




Clayton County Police Department PROCEDURES

Subject DISCIPLINARY PROCEDURES		Procedure # B11	
Authorizing Signature 	Effective 10-02-2024	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages 8

I. PURPOSE

The purpose of this policy is to ensure accountability for the conduct and actions of all personnel of the Clayton County Police Department (CCPD).

II. POLICY

It is the policy of the Clayton County Police Department (CCPD) that discipline be administered in a fair and consistent method to promote order and morale, in accordance with the disciplinary practices established by the Clayton County Board of Commissioners (BOC) in the *Clayton County Civil Service Rules & Regulations*.

III. AUTHORITY

- A. Discipline is a function of the Command Staff. All supervisors are responsible for enforcing all departmental policy, procedures and directives, and for taking appropriate action when a violation occurs.
- B. Investigations into complaints and/or alleged violations of policy, procedure(s) and/or directives will be assigned in accordance with CCPD SOP: *E1: Internal Affairs Investigations*.

IV. SUPERVISORY ROLE

- A. The role of first-line supervisors is particularly important in the disciplinary process. First-line supervisors have the best opportunity to observe the appearance, actions and conduct of employees. Additionally, they are in the best position to detect those instances where commendations, disciplinary actions and/or corrective measures are warranted. [CALEA 26.1.5]
- B. Discipline, which reinforces positive behavior and rectifies negative behavior, can be in the form of a commendation or corrective measure. Commanders and supervisors are not only responsible for their use and application of discipline, but also the use and application of discipline by other supervisors under their command.

V. FORMS OF DISCIPLINE [CALEA 26.1.4(c)]

The following types of discipline may be utilized solely or in conjunction with one another.

A. Non-adverse Discipline: It is disciplinary action or a corrective measure taken against an employee that is **not** appealable to the Clayton County Civil Service Board. It does **not** subject the employee to loss of pay, reclassification, demotion, disqualification from participating in the promotional process, or termination.

1. *Significant Incident Log* for Employee Coaching & Recognition

See *Appendix D* of this procedure for the *Significant Incident Log*. The *Significant Incident Log* is accessible via the CCPD intranet (<http://ccpd/>).

Significant Incident Log: It is a departmental form intended for supervisory record keeping. It is used to document positive and negative performance of an employee, and/or employee coaching and recognition. Generally, it is maintained at the shift and/or unit level, but may also be utilized and incorporated with other County and/or Departmental documentation to illustrate a pattern of behavior. Positive and negative performance documented on this log shall be incorporated into employee performance evaluations.

a. Employee Coaching & Recognition

- 1) Coaching is the process of a commander or supervisor working with an employee to improve their skills and performance on a specific topic. Coaching is a way to provide constructive feedback, clarify standards and communicate priorities. Any commander or supervisor in the employee's chain of command may utilize coaching as a non-adverse disciplinary action or corrective measure.
- 2) Recognition is the acknowledgement by a commander or supervisor of an employee's positive performance that exceeds acceptable standards or is exceptional. Any commander or supervisor in the employee's chain of command may utilize recognition to positively reinforce performance.
- 3) The *Significant Incident Log* shall be used to document employee coaching and recognition.

b. The *Significant Incident Log* will be used by supervisors to document:

- 1) Positive and negative performance by an employee throughout an employee's evaluation period;
- 2) Reviews of previous goals, objectives and/or recommendations made for an employee;
- 3) Reviews of Field Training Officer (FTO) or Detective Training Officer (DTO) performance during the Field Training Program or Detective Training Program; and
- 4) Anything not mentioned above that may aid in the evaluation of any employee's performance during their evaluation period.

c. Completion of the *Significant Incident Log*

1) Type of Incident Section

Using the drop box list of choices at the top of the form, supervisors will select a 'Type of Incident' for the form.

- (a) 'Positive' will be selected for incidents that reflect commendable performance by an employee;

- (b) 'Negative' will be selected for incidents that reflect correctable performance by an employee;
- (c) 'Review' will be selected, when a supervisor is reviewing a previously-documented incident that requires a follow up of previous goals, objectives, recommendations or performance enhancements; or
- (d) 'FTO/DTO Review' will be selected for situations in which a supervisor is reviewing the performance of a Field Training Officer (FTO) during the Field Training Program or a Detective Training Officer (DTO) during the Detective Training Program.

2) Description of Incident Section

Using the drop box list of choices on the middle of the form,

- (a) 'New Incident' will be selected to document a new incident or performance; or
- (b) 'Review' will be selected to document a review of a previous incident or performance.

