

**General Order 26**

**EMPLOYEE CONDUCT/MOTIVATION** Revised 1/19

**General Order 26.1**

**EMPLOYEE CONDUCT, RECOGNITION AND DISCIPLINE Revised 1/19**

Last Revised: 03-01-2017

SUBJECT: EMPLOYEE CONDUCT, RECOGNITION AND DISCIPLINE

This order consists of the following numbered sections:

- 26.1.1 Rules of conduct
- 26.1.2 Discrimination and Harassment
- 26.1.3 Employee-involved domestic violence
- 26.1.4 Rules of conduct – dissemination
- 26.1.5 Employee recognition and discipline system Revised 1/19
- 26.1.6 Supervisory role and authority
- 26.1.7 Appeal procedure
- 26.1.8 Discharge
- 26.1.9 Records Retention
- 26.1.10 Employee consideration

**26.1.1 Rules of conduct**

- I. Violation of any rule of conduct is sufficient cause for involvement of an employee in the discipline process.
- II. Definitions:
  - A. “Member” refers to all persons associated with the Department, including all full-time and part-time paid personnel and volunteers.
  - B. “Employee” refers to all full-time and part-time paid personnel.
  - C. “Civilian” applies to non-commissioned personnel employed by the Department.
  - D. “Officer” applies to commissioned police officers and/or corrections officers of the Department.
- III. The rules of conduct are as follows:
  - A. Abuse of position – Members shall not use their official positions, official identification cards or badges for personal or financial gain; for obtaining privileges not otherwise available except in the performance of duty; or for avoiding the consequences of illegal acts. No member shall use the color of authority to exercise powers or invoke privileges not incumbent to his/her official position.
  - B. Arrest, search and seizure – Officers shall not affect any arrest or conduct any search or seizure which they know, or should know, is not in accordance with the law and/or Department policy and procedure.
  - C. Associations – Members shall avoid regular or continuous associations or dealings with persons they know, or should know, are under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in criminal behavior, except as is necessary to the performance of official duties or where unavoidable because of personal relationships of the members.
  - D. Availability of services – Members assure that police services provided by the Department are available to all persons in the community. No member shall arbitrarily deny access to police service or intentionally provide a lower level of police service than the standard normally expected by the Department to any person, based on a person’s race, religion, politics, national origin, sexual orientation, gender identity and expression, economic condition or other personal characteristics.

E. Carrying firearms/weapons – Members shall not use or handle weapons in a careless or imprudent manner. Members shall carry firearms and other weapons in accordance with the law and established Department policy and procedure.

F. Citizen complaints – Using the Department’s established complaint procedure, members shall courteously and promptly facilitate any complaint made by a citizen involving the Department or any member of the Department. No member shall engage in behavior which he/she knows, or reasonably should know, serves to retaliate against any person for being a party to a complaint against the Department or member of the Department. This does not, however, preclude a member from seeking lawful civil redress stemming from complaints that are based, in whole or in part, on information that the complainant knows to be untrue or that is submitted without regard for accuracy.

G. Civil actions – Members shall not institute a civil action arising out of official duties or accept compensation of any kind for personal injury incurred on duty without prior written notification of the Chief of Police.

H. Conformance to the law – Members shall obey all laws of the United States and of any state and/or local jurisdiction in which they are present. A conviction is prima facie evidence of a violation of this section.

I. Court appearance – Members who attend court pursuant to a Department order, subpoena or court notice, are to appear promptly and well prepared, and are to remain until excused by competent authority.

J. Courtesy – Members shall be courteous to the public. Members are expected to exercise tact in the performance of duties; to maintain control over anger; to exercise patience and discretion; and to refrain from argumentative discussion – even in the face of extreme provocation. In the performance of duties, members shall not use coarse, violent, profane or insolent language or gestures and shall not express any prejudice regarding race, religion, politics, national origin, sexual orientation, gender identity and expression, economic condition or other personal characteristics.

