


LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL		
General Order Number: 408	Section: PERSONNEL	Effective Date: AUGUST 2023
Title: DISCIPLINARY PROCEDURES		
Accreditation Standards: PER.08.03, PER.08.04, PER.09.02, PER.09.03, PER.09.04, PER.09.05		
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I. POLICY

The Leesburg Police Department's organizational values of Leadership, Pride, and Dedication inform the disciplinary process: We are committed to leading through the pursuit of excellence in everything we do. We pride ourselves on our commitment to maintaining the public trust and respect through a commitment to the highest standards of integrity and professional ethics. We are committed to respecting the rights and human dignity of all and the value of all members of the community and department. We are dedicated to providing the highest quality of service in a consistent manner that emphasizes effectiveness, efficiency, and innovation. We are dedicated to empowering our employees to take risks, expand horizons, and always pursue excellence.

Discipline is a process that is used to change inappropriate behavior, not to punish. This can be accomplished in a variety of ways. It is the department's policy that discipline or the changing of improper behavior be done at the lowest level, the first line supervisor. They are expected to use formal and informal counseling, training, and progressive discipline rather than immediately initiating formal internal investigations. Certain offenses, because of their serious nature, or repetitive offenses where progressive discipline has not worked will result in formal administrative investigations.

It is the department's policy to impose disciplinary action fairly and impartially and to offer adequate appeal procedures to ensure that the rights of employees are protected. This is achieved using a Discipline Matrix. The matrix establishes parameters of discipline that the Chief of Police or designee can use in deciding what disciplinary action to use for a given serious offense or repetitive offense. Discipline will, above all else, be fair and consistent in the Leesburg Police Department.

II. PURPOSE

The purpose of this order is to establish procedures concerning informal and formal disciplinary practices within the department.

III. DEFINITIONS

A. Days

The term "days," as used herein, means calendar days provided; however, if the last day of any time period mentioned herein is a Saturday, Sunday, or legal holiday, the time period shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.

B. Relief from duty

An administrative action by a superior whereby a subordinate officer is temporarily relieved from performing his or her duties.

- C. Discipline
Discipline is a process that is used to change inappropriate behavior.
- D. Misfeasance
The improper performance of some act that you have legal authority to do.
- E. Malfeasance
Conduct that is inherently wrong, unlawful, or without legal authority.
- F. Nonfeasance
A failure to act when under an obligation to do so; a refusal (without sufficient excuse) to do that which it is your legal duty to do.

IV. PROCEDURES

- A. Positive Reinforcement
Positive reinforcement seeks voluntary compliance with established policies, procedures, and orders. Methods of positive reinforcement include:
 - 1. Recognition of excellent job performance through rewards or awards.
 - 2. Discussion and counseling
 - 3. Training
- B. Consistency in Discipline
The department abides by the philosophy that discipline must be applied consistently and uniformly. The attached matrix serves as a guide in assisting the Chief of Police or designee in determining fair and consistent disciplinary measures.
- C. Counseling
 - 1. Supervisors are expected to informally counsel employees regularly without oral reprimands. Most counseling is informal, positive, and supportive. **Counseling is not considered to be disciplinary action.**
 - 2. Supervisors are responsible for informally counseling employees about their performance and minor infractions of policy or procedure that do not result in disciplinary action. Counseling should include identification of unacceptable behaviors or actions, specifically what was done wrong, and the desired or acceptable performance. Counseling should attempt to determine the reason for the behavior and a plan to correct or improve performance.
 - 3. Supervisors are expected to maintain notes and documentation of their efforts in informal counseling.
 - 4. Employee performance can be affected by many factors, including a lack of training or stressors at work or at home. In addition to new or remedial training, a variety of resources are available through the Peer Support Team, the Town's Employee Assistance Program (EAP), and health insurance providers, including mental health, family, marital, and financial counseling (See General Order 136 Employee Mental Health Services). Employees in need of counseling, or desiring information about available resources, are encouraged to talk to their supervisors and seek assistance through the various programs. The department recognizes that no stigma is attached to seeking professional counseling.
- D. Disciplinary Actions
The following disciplinary actions are available:
 - 1. Oral reprimand
Oral reprimands, while informal, require documentation with an employee's acknowledgment of such record. The following steps shall be observed:
 - a. At the time of an oral reprimand, the employee receiving it shall be counseled as to correct behavior, and further advised that a written record shall be maintained in the supervisor's file concerning the reprimand, and 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 setting forth his or her position, in case of disagreement.