Supervisors will provide a summary of the new incident or review, whichever is applicable, in the narrative field titled 'Description of Incident'.

3) Action Taken Section

Using the drop box list of choices on the bottom of the form, supervisors will select an 'Action Taken.'

- (a) 'Recognition' will be selected, when the supervisor recognizes positive performance by the employee;
- (b) 'Recommendations' will be selected, when the supervisor makes recommendations to the employee to resolve a situation; or
- (c) 'Performance Enhancement' will be selected, when the supervisor has specifically implemented measures for the employee to improve performance.

The selection of any of these choices requires the supervisor to state the specific actions taken, whether recognition, recommendations made or performance enhancement set.

In addition, the selection of 'Recommendations' or 'Performance Enhancement' requires the supervisor to conduct a review about the described performance with the employee on a later date designated by the supervisor. On that date, the supervisor will complete a new *Significant Incident Log* to document the Review.

4) Attachments Included

Using the drop box list of choices on the bottom, right corner of the form:

- (a) 'Yes' will be selected, if supporting or related documentation is attached to the *Significant Incident Log*; or
- (b) 'No' will be selected, if there is no supporting or related documentation to include.

d. Submission & Record Keeping

- 1) **The original *Significant Incident Log*, signed by the supervisor and employee, will be provided to the concerned employee. A copy, along with copies of all supporting documentation, shall be placed in the affected employee's shift and/or unit file.**

- 2) **When utilized as evidence of a positive or negative pattern of behavior, the *Significant Incident Log*, along with all related County and/or Departmental forms, will be forwarded through the chain of command for review and consideration in administering awards, commendations or progressive discipline.**

2. *General Counseling Form* as a Corrective Measure [CALEA 26.1.4(b)]

See *Appendix E* of this procedure for the *General Counseling Form*.

The *General Counseling Form* is posted as a fillable document on the Buzz Clayton County Employee Portal homepage (<https://buzz.claytoncountyga.gov/>), under forms.

General Counseling Form: It is a Clayton County Human Resources (HR) Department form generally used by supervisors who are seeking to correct work behavior or work performance problems. This form should be fully completed with the original sent to the HR Department. It may also be utilized to notify the employee that their continued actions or conduct may result in further disciplinary action(s). It remains part of the employee's permanent record.

- a. General counseling is most often performed by first-line supervisors and should be completed as soon as practical after gaining knowledge of the sustained conduct violation(s) and/or negative performance-related issue(s).
- b. Upon completion of the *General Counseling Form*, the supervisor will forward the original, signed document through the chain of command to the concerned Assistant Chief or Deputy Chief. Once acknowledged by the Assistant Chief or Deputy Chief, it will be forwarded to the Office of Professional Standards (OPS) where it will be logged and recorded electronically with Internal Affairs (IA). Once logged by OPS, the original signed document will be forwarded to the HR Department for filing. Copies of the document will be provided to the affected employee, their current shift and/or unit file, and their personnel file.

3. *Letter of Reprimand*

Letter of Reprimand: It is a formal, written reprimand originating from the Chief of Police, or authorized designee (hereinafter referred to as the Chief of Police), which is issued to an employee and cites the sustained violation(s) and/or offense(s) committed by the employee. It remains part of the employee's permanent record.

A *Letter of Reprimand* may be served by a designated supervisor of the Department. Once signed by the affected employee, the original document will be provided to them. Copies of the *Letter of Reprimand* will be forwarded to the employee's personnel file and current Shift and/or Unit Commander, as well as the OPS Commander for filing in the corresponding Internal Affairs (IA) file.

4. Training [CALEA 26.1.4(a)]

- a. An employee may be directed by a supervisor, or the Chief of Police, to attend training to improve their knowledge, skills or abilities in an area where the employee has displayed negative performance or is deficient. It also may be used as a corrective measure for an employee's actions or conduct that violate departmental policy, procedure(s) and/or directive(s). Training may be utilized in conjunction with other disciplinary actions. Training used as a corrective measure shall be documented on the corresponding form or Internal Affairs file, when applicable.

- b. An employee may be directed by a supervisor, or the Chief of Police, to attend training to enhance their existing knowledge, skills or abilities in an area where the employee has displayed positive performance, notable proficiency and a special interest. The directed training will be coordinated by the employee's supervisor and chain of command. Training used as positive reinforcement and recognition shall be documented on the corresponding form, when applicable.
- c. **Whenever an employee is directed to attend training for the reasons explained above, the affected employee is required to submit proof (e.g., certificate, training records, etc.) to confirm that the training was completed. The proof shall be submitted to the commander or supervisor who directed the training, and it will be filed with the corresponding *Significant Incident Log, General Counseling Form or Internal Affairs (IA) file, whatever is applicable. A copy shall be submitted to the Academy & Training Unit.***

B. Adverse Discipline: It is an action taken against an employee that is appealable to the Clayton County Civil Service Board, unless the employee is probationary. Pursuant to Civil Service Rule 11.301, probationary employees cannot appeal adverse actions to the Civil Service Board.