Respect - Members shall treat all persons with due respect for personal dignity, whether they are fellow employees, victims, persons requesting assistance, suspects, arrestees or others who are residents or visitors in the community.

K. Drugs and alcohol:

1. Members shall not possess illegal drugs at any time, other than as required in the course of official duties. Members shall not use illegal drugs at any time.

Members may possess and use only those prescription drugs which have been prescribed specifically for them by a licensed physician or dentist in conjunction with bona fide medical treatment. When the information provided by the pharmacy indicates that a prescription being taken by a member has potential side effects that could impact work, members are to notify their supervisor (Olympia Policy 5).

If a supervisor has reasonable suspicion that a member is under the influence of an illegal drug while on duty, he/she may direct the member to submit to drug screening and a physical examination, in accordance with City regulations (Olympia Policy 5).

2. Members shall not consume alcohol while in uniform.

3. Members shall not consume alcohol while on duty, except as may be required in the performance of duty and while acting under proper and specific orders from, a superior officer.

4. Members while off duty, shall refrain from consuming alcoholic beverages to the extent that it causes unfitness to report for their next regular tour of duty.

5. Members shall not appear for duty or be on duty while under the influence of intoxicants or with an odor of intoxicants on their breath. Employees called into work will notify the supervisor if they have been consuming alcohol.

6. A supervisor who has reasonable suspicion that a member may be under the influence of alcohol while on duty may require the member to submit to blood alcohol testing and a physical examination, in accordance with City policy (Olympia Policy 5).

L. Endorsements and referrals:

1. Members shall not recommend any commercial product or recommend or refer any commercial service while on duty.

2. Members shall not authorize the use of their names, photographs or official titles identifying them as members of the Department in connection with any testimonial, advertisement, commodity or commercial enterprise without the prior approval of the Chief.

3. While on duty, members are not to participate in, campaign for, support, solicit for, contribute to, interfere with or influence any political activity. (moved from 26.1.1.III.W)

M. Ethics – Members are to conduct themselves and their work in a manner that is consistent with the values and standards of the Department and the City (General Order 1.1 and City Policy 20).

N. Fictitious illness or injury reports - Employees shall not feign illness or injury; falsely report themselves ill or injured; falsely report receiving treatment or care from a physician for an illness or injury that affects work; or otherwise deceive or attempt to deceive any official of the Department or the City as to the condition of their personal health or the health of family members.

O. Gifts, gratuities, bribes or rewards - Members shall not solicit or accept from any person, business or organization any gift, gratuity, bribe or reward (including, but not limited to, any money, personal property, food, beverage, loan, service or promise of service or entertainment), except as provided in 26.1.1(IV.B). Solicitation for support of Department programs may be conducted only by the Chief of Police or his/her designee.

P. Identification - Officers on duty shall carry their badges and commission cards on their persons at all times, except when it is impractical or dangerous to their safety or to an investigation. While on duty or acting in an official capacity, members shall furnish their names to any person requesting that information, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority. Members shall not lend their identification cards, commission cards (if applicable) or badges (if applicable) to any other person, or permit their identification cards, commission cards or badges to be photographed or reproduced.

Q. Insubordination - Members shall promptly obey the lawful order of a superior, including those relayed by any other employee.

R. Intervention - An officer shall intervene in circumstances where he/she reasonably believes another officer is using excessive force, making an unjustifiable arrest or violating a person's Constitutional rights.

Members shall not interfere with cases being handled by other members of the Department or by any other governmental agency except in the following circumstances:

1. When ordered to intervene by a supervisor;

2. When failing to intervene would violate this section and the policy described in 1.4.1.IX or would otherwise result in a manifest injustice being done.

S. Leaving duty station - Members shall not leave their assigned duty stations except when authorized by proper authority.

T. Meals - Officers are permitted to temporarily suspend patrol or other assigned activity - subject to immediate call for emergency response - for the purpose of having meals during their tours of duty. Rules for

temporary suspension of regular duties for the purpose of taking meals are established by division directives. Civilians take meals at times approved by their supervisor.