- c. The reprimanding supervisor shall record the oral reprimand in a memorandum, which will remain in the supervisor's file for one year.
 - d. Accumulation of three oral reprimands/ forms in one year shall result in a written reprimand or progressive disciplinary action, depending on circumstances.
2. Training
- a. Discipline / Corrective action may involve new or remedial training. This training may be deemed necessary to rectify the improper behavior. New or remedial training may include but is not limited to attendance at academy classes, in-service, or other training specially created to help the employee correct or modify his or her behavior. New or remedial training is reasonably offered until the employee can demonstrate proficiency in the corrected behavior. All training shall be documented and recorded in the employee training file per General Order 501 Training.
3. Written reprimand
- a. A written reprimand, issued by the Chief of Police, cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the department, and specifies the penalty in case of recurrent poor behavior. A written reprimand becomes a permanent part of the employee's personnel record.
4. Suspension without pay
- If the situation warrants, the Chief of Police, in consultation with the Town Manager, may suspend an employee without pay for specified periods of time.
- a. Suspensions without pay will normally apply to a period of up to 15 days, as determined by the Chief of Police and Town Manager.
 - b. If an employee becomes a candidate for suspension a second time within one year after the first suspension, the employee will face possible dismissal.
 - c. Suspensions resulting from criminal investigations may be prolonged beyond 15 days pending court action.
 - d. In no case shall an employee convicted of a felony continue to work for the department.
 - (1) If an employee is acquitted of criminal charges, the employee may be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.
 - e. Any member suspended must return to department custody issued equipment which includes but is not limited to: identification card, building access card and, for sworn personnel, badge and issued firearm.
 - f. During a suspension, the employee shall not undertake any official duties.
 - g. Additional procedures applicable to suspensions without pay are set forth in Section IV.D.7 below.
 - h. A copy of the Notice of Suspension given to the employee shall be maintained in the employee's personnel file and becomes a permanent part of the employee's personnel record.
5. Demotion
- If the situation warrants, the Chief of Police, in consultation with the Town Manager, may demote an employee. Demotion shall be to the next lowest rank.
- a. In the case of a career development position after a positive work record of one year, or such shorter period as is identified by the Chief of Police or designee, the employee may re-apply or may be reappointed for career development advancement.
 - b. In the case of a competitive promotion, the employee will be able to compete for a promotional slot after a positive work record of one year, or such shorter period as is identified by the Chief of Police or designee.
 - c. Additional procedures applicable to demotions are set forth in Section IV.D.7 below.
 - d. A Personnel Action Form documenting the demotion shall be maintained in the employee's personnel file and becomes a permanent part of the employee's personnel record.
6. Dismissal
- Dismissals are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.
- a. Additional procedures applicable to dismissals are set forth in Section IV.D.7 below.

