



# Colorado Springs Police Department

## General Order

### 608 Discipline

#### Section 600 – Complaints and Internal Investigations

Effective Date: 4/30/2021

Supersedes Date: 1/8/2020

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### **.01 Purpose**

The purpose of this directive is to outline the employee disciplinary process and the proper use of administrative leave.

### **.02 Cross Reference**

[GO 600 Complaints and Internal Investigations](#)

[GO 610 Rights of Appeal](#)

[GO 704 Psychological Services in Deadly Force Incidents](#)

[GO 1640 Psychological Fitness for Duty](#)

[GO 1720 Remedial Training](#)

[GO 1826 Drug Testing of Civil Service Employees](#)

[DL-1106-01 Deadly Force Investigations](#)

[DL-1720-02 Restricted Building Access](#)

[Civilian Policy and Procedure Manual](#)

[Sworn Policy and Procedure Manual](#)

[Civil Service Rules](#)

### **.03 Discussion**

The department has a responsibility to its employees and the community to identify and discipline those employees whose conduct discredits the department, or impairs its effective operation. Discipline is intended to steer an individual into effective and productive action. Policies, procedures, rules, and other written or oral directives are set forth as guidelines for acceptable and desired behavior. When violations of such guidelines occur, department employees will be subject to disciplinary action.

## **.04 Policy**

Any employee of the Colorado Springs Police Department (CSPD) is subject to appropriate disciplinary action, if the employee:

- Engages in behavior that reflects negatively upon the reputation of the Colorado Springs Police Department or the city of Colorado Springs
- Commits an offense under the laws of the United States, the State of Colorado, or local ordinances
- Violates any provision of the Colorado Springs Police Department's General Orders, Standard Operating Procedures, Bulletins; Civil Service Rules; or of the Personnel Policies and Procedures Manual of the city of Colorado Springs
- Disobeys any lawful order
- Demonstrates unsatisfactory performance of the employee's duties and responsibilities and/or
- Fails to appropriately correct behavior in response to prior discipline, alternatives to discipline, or a performance improvement plan

Failure to strictly adhere to procedures set forth in this policy does not negate any action taken against the employee and is not a defense in any subsequent proceedings.

## **.05 Definitions**

*Corrective Action:* A term that refers to both disciplinary actions and alternatives to discipline. Both are intended to correct employee behavior. For the purposes of this directive, non-disciplinary corrective action includes verbal counseling or training that is not the result of a sustained violation of policy, and in some cases, emergency relief from duty.

*Level One (1) Investigation:* A less formal investigation, usually conducted within an employee's chain of command, where it is anticipated a written reprimand will be the maximum discipline imposed, if sustained.

*Level Two (2) Investigation:* A more formal and structured investigation into allegations of more serious violations, for which discipline in excess of what is available in a Level 1 Investigation is probable, if sustained.

*Personnel Investigation:* An internal department investigation, conducted by supervisors and/or the Internal Affairs Section, into any allegation of employee misconduct. Personnel investigations may be internally generated or based on a complaint from outside the department. Personnel investigations are designed for the purpose of collecting facts, relative to the incident in question, and the mere acceptance of a complaint for investigation creates no initial presumption that the

complaint is completely accurate or that department employee(s) engaged in misconduct. Personnel investigations are classified as a Level 1 investigation or Level 2 investigation.

## **.10 Disciplinary Actions Available**

When indicated by the findings in a situation, one or more of the following actions may be taken, subject to the provisions of the Charter of the city of Colorado Springs, the Code of the city of Colorado Springs, Colorado Springs Police Department written directives, rules of the Colorado Springs Civil Service Commission (sworn personnel), the Civilian/Sworn Personnel Policies and Procedures Manuals of the city of Colorado Springs and, when necessary, the approval of the chief.

### Level 1 Investigation:

- Verbal counseling
- Supervisory discussion record
- Training
- Written reprimand

### Level 2 Investigation:

- Any discipline available under a Level 1 Investigation
- Suspension
- Demotion in rank or grade
- Reduction in pay
- Termination or dismissal from the department

## **.15 Factors to Consider in Determining Appropriate Disciplinary Action**

The Colorado Springs Police Department will impose discipline fairly and impartially. Decisions about discipline are made on a case by case, fact-specific basis, with due consideration of the following factors, as appropriate:

- Nature and seriousness of the misconduct and/or performance issue
- Employee's typical work performance and adherence to department policy
- Employee's ability and willingness to take responsibility for their actions
- Likelihood that the employee will commit future violations (e.g., whether this is a pattern of conduct)
- Impact of the employee's actions on department operations, other employees, and the community

## **.20 Imposing Discipline**

If discipline results from a Level 1 investigation, a commander will approve and impose the discipline. The commander will notify the employee of discipline and serve any administrative paperwork. If the discipline results from a Level 2 investigation, a deputy chief will approve the discipline. A person at the rank of commander or above will notify the employee of the discipline and serve any necessary administrative paperwork.