Adverse discipline can subject an employee to loss of pay, reclassification, demotion, disqualification from participating in the promotional process, and/or termination.

1. General

- a. Generally, in all actions of adverse discipline, the employee will be provided with a "Notice of Intent to Take Disciplinary Action," identifying what action is being taken against the employee and the reason(s) for the action. The affected employee will be provided with an opportunity to meet with the Chief of Police in person, or in writing, to explain any factors that the employee wishes to be considered before final disciplinary action is taken.
- b. Once the Chief of Police has made the final determination in the case, the employee will be notified through a "*Notice of Disciplinary Action*," which will specify the disciplinary action to be taken and the effective date of the action.
- c. Appeals shall follow the approved procedure outlined by *Clayton County Civil Service Rules & Regulations*. Appeals must be filed in writing to the County Director of Human Resources within ten (10) days of the affected employee receiving the *Notice of Disciplinary Action*, pursuant to Clayton County Civil Service Rule 11.302. [CALEA 26.1.6]
- d. Georgia Peace Officer Standards & Training Council (GPOSTC) Rules
 - 1) Notification of GPOSTC by Certified Peace Officer
 Certified peace officers are required to notify GPOSTC when certain disciplinary action is taken against them. All such notifications shall be in accordance with GPOSTC Rule 464-3-.05.
 - 2) Notification of GPOSTC by Employing Agency
 This Department is required to notify GPOSTC when certain administrative and disciplinary action(s) is/are taken against a sworn employee. All such notifications shall be in accordance with GPOSTC Rule 464-3-.06.

2. Suspension

This form of corrective and/or disciplinary action results in the loss of time and pay from the Department for a specified amount of time. During a suspension an employee shall **not** conduct any official departmental business, other than those functions they are directed to

perform by a supervisor (such as court appearances). Employees are prohibited from working off-duty employment while on suspension. If the employee is directed to perform departmental business during their suspension, they will be compensated for those hours worked in accordance with the United States Fair Labor Standards Act (FLSA).

- a. The employee will be suspended without pay in accordance with the procedures set forth in the *Clayton County Civil Service Rules & Regulations*.
- b. The employee may be required to surrender departmental credentials and equipment during their suspension.
- c. Employee suspensions will be authorized by the Chief of Police. A suspension shall become part of an employee's permanent personnel record.

3. Demotion

This method of corrective and/or disciplinary action results in the involuntary demotion of an employee to a lower rank within the Department for violation(s) of departmental policy, procedure(s), and/or directive(s), and/or *Clayton County Civil Service Rules & Regulations*.

Employees will be demoted in accordance with the *Clayton County Civil Service Rules & Regulations*.

4. Termination [CALEA 26.1.7]

This is the most severe form of disciplinary action and results in the dismissal of the affected employee from employment with the Department.

- a. An employee will be terminated from employment with the Department in accordance with the *Clayton County Civil Service Rules & Regulations*.
- b. The Chief of Police has the authority to terminate an employee for cause.
- c. In cases involving termination, the employee will be provided with the following:
 - 1) Documentation citing the reason for termination;
 - 2) Effective date of the termination; and
 - 3) Information regarding the status of their accrued employee benefits.

C. Discipline Guide [CALEA 26.1.1]

See *Appendix A* of this procedure for the current *CCPD Discipline Guide*.

1. The *CCPD Discipline Guide* is not all-inclusive. The conduct and actions of personnel must also comply with departmental policy, procedures and/or directives, and the *Clayton County Civil Service Rules & Regulations*.
2. The Chief of Police is not bound by the *CCPD Discipline Guide*. It is intended to serve as a guide for the administration of discipline for personnel.
3. Violation of departmental policy, procedures and/or directives not specifically listed in the *CCPD Discipline Guide* will be dealt with on a case-by-case basis at the discretion of the Chief of Police.