- b. A Personnel Action Form documenting the dismissal shall be maintained in the employee's personnel file. In the case of a dismissed probationary employee, the official record shall merely indicate that the person was dismissed during probationary employment.
7. Additional Procedures for Suspension without Pay, Demotion or Dismissal
- a. In accordance with the Law Enforcement Officers Procedural Guarantee Act (Code of Virginia §9.1-500-507), before imposing any suspension without pay, demotion, or dismissal the following procedures shall apply to all non-probationary sworn officers:
 - (1) The department will notify the officer in writing of:
 - (a) the charges, the basis for the charges, and the action that may be taken by the department; and
 - (b) the officer's right to respond to the charges orally and in writing.
 - (2) The officer will be afforded an opportunity to respond to the charges orally and in writing. Unless the officer agrees to a shorter time period, the officer will have (5) five calendar days from the date of the notice of charges to provide a response.
 - (3) In making the response, the officer may be assisted by legal counsel at the officer's expense.
 - b. Appeal Process
 - (1) All appeals are governed by applicable law (including the Law Enforcement Officers Procedural Guarantee Act, Code 9.1-500-507), and Town personnel policies, as specified under Article 14 of the Town of Leesburg Personnel Procedures Manual (PPM) and LPD General Order 406 Grievance Procedures. The department has adopted hearing procedures consistent with the Law Enforcement Officers Procedural Guarantee Act, which are detailed in the LPD Discipline Grievance Hearing Board SOP. Copies of the PPM and the LPD Discipline Grievance Hearing Board SOP will be made available to the officer upon request.
 - (2) The following appeal provisions are applicable to suspensions without pay, demotions, and dismissals:
 - (a) Non-probationary sworn officers may appeal the imposition of a suspension without pay, demotion, or dismissal, and may elect to use either the grievance process outlined in Article 14 of the PPM, or the hearing process under the Law Enforcement Officers Procedural Guarantee Act, but not both. If the officer elects to appeal by requesting a hearing under the Law Enforcement Officers Procedural Guarantee Act, the hearing will be conducted in accordance with the LPD Discipline Grievance Hearing Board SOP.
 - (b) Non-sworn employees may appeal the imposition of a suspension without pay, demotion, or dismissal, but must use the grievance procedure outlined in Article 14 of the PPM and LPD General Order 406 Grievance Procedures.
 - (c) Probationary employees shall have no right of appeal.

E. Reporting arrests

Any employee arrested for, charged with, convicted of **any** crime, or required to appear as a defendant in any criminal or civil proceedings, must so inform the Chief of Police in writing as soon as possible. Employees do not have to report parking tickets on privately owned vehicles. Any parking tickets received on-duty in a Town of Leesburg owned or assigned vehicle shall be reported and will be the responsibility of the officer unless there was an emergency. Employees must report summonses or arrests. Failure to notify the department of the foregoing shall be cause for disciplinary action.

V. INFRACTIONS AND DISCIPLINARY ACTIONS

- A. Except for gross breaches of discipline, supervisors shall begin employee discipline with the least punitive measures. If these do not work, then progressive disciplinary measures may be required. While this process may take some time, it is important that each employee be dealt with justly and in a manner which clearly indicates that positive, constructive measures to change behavior or performance preceded the imposition of more negative sanctions.
- B. Discipline Matrix Application
 Category "B", "C", "D", or "E" Violations may be subject to discipline from a lower category.

Category "A" Violations

1. Are minor in nature and are not normally disciplinary matters.
2. Are enumerated in matrix Category "A".
3. Must be documented and discussed with the employee, who may comment thereon.
4. When Category A violations are repeated within a one-year period, they will be handled as disciplinary matters, subject to Category "B" penalties.
5. Are first and second at-fault departmental vehicle crashes with minor damage (non-reportable under state reporting requirements), within a 24-month period.
 - a. First at fault crash- counseling
 - b. Second at fault crash- oral reprimand and remedial training
6. Are subject to corrective action such as:
 - a. Training and/or education
 - b. Written counseling
 - c. Mediation
 - d. Restitution
 - e. Mental Health Services
 - f. Other non-disciplinary actions

Category "B" Violations

1. Are enumerated in matrix Category "B".
2. May be applied to second/subsequent Category "A" violations occurring within one year of each other.
3. Subsequent violations of a Category "B" offense within a one-year period will move a third such violation to a Category "C".
4. Are subject to discipline such as:
 - a. Oral reprimand
 - b. Written reprimand