Designated supervisors, at any level in the chain of command, informing an employee of a discipline decision, will meet with the involved employee in person. The goal of the in-person meeting with the employee is to ensure the following:

- The employee understands the specific incident, conduct, course of conduct, unsatisfactory work performance, or other basis for the discipline/corrective actions
- The employee understands what actions s/he must avoid or engage in to meet expectations
- The employee has an opportunity to ask questions regarding appropriate future behavior
- All required forms are properly completed and signed, as necessary
- If necessary based on the discipline, steps are taken to collect appropriate city-issued equipment

When a sworn employee is subject to emergency relief from duty, suspension, or administrative leave, the department will determine whether the officer's police authority will be suspended for a period of time.

If an officer's police authority is suspended, a sworn supervisor (typically in the employee's chain of command) or the Internal Affairs Section will collect the employee's issued service weapon and ammunition, if any; credentials, including his/her cap and breast badges and identification card; police radio and charger; and other city-owned equipment as appropriate to the situation. These items will be returned to the employee upon their police authority being reinstated.

Sworn employees whose police authority has been suspended will not act in their official capacity as a peace officer until that authority is reinstated. The only exception to this prohibition is an appearance in court compelled by a subpoena. The employee is responsible for promptly notifying appropriate personnel of their inability to work any extra duty, special events, or overtime assignments that would be performed during this time period.

## **.25 Retention of Disciplinary Documents**

The person who serves discipline to an employee is responsible for promptly distributing the original signed documents to the CSPD Human Resources Manager and adding an electronic copy to the appropriate case in BlueTeam. CSPD Human Resources will then provide a copy to the City Human Resources Department. Internal Affairs will enter any received discipline information in

IA Pro. Documents will be retained in accordance with the Colorado Municipal Records Retention Schedule, which is for a period of 10 years after retirement or separation from the department.

### **.30 Employee Appeals of Discipline**

Appeals initiated by sworn officers are governed by the guidance in [GO 610 Rights of Appeal](#) and Civil Service Rules and Regulations. Appeals initiated by civilian employees are governed by the guidance in the Civilian Personnel Policies and Procedures Manual (Policy #45 Appeal Procedure, Policy #47, Disciplinary Appeal and Post-Termination Hearings).

If an allegation is sustained and the discipline involves a suspension without pay, involuntary demotion, reduction in pay, or termination, the employee may appeal the discipline. For sworn employees, the “Disciplinary Action Appeal Options Form” must be completed to indicate the sworn employee’s election of an appeal hearing. Civilian employees will complete a “City of Colorado Springs Disciplinary Appeal Form” only if they choose to exercise their appeal rights; this form must be completed and submitted by the civilian employee within 10 working days from the date the civilian employee was informed in writing of the disciplinary action.

An employee may not appeal a written reprimand; however, [GO 610 Rights of Appeal](#), provides a review process for written reprimands, applicable to both sworn and civilian employees.

The Internal Affairs Section will promptly notify the CSPD Human Resources Manager, in writing, if a disciplinary action decision is reversed or modified upon appeal. The Human Resources Section will ensure only the final disciplinary action is shown in its records.

### **.35 Verbal Counseling**

Verbal counseling is formal discipline when it is imposed subsequent to a formal sustained violation of policy, and will be approved, documented, and retained in accordance with this policy.

When verbal counseling is given in situations other than a formal, sustained violation of policy, it is an alternative to formal discipline and may be conducted by any supervisor. Verbal counseling, in this circumstance, is intended to improve performance or correct a problem behavior before formal discipline or other action is necessary. The employee’s immediate supervisor will document non-disciplinary verbal counseling in the employee’s NeoGov (online human resources system) record as a journal entry.

### **.40 Training**

In addressing employee issues, supervisors should always consider whether training or re-training would be helpful to the employee and/or the department.

When training is required as part of a sustained violation of policy, it will be approved, documented, and retained in accordance with this policy as part of formal discipline. When training is required in situations other than a sustained violation of policy, it is an alternative to formal discipline and may be required by any level of supervisor. In this circumstance, the employee's immediate supervisor will document non-disciplinary remedial training in the employee's NeoGov (online human resources system) record as a journal entry.

