/or equipment (no injuries or damage to property)

- More than two (2) preventable/at-fault motor vehicle accidents in a 12-month period
- Failure to report an accident or a motor vehicle accident
- Failure to assist/back up another law enforcement officer while on duty
- Failure to take necessary police action while on duty
- Violations of procedures for preliminary and follow-up investigations
- Improper procedures for an interview or interrogation
- Failure to perform assigned administrative duties (Supervisor)
- Failure to respond to scene when required or provide appropriate incident scene supervision (Supervisor)
- Failure to monitor proper prisoner safeguards and handling (Supervisor)
- Leaving assignment without permission
- Failure to obey an order
- Absent without leave and/or permission
- Court appearance related violations (i.e., failure to appear, tardiness, required paperwork)
- Sleeping while on duty
- Employees, unless in the performance of official business, shall not consume or purchase any intoxicant while on duty
- Purposefully and/or negligently losing/damaging Department equipment
- Allowing unauthorized persons to use Department equipment
- Failure to activate/use Body Worn Camera or Mobile Vehicle Recorder (MVR) video and/or audio mic consistent with policy(Subsequent Offense)

Category C: Offenses are more serious violations or disregard of rules or policies. These are violations of policy or policies that involve a misuse or abuse of authority or an ethical offense, or that create or pose the potential for a major adverse impact on public safety or the professional image of the Department.

- Working secondary employment on Department time
- All harassment/discrimination
- Reckless use of Departmental less lethal weapons and/or equipment
- Unreasonable Force – force used that is outside what a reasonable officer would use
- Excessive Force – force that is excessive in scope, duration, or severity in light of the circumstances
- Arrests (i.e., lack of probable cause, failure to make required arrest)

- Deliberate inaccuracy of charging document, warrant application or testimony (not including perjury)
- Improper searches, seizures, or entries
- Failure to review and properly administer processing of search warrants, statement of charges, and miscellaneous court documents and orders (Supervisor)
- Unauthorized access of criminal history
- Unauthorized access of motor vehicle history or other law enforcement only information
- Unauthorized criminal/motor vehicle history dissemination
- Improper or unauthorized dissemination of Department information
- Obstructing or hindering a criminal investigation
- Failure to cooperate with an internal affairs investigation or directive
- Failure to notify a supervisor of a use of force as directed by policy (Intentional or Subsequent Offense)
- Employees shall never be impaired or intoxicated in public view while on or off duty
- An officer will not exercise any police authority, take any official police action or represent themselves as police officer while impaired by, or under the influence of, alcohol and/or drugs
- Officers will not be armed while impaired by, or under the influence of, alcohol or drugs
- Employees shall not consume intoxicants while off duty within the preceding four (4) hours of reporting for duty
- Misdemeanor convictions
- Deliberate firearms discharge violation while on and off duty (no endangerment)
- Intentional misuse or intentional failure to activate/use Body Worn Camera or Mobile Vehicle Recorder (MVR) video and/or audio mic consistent with policy

Category D: Offenses are major and non-correctable, including crimes and violations of public trust, for which dismissal is a required penalty regardless of the employees' prior disciplinary and work record. These are violations of policy that involve untruthfulness or other ethical offenses, any felonious conduct, or offenses that create or pose the potential for critical adverse impact on public safety or the professional image of the Department.

- Any intentional misrepresentation/lying allegations proven
- Failure to report firearm discharge when required
- Brutal Force – force that is without justification or mitigation in light of the circumstances and is severe or cruel in scope or duration

- Purposefully filing an inaccurate and/or false report
- Improper or unauthorized dissemination of investigation information
- Cheating on tests or other assignments
- Felony convictions
- Misdemeanor conviction for family violence crime involving the use or threatened use of physical force or a deadly weapon
- Deliberate firearms discharge violation while on or off duty (endangers life)
- Obstructing or hindering an Internal Affairs or administrative investigation

APPENDIX B – DISCIPLINE LEVELS AND PENALTY TABLE

When considering the penalty phase for sustained charges, follow the Penalty Table and always begin with the **PRESUMPTIVE PENALTY**. Mitigating or Aggravating penalties require specific written justification.

The following table lists the aforementioned categories and the range of penalties for each:

Discipline Level	Mitigating Penalty	Presumptive Penalty	Aggravating Penalty
A	Training & Counseling (Written)	Verbal and Written Reprimand	1 – 5 Days Suspension
B	Written Reprimand – 5 Days Suspension	1 – 10 Days Suspension	5 Days Suspension – Anything Less Than Termination
C	5 – 10 Days Suspension	10 Days Suspension – Anything Less Than Termination	Termination
D	10 Days Suspension – Anything Less Than Termination	Termination	--