Category "C" Violations

1. Are enumerated in matrix Category "C".
2. May be applied to third/subsequent violations from Category "B".
3. Subsequent violations of a Category "C" offense within a two-year period will move to Category "D".
4. Are subject to discipline such as:
 - a. Up to three days suspension / loss of leave

Category "D" Violations

1. Are enumerated in matrix Category "D".
2. May be applied to subsequent violations from Category "C".
3. Subsequent violations of a Category "D" offense within a three-year period will move to Category "E".
4. Are subject to discipline such as:
 - a. Up to Five days suspension / loss of paid leave
 - b. Demotion

Category "E" Violations

1. Are enumerated in matrix Category "E".
2. May be applied to subsequent violations from Category "D".
3. Subsequent violations of a Category "E" will be cause for dismissal.
4. Are subject to discipline such as:
 - a. More than five days of suspension and / or demotion or dismissal

DISCIPLINE MATRIX					
BEHAVIOR	A	B	C	D	E
INTEGRITY					
INTENTIONAL MISREPRESENTATION OR LYING					X
SURREPTITIOUS AUDIO/VIDEO RECORDING					X
OFF DUTY VIOLATIONS					
FAILURE TO TAKE REQUIRED ACTION OFF DUTY		X			
ASSOCIATING WITH PERSONS OF QUESTIONABLE CHARACTER/ GOING TO PLACES OF SUSPECTED VIOLATIONS OF LAW		X			
INVOLVEMENT WITH FRIENDS, ASSOCIATES, OR RELATIVES WHEN PROHIBITED		X			
INAPPROPRIATE COMMENTS, LANGUAGE, PROFANITY, ETC. OFF DUTY	X				
SECONDARY EMPLOYMENT VIOLATIONS					
WORK WITHOUT DEPARTMENT AUTHORIZATION		X			
RESTRICTION VIOLATIONS		X			
WORK WHILE ON LIGHT DUTY/SICK LEAVE WITHOUT AUTHORIZATION			X		
MISUSE OF DEPARTMENT EQUIPMENT WHILE WORKING SECONDARY EMPLOYMENT		X			
PRISONER RELATED VIOLATIONS					
IMPROPER SEARCHES		X			
PRISONER TRANSPORT	X				
PRISONER PROPERTY	X				
RESTRAINT VIOLATIONS	X				
LEAVING PRISONER UNATTENDED		X			
MEDICAL / MENTAL HEALTH VIOLATIONS		X			
EVIDENCE & FOUND PROPERTY VIOLATIONS					
RECOVERY/RECEIPT OF EVIDENCE/CHAIN OF CUSTODY		X			
PROCESSING/TESTING OF EVIDENCE		X			
STORAGE/RECEIPT OF EVIDENCE		X			
RECOVERY/RECEIPT OF FOUND PROPERTY	X				
STORAGE/RELEASE OF FOUND PROPERTY (CLERICAL ERROR)	X				
HARASSMENT & DISCRIMINATION					
SEXUAL HARASSMENT/DISCRIMINATION					X
RACIAL HARASSMENT/DISCRIMINATION					X
RELIGIOUS/ETHNIC HARASSMENT/DISCRIMINATION					X
SEXUAL ORIENTATION HARASSMENT/DISCRIMINATION					X
ALL OTHER HARASSMENT/DISCRIMINATION					X
FIREARMS VIOLATIONS					
WEAPON DISCHARGE VIOLATIONS					X
CARRY UNAUTHORIZED WEAPON			X		
CARRY UNAUTHORIZED AMMUNITION			X		
FAIL TO SECURE WEAPON		X			
FAIL TO PROPERLY MAINTAIN WEAPON		X			
FAILURE TO REPORT WEAPON DISCHARGE					X
NEGLIGENT HANDLING OF FIREARM RESULTING IN DISCHARGE			X		
NEGLIGENT HANDLING OF FIREARM RESULTING IN DISCHARGE AND INJURY TO PERSONS					X
DEPARTMENTAL VEHICLE CRASHES (AT FAULT)					
PROPERTY DAMAGE ONLY	X				