U. Neglect of duty - While on duty, employees shall not engage in entertainment, personal business or any other activities which would cause them to neglect or be inattentive to their work.

V. Operating Department vehicles - Members are to operate Department vehicles in a careful and prudent manner and are to obey all laws and all Department orders and directives pertaining to such operation. Any member who loses a driving license or has driving privileges suspended shall, without delay, report that condition to his/her supervisor.

W. Physical fitness - Officers are to maintain a level of physical fitness sufficient to perform their duties efficiently and effectively. [see 22.3.2].

X. Processing property and evidence - Property or evidence which has been discovered, gathered, or received in connection with Department responsibilities will be processed in accordance with established Department procedures (General Order 83). Members shall not convert to personal use, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence. Destruction or disposition of property or evidence will occur only in accordance with established Department procedure and applicable law.

Y. Professional appearance - Members maintain a professional appearance while on duty, consistent with Department guidelines, as established by policy 27.1

Z. Public statements and appearances – Members, while on duty, shall not publicly criticize or ridicule the Department, its policies or other members in their speech, writing or other expression, when such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for the truth.

Without proper authority, members shall not address public gatherings; appear on radio or television; prepare articles for publication; act as correspondents to a newspaper or periodical; release or divulge investigative information; testify before committees, commissions or other political bodies; or discuss other business of the Department while either presenting themselves as, or permitting themselves to be regarded as, official representatives of the Department.

AA. Reporting Court-ordered restrictions – Any member of the following restrictions imposed on him/her by a court shall report the restriction to his/her immediate supervisor without delay:

1. Protection orders
2. Anti-harassment orders
3. Restraining orders
4. Other civil orders related to domestic violence
5. Driving privilege suspension/revocation

BB. Reporting for duty - Employees are to report for duty at the time and place required by their assignment - including scheduled off-duty law enforcement assignments, and shall be physically and mentally fit to perform their duties. When reporting for duty, employees are to be properly equipped and cognizant of information immediately required for the proper performance of duty. Lawful subpoenas constitute an order to report for duty under this section.

CC. Reports - Members shall submit all necessary reports on time and in accordance with established Department procedures and quality standards. Reports submitted by members shall be truthful and complete. No member shall knowingly enter or cause to be entered into any report any inaccurate, false or improper information (General Order 82).

DD. Respect for constitutional rights - Members shall not conspire to deprive, or knowingly engage in any activity which serves to deprive any person of civil rights, due process, equal opportunity for employment, opportunity for personal advancement, or any constitutionally or statutorily guaranteed right.

Officers may enforce any Federal, State or local statute that is valid on its face without fear of abrogating the constitutional rights of the person violating that statute. Officers who lawfully act within the scope of their authority do not deprive persons of their civil liberties. Within the scope of their authority, officers may also make reasonable inquiries. Responsibility for determining the constitutionality of statutes lies with a court of proper jurisdiction, not with an officer seeking to enforce the law, as written.

EE. Shopping/conducting personal business while on duty - Personal business or shopping while on duty is not to disrupt regular work, unless specific permission to temporarily suspend work for the purpose of personal business has been granted by a supervisor.

FF. Sleeping on duty - Members shall remain awake while on duty. If unable to do so, they shall report the situation to their supervisor, who then determines the proper course of action.

GG. Telephones - Members are to adhere to the following telephone rules and regulations:

1. Employees are to have active telephone service available at their residences. Any change of telephone number or residence address (house number and street) shall be reported to the Administrative Secretary on the employee's next work day following the change.
2. Personal calls during work time are expected to be kept brief.
3. Members are not to make personal long distance calls at Department expense.

HH. Truthfulness – Truthfulness is the foundation of the public trust on which the police profession depends for its authority. Officers are expected to be fully aware of the potentially serious consequences of untruthfulness, and are expected to conduct their professional lives accordingly.