Depending on the situation, it may be appropriate for the training to be provided by the chain of command, or it may be appropriate for the Training Academy to provide the training. Supervisors should consult [DL-800-02 Remedial Training](#) regarding the appropriate training process.

## **.45 Performance Improvement Plan**

Employees who are performing unsatisfactorily may be placed on a Performance Improvement Plan after a supervisor consults with the CSPD Human Resources Manager. Performance Improvement Plans will be used in accordance with Civilian Policy and Procedures Manual (Policy #30, Performance Management) or Sworn Policy and Procedures Manual (Policy #22, Performance Management). If the employee fails to meet the requirements of the Performance Improvement Plan, they are subject to disciplinary action up to and including termination.

## **.50 Supervisory Discussion Record**

A supervisory discussion record (SDR) should typically be considered for less serious policy or procedural violations, or to address a deficiency in training or job performance. A "Supervisory Discussion Record Form" will include a brief synopsis of the discussion, the issues raised, the potential consequences of recurrence, and the employee's response.

## **.55 Written Reprimand**

A written reprimand may be used when more than a supervisory discussion record but less than a suspension is judged to be the appropriate discipline. This is the highest level of discipline associated with a Level 1 investigation. A "Written Reprimand or Suspension Form" is required for this level of discipline.

## **.60 Suspension without Pay**

Suspension without pay is a higher level of discipline than a written reprimand. The number of days of suspension is based on the considerations in section .15 of this directive.

While Civil Service Rules allow for a suspension of less than 40 hours to be approved by a commander, this policy is more restrictive and requires all suspensions to follow the process for level 2 investigations, including approval by a deputy chief.

Two forms are required for all employees associated with a suspension: the “Written Reprimand or Suspension Form” and the “Notice of Suspension Form”. For sworn employees, the “Disciplinary Action Appeals Form” must also be completed.

## **.65 Involuntary Demotion in Rank or Grade or Reduction in Pay**

Before imposing discipline of involuntary demotion in rank or grade, or a reduction in pay, the deputy chief will consult with the chief.

For sworn employees, the “Disciplinary Action Appeals Form” must be completed when imposing this level of discipline.

## **.70 Termination Process**

The process for terminating a person’s employment is outlined in the Civilian Policy and Procedures Manual (Policy #46) or Civil Service Rule 8 (for sworn employees).

When employee misconduct results in dismissal from the department, the following information will be furnished to the dismissed employee:

- Reason for dismissal
- Effective date of the dismissal
- Status of fringe and retirement benefits after the dismissal

A specific reason for dismissal is not required for entry-level probationary employees who are dismissed for failing to meet the department's probationary standards.

Upon termination, or pending appeal of termination, the Internal Affairs Section is responsible for collecting all city-issued equipment and uniforms from the employee. If applicable, items will be held in the Supply Unit until the conclusion of the disciplinary appeal process. If the employee ultimately resigns or is terminated, Internal Affairs is responsible for submitting the items to the appropriate functional area.

## **.75 Corrective Action Outside an Employee’s Direct Chain of Command**

Typically, corrective action will be determined and imposed by the employee's immediate chain of command. When the improper conduct of an employee of one unit is of such a nature that corrective action is required, a supervisor from another unit may take such action at once through verbal counseling, or, if the requirements of section .90 are met, emergency relief from duty.

When the conduct is such that the supervisor believes that formal disciplinary measures may be required, the supervisor will initiate a personnel investigation and communicate the nature of the circumstance with the employee's immediate supervisor as soon as practicable.

## **.80 Administrative Leave**

Administrative leave is one type of enforced leave of absence from employment. Administrative leave may be used pending disposition of a personnel or criminal investigation. Administrative leave will not be used as a disciplinary action following a sustained violation of policy.

Any employee may be placed on administrative leave, with or without pay in accordance with city and department policies and procedures. When administrative leave is without pay, it will be imposed with the approval of the chief. When administrative leave is with pay, it may be imposed at the direction of a deputy chief. In the case of administrative leave pursuant to emergency relief from duty as described in section .90 of this directive, a commander and higher rank may approve the emergency imposition of administrative leave. No other supervisory level has the authority to impose or offer administrative leave.

Administrative leave subsequent to a deadly force incident is governed by [DL-1106-01 Deadly Force Investigations](#) and [GO 704 Psychological Services in Deadly Force Incidents](#).

Administrative leave that results from an employee being indicted for a felony or charged with a felony by the filing of an information is governed by section .85 of this directive.

When an employee is put on administrative leave, the person imposing the leave will notify the CSPD Human Resources Manager without delay.