BEHAVIOR	A	B	C	D	E
INJURY TO POLICE / CIVILIAN PERSONNEL			X		
FATALITY				X	
FAILURE TO REPORT CRASH					X
EXCESSIVE FORCE					
EXCESSIVE FORCE (GENERAL ORDER 104 RESPONSE TO THREATS/RESISTANCE)					X
NEGLECT					
FAILURE TO TAKE NECESSARY POLICE ACTION (ON DUTY)		X			
SUPERVISOR FAILURE TO TAKE ACTION (ON DUTY)			X		
INVESTIGATIONS					
VIOLATIONS OF PROCEDURES FOR PRELIMINARY AND FOLLOW-UP INVESTIGATIONS	X				
FAILURE TO FILE REQUIRED REPORTS		X			
ACCURACY OF REPORTS	X				
IMPROPER ARREST PROCEDURES (LACK OF PC, FAIL TO MAKE REQUIRED ARREST, FAIL TO ISSUE CITATION WHEN WARRANTED).		X			
ACCURACY OF CHARGING DOCUMENT, WARRANT APPLICATION, OR TESTIMONY (NOT PERJURY) (CLERICAL)		X			
IMPROPER INTERVIEW OR INTERROGATIONS		X			
IMPROPER SEARCHES, SEIZURES OR ENTRIES		X			
CARE OF DEPARTMENT EQUIPMENT					
LOSING DEPARTMENT EQUIPMENT		X			
DAMAGING DEPARTMENT EQUIPMENT		X			
ALLOWING UNAUTHORIZED PERSON TO USE DEPARTMENT EQUIPMENT			X		
CRIMINAL VIOLATIONS					
ALL CRIMINAL VIOLATIONS AND ATTEMPTS; INCLUDING SERIOUS TRAFFIC OFFENSES (SUBJECT TO PROSECUTION)					X
ALL MINOR TRAFFIC VIOLATIONS	X				
MISCELLANEOUS					
CRIMINAL HISTORY DISSEMINATION			X		
DMV HISTORY DISSEMINATION			X		
IMPROPER DISSEMINATION OF INVESTIGATIVE INFORMATION			X		
BEING OFF POST OR LEAVING ASSIGNMENT W/O PERMISSION		X			
CHEATING ON TESTS, HOMEWORK, ASSIGNMENTS					X
FAIL TO ASSIST/BACKUP OTHER OFFICER			X		
FAIL TO OBEY AN ORDER (PERFORMANCE)			X		
INSUBORDINATION			X		
STORAGE/RELEASE OF FOUND PROPERTY (DELIBERATE ACT)			X		
OBSTRUCT/HINDER CRIMINAL INVESTIGATION					X
OBSTRUCT/HINDER INTERNAL INVESTIGATION					X
A.W.O.L. VIOLATIONS		X			
LATE FOR DUTY / COURT	X				
FAIL TO REPORT FOR COURT	X				
OUT OF UNIFORM / IMPROPER DRESS	X				
UNAUTHORIZED RIDE-A-LONG		X			
SLEEPING ON DUTY		X			
MISCELLANEOUS VIOLATIONS CONTINUED					
FAIL TO FOLLOW CHAIN OF COMMAND (OUTSIDE OF OPEN DOOR POLICY)	X				
UNDER INFLUENCE / CONSUME ALCOHOL ON DUTY					X

BEHAVIOR	A	B	C	D	E
UNDER INFLUENCE OF CONTROLLED SUBSTANCE WITHOUT LAWFUL PRESCRIPTION					X
FAIL TO ADVISE OF ADDRESS/PHONE CHANGE	X				
FAIL TO ANSWER RADIO	X				
ALL OTHER MISCELLANEOUS VIOLATIONS	X				
FAIL TO USE / MAINTAIN IN CAR CAMERA		X			
FAIL TO USE / MAINTAIN BODY WORN CAMERA		X			
INTERNET / EMAIL VIOLATION			X		