Members shall be truthful in all reports and court testimony. On the order of a superior officer, members shall truthfully answer all questions that are specific to their actions and narrowly related to the scope of employment and operations of the Department.

II. Unbecoming conduct - Police and corrections officers are the most conspicuous representative of government, and to the majority of the people is a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when an officer's actions are found to be excessive, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of officers, on or off- duty, may reflect directly upon the Department, officers must at all times behave in a manner which does not bring discredit to themselves, the Department or the City.

JJ. Unsatisfactory performance - Members perform their duties in a manner which maintains the highest standards of efficiency and effectiveness in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of the law; unwillingness or inability to perform assigned tasks; failure to conform to work standards established for the member's rank, grade, or position; failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave.

KK. Use of Department equipment - Members are to utilize Department equipment only for its intended purpose in accordance with established Departmental procedures. Members shall not abuse Department equipment or cause it to be lost because of personal negligence. All Department equipment issued to members shall be maintained in a proper, service-ready condition.

LL. Use of tobacco - Members shall not use tobacco products while in uniform if they are in conspicuous view of the general public. Members will follow the Olympia Smoking and Tobacco Use Policy (Olympia Policy 8.6.1.1).

#### IV. Contributions

A. As stated in the Canons of Ethics [see 1.1.2(II.Canon Eight)] and the rules of conduct, members of the Department do not accept gifts, favors, rewards or other benefits from any person, business or organization when such benefit is granted either fully or partially as a result of their employment by the Department.

B. Contributions to the Department, its members and programs are acceptable in the following circumstances:

1. An employee who is a guest speaker, instructor or assessor/evaluator representing the Department may accept meals, travel expenses and lodging necessary to carry out the assignment, but may not accept a fee or honorarium for any work that is conducted on work time that is compensated by the City. This does not preclude an employee from receiving a fee or honorarium for outside employment work as a speaker, instructor or assessor/evaluator that is conducted on the employee's personal time. [see 22.3.4]
2. An employee who, based on performance of his/her regular job duties, is receiving an honor from an organization may accept meals, travel expenses and lodging necessary to receive the honor and a non-cash award. This rule does not preclude employees from receiving cash awards for education (i.e., scholarships and fellowships) or other activities that are based wholly or in part on personal achievement.
3. A service organization, industry, foundation or retail merchant may donate to a Department-sponsored event or program, where the donation is used for the direct benefit of the community as a whole.
4. Employees may accept unsolicited advertising or "giveaway" material such as pens, pads, calendars, diaries, coffee cups, or similar items of little or nominal value.
5. Nothing in this section shall prohibit the incidental receipt of the following items, provided that such items are made generally available to any person; are given clearly without expectation of favor or response; and are approved by the Chief of Police or his/her designee:
  - a. Surplus or leftover food from meetings, celebrations, etc.
  - b. Spontaneous expressions of gratitude from crime victims (such as flowers, cards, candy, homemade food, home grown surplus produce, etc.).
6. Under no circumstance shall any form of preferential treatment be implied or granted to any person, business or organization making a charitable contribution to the Department, its programs or members. This policy does not preclude contributors from gaining a reasonable public relations benefit from their contributions, provided permission for such a benefit is granted, in advance and in writing, by the Chief of Police.

#### **26.1.2 DISCRIMINATION AND HARASSMENT**

It is the policy of the Department to provide a work environment for its members which is free from discrimination and harassment, in accordance with City regulations. [City Policy 3]

#### **26.1.3 EMPLOYEE-INVOLVED DOMESTIC VIOLENCE**

##### I. Policy

Public confidence and trust are critical to police agencies' ability to maintain public safety. Police employees - sworn officers in particular - have authority and training that, used improperly, can harm or intimidate others and destroy the foundation of trust on which the profession depends. When police officers or employees perpetrate domestic violence, the victims of that violence are rendered especially vulnerable. Therefore, the Department follows a "zero tolerance" policy with regard to acts of domestic violence committed by its own employees - sworn or civilian. Likewise, the Department does not condone domestic violence perpetrated by any member of the policing profession, regardless of where he/she may work.