VI. DISCIPLINARY RECORDS RETENTION & RELEASE

The retention and release of disciplinary records will be in accordance with the Georgia Open Records Act, OCGA § 50-18-70 and the current Georgia Records Retention Schedule pertaining to public safety agencies' internal affairs investigations. [CALEA 26.1.8]

VII. CONDUCT REVIEW BOARD

A. Role of the Conduct Review Board

1. While the disciplinary authority rests with the Chief of Police, a Conduct Review Board has been established to review the conduct of employees and make recommendations should a violation of departmental policy, procedure(s) and/or directive(s) be discovered.
2. There is no right to have a matter heard before the Conduct Review Board. It only exists to assist the Chief of Police and serves in a fact-finding and recommendation role.

B. Composition of the Conduct Review Board

1. The Conduct Review Board will consist of as many as seven (7) members, all of whom will be appointed by the Chief of Police.
2. The Board will be chaired by the Assistant Chief, or Deputy Chief, or authorized designee. The other members of the Board will be from the position(s) and rank(s) of major, captain, lieutenant, sergeant, detective, and officer, or non-sworn personnel from the respective unit.
3. Board members shall serve for a twelve (12) month period, unless otherwise relieved by the Chief of Police.
4. A quorum of four (4) members is required to conduct business.

C. Conduct Review Board Procedures

1. Employees who have received an *Office of Professional Standards (OPS) Subpoena for Conduct Review Board* are ordered to appear at the date, time and location stated on the subpoena. Any employee who fails to complete and return the subpoena to OPS in the specified time and does **not** appear will be subject to disciplinary action.

See *Appendix C* of this procedure for the current *Office of Professional Standards (OPS) Subpoena for Conduct Review Board*.

2. All proceedings of the Conduct Review Board will be video and/or audio recorded.
3. The Board shall conduct business in an informal manner with the Chair maintaining good order.
4. Office of Professional Standards (OPS) personnel will present the facts of the investigation and are not voting members of the Board.
5. The employee under review will be present during the presentation of facts. The employee will be allowed to make statements in their defense, and present witnesses and/or evidence. It is the employee's responsibility to present their evidence and have witnesses appear.
6. When all facts have been presented and statements made, the employee will be excused for the Board to vote.
7. The Board will consider each charge of misconduct individually and will vote whether or not to recommend sustaining any allegations. A majority vote will be required to sustain any charge. The Chair will vote only in the event of a tie vote among Board members.
8. For each sustained violation, the Board will vote on a recommended disciplinary action. The Board may recommend one (1) or more of the following: General Counseling, Training, Formal Written Reprimand, Suspension (without pay), Demotion or Termination.
9. The written findings of the Board will be signed by the Chair and will represent the majority vote of the members.

D. Action by the Chief of Police

1. The findings and recommendations of the Conduct Review Board will be forwarded to the Chief of Police for review.
2. If the Board finds no violation of departmental policy, procedure(s) and/or directive(s), and the Chief concurs, the case will be closed and filed.
3. If the Board finds a violation and recommends corrective and/or disciplinary action, the Chief of Police will consider the recommendation(s) during the review of the employee's personnel file and/or the Internal Affairs (IA) file. The Chief of Police is not bound by the recommendations of the Board.
4. The Chief of Police may return the file to the Board for further information or clarification.

E. Waiver of Formal Disciplinary Process

1. There are times when an employee may wish to waive the formality of having an administrative hearing with, or appearing before, the Conduct Review Board. This waiver relates only to the formal, in-house procedures of the Department.

The employee has the following two (2) waiver options:

- a. The employee may request Summary Resolution by accepting responsibility for the violation(s) and waive the administrative hearing with the Conduct Review Board.

The OPS Commander will make a recommended sanction in all Summary Resolution cases; however, the Chief of Police is not bound by the recommended sanction(s).

- b. The employee may request an Administrative Hearing to have the Conduct Review Board determine their responsibility for the violation(s) without their presence and make the appropriate recommendations to the Chief of Police for resolution.

In such cases the Administrative Hearing is still conducted by the Conduct Review Board without the concerned employee.

2. If the affected employee wishes to exercise either waiver option, they must complete, sign and submit the *Office of Professional Standards (OPS) Subpoena/Waiver for Conduct Review Board* as instructed on the subpoena/waiver form.

See *Appendix B* of this procedure for the current *Office of Professional Standards (OPS) Subpoena/Waiver for Conduct Review Board*.

Note: An employee may appeal their suspension, demotion or termination as provided by the *Clayton County Civil Service Rules & Regulations*.

F. File Control

All matters considered by the Conduct Review Board shall be maintained by the OPS Commander who will serve as the Custodian of Records for these documents.

VIII. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *B11: Disciplinary Procedures*, dated May 2, 2019.