## **.85 Administrative Leave Without Pay when a Criminal Charge is Pending**

If an employee is indicted for a felony or charged with a felony by the filing of an information, CSPD may place the employee on administrative leave without pay.

If CSPD is considering administrative leave without pay, the deputy chief in the employee's chain of command will conduct a review to determine whether the employee should be placed on administrative leave without pay. The employee will be given advance notice of the review by



phone and/or a letter mailed to the employee's address on file with the department and may choose to be present and/or participate in the review. The employee may have legal counsel or another person present at the review; however, neither legal counsel nor the other person may participate in the review unless the employee is unable to participate due to the employee's incarceration or hospitalization. The deputy chief will determine whether the employee will be placed on administrative leave without pay, subject to final approval by the chief.

Factors the deputy chief may consider in this decision include, but are not limited to:

- The nature and seriousness of the charge
- Whether the conduct underlying the charge is directly related to the employee's position or occurred on duty
- The performance, discipline, and/or criminal history of the employee
- The impact on the public trust and the reputation of the city and the department if the employee remains at work or is placed on administrative leave with pay, and/or
- Other circumstances the deputy chief deems appropriate for consideration

If the employee pleads guilty, pleads no contest, receives a deferred sentence, and/or is found guilty of any criminal offense, CSPD may continue the employee's administrative leave without pay until completion of the administrative investigation and any disciplinary action that results.

If criminal charges remains pending for over 90 days after the employee is placed on administrative leave without pay, the deputy chief will review the matter to determine whether the employee should remain on administrative leave without pay, convert to administrative leave with pay, or return the employee to work. In determining whether the employee should return to work, the deputy chief will consider the safety of other employees and the public.

If all felony charges pending against the employee are dismissed or if the employee is acquitted of all felony charges at trial, the chief, in their sole discretion, may:

- Return the employee to duty, or
- Change the employee's status from administrative leave without pay to administrative leave with pay pending the resolution of the administrative investigation and/or disciplinary procedure.

If an employee is returned to duty, the chief, in his or her sole discretion, may approve back-pay for the number of days the employee was on administrative leave without pay.

## **.90 Emergency Relief from Duty**

An employee may be relieved from duty on an emergency basis based upon a reasonable belief that the employee:

- Is impaired from a known or unknown substance (see [GO 1826 Drug Testing of Civil Service Employees](#))
- Is cognitively, psychologically, or emotionally unable to perform their duties in a manner that rises to the level described in [GO 1824 Psychological Fitness for Duty](#)

It is important to note that allowing, requesting, or requiring an employee to leave duty for any other reason is **not** considered emergency relief from duty. An employee being cognitively, psychologically, or emotionally unable to perform their duties is not the same as an employee who is having a difficult time and would benefit from going home. The latter situation does not automatically trigger the provisions of GO 1824 Psychological Fitness for Duty. In such a circumstance, it may be appropriate for the employee to utilize sick or vacation leave, but it is not appropriate to relieve them from duty on an emergency basis and place them on administrative leave.

Emergency relief from duty requires the approval of either the employee's division commander or the staff duty officer. The supervisor will notify the Internal Affairs Section and the CSPD Human Resources Manager of an employee's emergency relief from duty without delay.

## **.95 Use of Disciplinary Action**

Disciplinary action may be used in the following ways:

- **Personnel investigations:** The chain of command conducting a personnel investigation or review will have unrestricted access to the subject employee's Internal Affairs file and all previously imposed disciplinary actions.
- **Promotional assessment:** The promotional process approved by the Civil Service Commission specifies that a candidate have no suspensions in the prior 12 months to participate in the promotional process. Additionally, Personal History Portfolio assessors may consider all sustained complaints and corrective actions resulting in disciplinary verbal counseling, supervisory discussion record, written reprimand, reduction in grade, and/or suspension during the three year period immediately preceding the first promotional test component.
- **Performance evaluations:** Disciplinary actions may be used in a six-month or annual evaluation if the initiation of the personnel investigation resulting in a sustained finding occurred within the prior 12 months from the date of the evaluation. The same disciplinary action may not be noted in evaluations for different calendar years.

- **Transfer to a specialized unit:** No one currently on a performance improvement plan (PIP) is eligible to transfer to a specialized unit. The selecting authority may consider any sustained allegation resulting in a supervisory discussion record within one year of the date the personnel investigation was initiated. The selecting authority may consider any other sustained allegation resulting in a written reprimand or higher that occurred within two years of the date that the personnel investigation was initiated.

**Retention in a specialized unit:** The chain of command making the retention decision may consider any allegation that was sustained during the retention period (the previous year). A PIP active during any part of the retention period may also be considered.