The Department does not hire new employees whose histories include a conviction for domestic violence or child abuse, or whose background investigations indicate an elevated risk for domestic violence behavior. Department employees who are convicted of a domestic violence offense are subject to disciplinary action, up to and including dismissal.

To prevent domestic violence, the Department seeks first to educate employees at all phases of their careers and then to interdict potential domestic violence situations as early as possible to reduce victimization and increase the chances of career stability.

The Department expects its employees to recognize potentially volatile domestic issues in their own lives and to seek timely assistance in resolving those issues before they become violent. The Department expects employees who become aware of incidents of domestic violence involving Department co-workers to report such occurrences to an appropriate supervisor or manager in a timely manner. The Department expects its officers who respond to calls involving domestic violence in which one or more parties are police personnel - sworn or civilian - to report that fact to their supervisor in a timely manner and to comply with the reporting provisions of this General Order.

When incidents of domestic violence involving Department employees do occur, the Department assures that, first and foremost, victims are provided with reasonable protection and access to appropriate services. The Department further assures that prompt action is taken to expeditiously investigate the allegations and enforce the law, while preserving and protecting the rights of employees established by law and by the terms of applicable collective bargaining agreements.

## II. Definitions

A. Domestic violence as defined in RCW 10.99 includes two elements: 1) a relationship between the perpetrator and the victim, as defined in RCW 10.99.020 (3) and, 2 ) the presence of a criminal act, as defined in RCW 10.99.020 (5).

B. Officer or sworn employee means a general authority Washington peace officer as defined in RCW 10.93.020 ; any person appointed under RCW 35.21.333 ; and any person appointed or elected to carry out the duties of a sheriff under chapter 36.28 RCW. It may also mean any person with similar powers and authority in another state.

C. Employee means any person employed by the Department in any capacity, including part-time, temporary and contract employees.

D. Member means any person who is affiliated with the Department as an employee - sworn or civilian - or unpaid volunteer.

## III. Pre-employment screening

A. Pre-employment screening procedures include the requirement that candidates disclose prior domestic violence or child abuse convictions or allegations and disclose having been the subject of a protective order, as defined in RCW 10.99.090 .3(a)(iii), from any state, any tribal court or the military.

B. Questions relating to domestic violence and child abuse are included in pre-employment interviews with parties having current or past relationships with candidates that are defined in RCW 10.99.020 (3).

C. One or more prior convictions for domestic violence offenses, as described in RCW 10.99.020 (5), automatically disqualify a candidate for employment with the Department.

D. An allegation of domestic violence or child abuse (including those that did not result in a conviction); being the subject of a protection order; or being identified through background investigation as having an elevated risk for domestic violence or child abuse behavior all may be disqualifiers in hiring decisions related to new employees.

## IV. Domestic violence prevention and intervention



A. The Department provides information and training on this policy to all members during new member orientation and/or the field training program.

B. The Department maintains current information on mediation, counseling, respite/safe haven and other services available in the community to assist members, their families and the public with personal relationship and domestic violence issues. Members who are experiencing difficulties with personal relationships or parenting are encouraged to seek assistance from the employee assistance program or a professional therapist. In situations where family violence is an issue, assistance from a State certified domestic violence specialist or treatment provider is recommended.

V. Reporting requirements

A. A member who becomes aware of an act of domestic violence committed by another member shall report that allegation to his/her supervisor without delay.

B. A member who becomes the subject of a criminal investigation or who has a protective or restraining order issued against him/her related to domestic violence or child abuse - regardless of jurisdiction - shall immediately report that fact to his/her direct supervisor or the on-duty patrol supervisor. In addition, employees shall provide their direct supervisors with relevant court dates, results of proceedings and copies of issued orders in a timely manner.

C. A sworn employee who has previously been investigated for founded allegations of child abuse or neglect, or who is currently or has previously been subject to any order under RCW 26.44.063 , 10.14 or 26.50 , or any equivalent order issued by another state or tribal court, shall report that fact to his/her supervisor forthwith.

