
	SPRINGFIELD POLICE DEPARTMENT POLICY MANUAL	POLICY # 26.2.1
EFFECTIVE DATE 8/8/23	 Andrew Shearer, Chief of Police	ACCREDITATION REFERENCE 1.7.1; 1.7.2; 1.7.3

Disciplinary Process

26.2.1.1 PURPOSE AND SCOPE

This policy outlines the established procedure for the administration of Department discipline.

26.2.1.2 DEFINITIONS

Corrective Action - A formal, non-disciplinary, action in response to a sustained finding for a minor policy violation. Examples of corrective action are coaching, documented counseling, or training.

Demotion - Reversion to a lower rank of job classification

Exonerated - Investigation revealed the behavior did occur, but the named employee/s acted lawfully and within policy.

Finding - A conclusion as to whether an employee's conduct violated Department policies, procedures and/or laws.

Not sustained - There was insufficient evidence to determine whether a violation of SPD policies, procedures, and/or laws occurred.

Predetermination Meeting - A due process meeting with the Chief of Police or designee to discuss the involved member's proposed discipline prior to a final disciplinary decision. This meeting is the member's opportunity to discuss the case with the Chief or designee and present any mitigating factors for consideration.

Reasonable Cause - Objective and articulable facts that would make a reasonable supervisor believe that a member was under the influence of alcohol and/or drugs.

Suspension - Removal from work status, without pay, for a specified period of time.

Sustained - The allegation was determined to be a violation of SPD policies, procedures, and/or laws, and the involved employee/s committed the violation as alleged.

Termination - Discharge from Department employment.

Unfounded - The complaint is unsubstantiated. It was determined that the employee did not engage in the behavior alleged by the complainant.

Written Reprimand - A disciplinary letter placed in the member's personnel file detailing a member's conduct or performance that violated one or more policies but does not involve an economic sanction such as a suspension, demotion or termination.

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26.2.1.3 DISCIPLINE

- (a) Discipline is to be progressive, beginning with an oral or written reprimand and proceeding to suspension, demotion, or termination. However, serious offenses may result in discipline, even if there have been no prior warnings, attempts at corrective action or disciplinary action. Serious offenses include, but are not limited to, criminal or other unlawful acts, abuse of authority, theft, untruthfulness, excessive force, failure to follow orders, unlawful discrimination, workplace harassment, retaliation, creation of a hostile work environment, or workplace violence and may justify suspension or termination without the necessity of progressive discipline.
- (b) In all cases, the level and degree of discipline shall be in keeping with the seriousness of the offense, considering the circumstances relevant to the case. It is not the purpose of this policy to require an automatic progression of disciplinary measures. Rather, the circumstances of each situation are considered on a case-by-case basis.
- (c) Before the Department takes corrective action or disciplinary action, a thorough investigation will be completed to assist it in determining whether the employee, in fact, engaged in misconduct or performance that is contrary to the Department's policies.
- (d) Members are subject to disciplinary action for cause or just cause in accordance with their applicable collective bargaining agreement.
- (e) Corrective action is not considered disciplinary action. Corrective action shall be used as a means for improving performance and can be used in conjunction with other forms of discipline.
- (f) The Chief of Police, as the appointing authority for the Police Department, has the ultimate authority to discipline Department members. This authority has been delegated to Department command and supervisors.
- (g) Prior to administering any discipline or an oral reprimand, the Division Commander will consult with Professional standards and ensure the following have been completed
 1. Review of appropriate employee files
 2. Review comparable discipline for similar conduct
 3. Determine appropriate level of recommended discipline
- (h) For all discipline higher than a written reprimand the Division Commander will prepare a memo of proposed discipline to the Chief of Police via the chain of command.
- (i) After the Chief of Police makes a final decision regarding appropriate discipline, the discipline warranted will be administered as soon as practicable.
- (j) The employee will be allowed to look at the investigative file except for confidential information relating to another employee and other information subject to other lawful confidentiality requirements. The employee's legal or association representative also has the right of access to information in accordance with Oregon law and any applicable collective bargaining agreement.

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- (k) For any disciplinary actions which may result in economic sanctions members will be given the opportunity to participate in a predetermination meeting.
- (l) Any written comments submitted by the employee will be included in the investigative file.
- (m) Once an allegation is investigated and the complaint or allegation has been determined to be sustained, the employee may receive corrective action (not considered discipline), and/or disciplinary action. Examples of corrective action can be, but are not limited to:
 - 1. Coaching,
 - 2. Documented counseling,
 - 3. Training
- (n) Examples of disciplinary action are, but are not limited to:
 - 1. Written reprimand
 - 2. Suspensions
 - 3. Demotion
 - 4. Termination
- (o) If an employee retires or resigns while under administrative investigation the Chief of Police may elect to close the file administratively or to continue the investigation without the employee available for any potential discipline.
- (p) The department will notify Oregon Department of Public Safety Standards and Training of:
 - 1. Any change in employment status and/or
 - 2. Discipline that will result in economic sanctions (including deductions in time banks)
- (q) Investigations of probationary employees for an allegation of misconduct, or of criminal conduct will be considered an at-will employee, which means they have no property interest in City employment and may be terminated without prior disciplinary warning.
- (r) Field Training failure will not be considered discipline.

26.2.1.4 MEDIATION

- (a) Upon the voluntary agreement of the involved parties and approval of the Chief of Police, mediation may be used to resolve a complaint.
- (b) Mediation is an alternative to the investigation, adjudication, and disciplinary process; if the parties agree and complete mediation, the investigation, adjudication, and disciplinary process will end. If

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the complainant agrees to mediation and later withdraws or fails to participate, the complaint may be dismissed with approval of the Chief of Police. All participation is voluntary and confidential. Refusal to enter into mediation will not result in any negative employment action against the employee. Employees who voluntarily enter into mediation will be required to participate and adhere to the guidelines established by the mediator during the mediation. If an employee fails to cooperate and participate, the mediation will be suspended and the complaint will be returned to PSD for investigation.

- (c) In mediation, the employee can make no agreement that commits the organization or anyone not involved in the mediation to take any action.

26.2.1.5 SUSPENSION

- (a) An employee suspended from duty shall have no Department authority and shall not engage in any police functions. The suspended employee shall be liable for any violations of Departmental policy during the suspension. A suspended employee shall not wear the uniform or use Department equipment.
- (b) A suspended member may be required to surrender their badge, identification card and other issued Department equipment. A suspended employee is required to keep the Department informed of how they may be contacted during their otherwise scheduled working days and times.

26.2.1.6 REASONABLE CAUSE

Members shall be tested for alcohol and/or drugs, in accordance with Administrative Rule 03-07.16, (Alcohol/Drug Use, Abuse and Testing) whenever there is reasonable cause to believe they have engaged in prohibited alcohol and or drug/use.

Any supervisor who has reasonable cause to believe a member is under the influence of alcohol and/or drugs shall contact their Division Commander who will coordinate with the City's Risk Manager for testing.

26.2.1.7 SUPERVISOR RESPONSIBILITIES

Supervisory employees are responsible for the review of performance, conduct and compliance with Department directives, policies and procedures of their subordinates. The role of the supervisor requires that appropriate action be taken to ensure the above expectations are met. Failure to perform supervisory duties is cause for discipline.

26.2.1.8 APPEAL

A member may appeal disciplinary action in accordance with their collective bargaining agreement or City of Springfield personnel policy and procedures.