



GENERAL ORDER

**DURHAM POLICE DEPARTMENT
DURHAM, NC**

NUMBER:

2001 R-6

DISCIPLINARY PROCEDURES

Effective Date: 12/15/1995

Revision Dates: R-1 03/01/1996; R-2 05/16/1997; R-3 01/10/2005; R-4 02/09/2010; R-5 10/08/2012; **R-6 04/17/2017**

INTRODUCTION

It is the policy of the Durham Police Department to ensure that discipline is administered in an equitable and consistent manner in accordance with the City Policy [HRM-322](#) – *Disciplinary Policy*. Generally, the Durham Police Department uses a progressive disciplinary system in an effort to provide an employee a reasonable opportunity to correct poor job performance or unacceptable conduct. Progressive discipline is administered and documented through a series of levels. The level of discipline imposed reflects the seriousness of the offense, taking into consideration any previous disciplinary history. More serious offenses may result in discipline at any level regardless of the existence and/or nature of prior disciplinary actions. For example, an administrative finding that an employee has violated the law (such finding not being necessarily dependent upon the outcome of a criminal prosecution) may result in disciplinary action at any level, including termination.

EMERGENCY RELIEF

Whenever improper conduct of an employee is observed by any supervisor, it is the responsibility of that supervisor to inform the offending employee's supervisor for appropriate action.

A first line supervisor, a Watch Commander, Division or District Commander or higher may relieve an employee from duty on an emergency basis. Examples of behavior suitable for relief from duty include, but are not limited to:

- Indication of substance abuse;
- Alcohol or controlled substance use in violation of the law or City or Department policies;
- Involvement in a shooting;
- Following imposition of criminal charges;
- Severe insubordination;
- Physical and/or emotional distress; or
- Any condition that, in the supervisor's opinion, indicates that the department member cannot perform his/her duties.

Any supervisor relieving an employee from duty on an emergency basis will notify the Watch Commander immediately, who will notify Internal Affairs as soon as practically possible. Such relief from duty will remain in effect as directed by the affected employee's supervisor. This is considered Administrative Leave in accordance with City Policy [HRM-606](#) - *Administrative Leave*. Internal Affairs will make the determination as

to whether the emergency relief will be investigated and/or if there will be a medical referral. A decision will be made between Internal Affairs and the affected employee's chain of command, with approval of the Chief of Police, whether the employee will return to regular duty, be temporarily reassigned elsewhere in the Department, or be placed on Administrative Leave. Whether Administrative Leave is with or without pay will be at the discretion of the Chief in accordance with [HRM-606](#), based on the severity of the incident or allegation(s).

POSSIBLE PENALTIES

Subject to the City's Disciplinary Policy [HRM-322](#), and when necessary, the approval of the City Manager, the following penalties may be imposed against a member of the Department for disciplinary purposes:

- Written reprimand
- Suspension from duty
- Demotion, reduction in pay, rank, or position
- Termination

In accordance with [HRM-322](#), any disciplinary action will be subject to technical review by Human Resources prior to the discipline being administered to the employee.

Any employee whose duties require the operation of a City vehicle who is determined to have been driving while impaired, either criminally and/or administratively, will be terminated.

COACHING/COUNSELING OR RETRAINING

It may be determined that a violation of departmental policy is not severe enough to rise to the level of a disciplinary action. In such a case, an appropriate alternative may be coaching/counseling or retraining, either of which should be directed toward improving employee performance through positive and constructive means. The supervisor shall provide for the counseling or retraining, or for initiating a performance improvement plan in accordance with Performance Management Guidelines. Written records of counseling or retraining and any performance improvement plan must be maintained as performance notes for the annual performance appraisal and placed in the employee's personnel file in Employee Services.

Nothing in this General Order prohibits the use of coaching/counseling or retraining in combination with formal disciplinary penalties, nor in matters not directly associated with violations of policy.

LEVEL OF AUTHORITY FOR DISCIPLINE

Supervisors may exercise the following measures with members under their control:

- Change of duty assignment within their span of supervisory control
- Coaching/Counseling
- Re-training
- Emergency relief from duty

In addition to the above, the Chief of Police, or designee, may exercise the following disciplinary measures with departmental employees:

- Written reprimands upon approval of the employees chain of command with final approval from the employee's Bureau Chief.

- Suspension without pay for up to five (5) working days (Greater amount upon approval of City Manager).
- Demotion in rank or pay (upon approval of City Manager).
- Termination from the City (upon approval of City Manager).

Transfers are discretionary operational decisions and not grievable disciplinary measures.

DISCIPLINARY ACTION RECOMMENDED

At the conclusion of a formal investigation, if an allegation is sustained against a member, the Professional Standards Division Commander will notify the affected member's Division or District Commander. [HRM-322](#) establishes a time frame for which discipline must be issued once an investigation has been completed. If the Department is unable to issue discipline within the designated time frame, the Professional Standards Division Commander will notify Human Resources.

The Division or District Commander will then make a recommendation of discipline based on the severity of the offense taking into consideration the employee's disciplinary history, particularly previous disciplinary actions for the same or similar offenses. The recommendation will be forwarded to the Professional Standards Division on the Technical Review form within five (5) calendar days.

Upon receipt of a Technical Review Form, the Professional Standards Division Commander or designee will review it. The form will then be processed through the employee's chain of command in accordance with the level of discipline being recommended. Modifications to the recommendation may be made by the chain-of-command to ensure disciplinary actions are consistent throughout the Department. Prior to notifying the employee, the Professional Standards Division Commander or designee will submit the Technical Review form to Human Resources for approval.

Once the technical review form has been approved through the chain-of-command and Human Resources, the Professional Standards Division Commander or designee will then notify the member in writing of the recommended discipline.

The employee may:

- Accept the disciplinary action; or
- If the disciplinary action qualifies for appeal, they may accept the sustained findings but appeal the disciplinary action by following City Policy [HRM-323](#) – *Grievance Policy*.

Written notification, via the Employee Notification Form, of any discipline imposed will be given to the employee with a copy going to their supervisor, to Employee Services for placement in their personnel file and to Internal Affairs to be entered into the early warning system.

PRE-DISCIPLINARY CONFERENCE

A pre-disciplinary conference will be held for any employee who is recommended for disciplinary action greater than a written reprimand before it is implemented. The employee has the option to waive the hearing. A waiver is noted by the employee signing the Pre-Disciplinary Conference Notice Form declining the hearing.

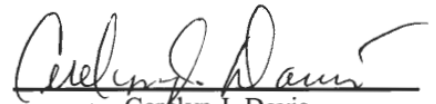
During the hearing, the following will be present: the employee, an Assistant Chief of Police or higher ranking Officer who is not in the employee's chain-of-command (presiding), and an Internal Affairs Investigator who

will present a preliminary report to the Assistant Chief of Police. Also, the employee may invite a person of support to attend and/or speak for the employee.

TERMINATION NOTIFICATION

In a sustained case where termination is to be imposed, the Internal Affairs Unit will write a letter under the signature of the Chief of Police to the employee providing the following information:

- A statement citing the reason for and effective date of termination; and
- A statement notifying the person to contact the Human Resources Division for information regarding the status of benefits after termination.


Cerelyn J. Davis
Chief of Police