D. A supervisor receiving information from a member about an alleged act of domestic violence committed by another member, or any other information that is subject to mandatory reporting under this policy, shall deliver that information through his/her chain of command to the Chief of Police.

E. A sworn employee taking a report where a sworn officer of another police agency is alleged to have committed an act of domestic violence shall notify his/her supervisor of the details of the incident without delay.

F. A supervisor who is notified by a subordinate about a report being taken that alleges a domestic violence offense being committed by a sworn officer of another police agency shall notify an appropriate supervisor in the employing agency of the circumstances of those allegations as soon as possible after receiving the notification.

G. A member who becomes aware of any incident of domestic violence involving the Chief of Police, shall report the allegation to his/her supervisor, division commander/manager or to the City Manager.

H. A supervisor receiving information alleging the involvement of the Chief of Police in an act of domestic violence shall immediately notify his/her division commander or manager of the allegation.

I. A division commander/manager who receives information from an employee or supervisor alleging involvement of the Chief of Police in an act of domestic violence shall notify the City Manager of the facts in a timely manner.

J. Failure to comply with the reporting requirements specified in 26.1.3.V(A-I) may result in disciplinary action.

K. Any member who is the victim of domestic violence perpetrated either by a sworn officer (from any jurisdiction) or by any other person, is strongly encouraged to report the incident to his/her supervisor without delay. Members who have concern about reporting directly to a Department supervisor are encouraged to do so through the Victim Assistance Coordinator or another source of advocacy.

VI. Investigation of employee-perpetrated domestic violence

- A. The Department provides victims of employee-perpetrated domestic violence with a Department point of contact to assist them through the investigative process. The assigned point of contact is a supervisor other than the case investigator, at least one rank higher than the alleged perpetrator, and who is trained in internal investigation procedures.
- B. The assigned point of contact is responsible for providing a victim of employee-perpetrated domestic violence with the following:
1. A review of safety concerns and assistance with securing a safe haven during the investigative process, if needed;
  2. Contact information about public and private non-profit domestic violence services;
  3. Information regarding victim's rights, including relevant confidentiality policies related to a victim's personal information;
  4. Information about both criminal investigative processes and Department internal investigation processes;
  5. Assistance in tracking the status of both criminal and internal investigations, as needed, throughout the investigative process.
- C. The Department shall require a complete and thorough criminal investigation of any allegation of member-perpetrated domestic violence committed within its jurisdiction.
- D. The Department shall conduct a complete and thorough internal investigation of any allegation of employee-perpetrated domestic violence, regardless of where the incident is alleged to have occurred.
- E. The same quality standards that apply to the investigation of all criminal cases and internal investigations shall apply to cases involving employee-perpetrated domestic violence.
- F. When an employee is the subject of an investigation alleging an act of domestic violence, the Department will consider whether to relieve the employee of Department-issued equipment and identification; as well as suspending his/her law enforcement powers (if applicable) pending resolution of the investigation.

VII. Prohibited actions

- A. No member shall engage in behavior which he/she knows, or reasonably should know, serves to retaliate against, harass, intimidate or coerce a victim, witness or reporting party who is or has been involved in an member-involved domestic violence incident.
- B. A member who is a victim, witness or reporting party in a current or past investigation of member-involved domestic violence shall report any attempt by any employee to retaliate against, harass, intimidate or coerce them based on his/her involvement in that investigation to his/her division commander or manager, the Professional Standards Lieutenant or the Chief of Police in a timely manner.

VIII. Coordination of employee-involved domestic violence issues and investigations

All member-involved domestic violence issues and investigations are coordinated through the Chief of Police.

**26.1.4 Rule of conduct – dissemination**

- I. Every employee has access to the rules of conduct in the General Orders Manual on the City of Olympia Website. It is each employee's responsibility to read, understand and comply with the rules of conduct.

**26.1.5 Employee Recognition and Discipline system Revised 1/19**

- I. Policy

The employee recognition and discipline system is designed to promote employee success through appropriate and timely use of recognitions and disciplinary or performance improvement measures.

II. Recognition - Recognition may be informal or formal. On an informal level, supervisors are encouraged to provide employees with sincere, appropriate praise for good work, as that praise is earned. The Department also has a formal recognition process that provides opportunities for more public acknowledgment of performance excellence and career milestones.

Awards and commendations are determined by majority vote of members of the Olympia Police Department, Chief of Police or the Olympia Police Department Awards Committee, depending on the award being presented.

A. Awards and Decorations – The following types of honors may be awarded and are listed in order of precedence:

1. Washington State Law Enforcement Medal of Honor: a. In 1994, the Washington State Legislature established the Law Enforcement Medal of Honor (RCW 41.72). This honor is reserved for police officers who have been killed or seriously injured in the line of duty, or who have distinguished themselves by exceptional meritorious conduct. Rules and qualifications for awarding are located on the Washington State Office of Attorney General Website.

b. Any member of the Olympia Police Department may submit nominations for this award; however, the nomination must be endorsed by the Chief of Police.

c. The Washington State Law Enforcement Medal of honor is a gold shield and star suspended from a blue neck ribbon. Recipients will receive a medal and framed nomination.

2. The Medal of Valor is the highest recognition of outstanding officer achievement presented by the Olympia Police Department. The Medal of Valor may be awarded to members of the Department who distinguish themselves by conspicuous bravery and/or heroism during an event where other lives are potentially at risk, and where hostile action or extreme personal danger is involved.

a. The Medal of Valor is a golden disk suspended from a blue neck ribbon. The award is accompanied by a blue colored pin with a gold star surrounded by a gold frame which may be worn on the duty uniform. The recipient will receive a pin and framed nomination.

b. Any member of the Olympia Police Department may submit nominations for this award. The OPD Awards Committee shall review nominations and determine if the Medal of Valor will be awarded.

3. The Purple Heart Medal may be awarded to members of the Department who receive a serious or life threatening injury in the performance of his/her duties.

a. The Purple Heart Medal is a purple star on a gold background suspended from a purple ribbon. The award is accompanied by a purple colored pin with a gold heart, which may be worn on the duty uniform. The recipient will receive a pin and framed nomination.

b. Any member of the Olympia Police Department may submit a nomination for a Purple Heart Medal. The Olympia Police department Awards Committee shall review nominations and determine if the Purple Heart Medal will be awarded.

4. The Bravery Medal may be awarded to members of the Department who perform an act resulting in the saving of human life, protecting the community or affecting an arrest with great risk to personal safety, but of a level not qualifying the nominee for the Medal of Valor.

a. The Bravery Medal is a blue cross on a gold background suspended from a blue ribbon. The Bravery Award is accompanied by a pin colored blue-red-blue which may be worn on the duty uniform. The recipient will receive a pin and framed nomination.

- b. Any member of the Olympia Police Department may submit a nomination for the Bravery Medal. The Olympia Police department Awards Committee shall review nominations and determine if the Bravery Medal will be awarded.
5. The Life Saving Medal may be awarded to members of the Department who perform an act directly resulting in the saving of human life.
  - a. The Life Saving Medal is red, white and blue starburst on a gold background suspended from a red chest ribbon. The Life Saving Medal is accompanied by a red and white pin, which may be worn on the duty uniform. The recipient will receive a pin and framed nomination.
  - b. Any member of the Olympia Police Department may submit nominations for this award. The Olympia Police Department Awards Committee will review nominations and determine if the Life Saving Medal will be awarded.
6. The Distinguished Service Award may be awarded to members of the Department who exhibit unusual and consistent thoroughness, conscientiousness, determination and initiative in the performance of their duty over a period of time; or who, by their action, brings honor and distinction to the Olympia Police Department.
  - a. The Distinguished Service Award is accompanied by a multi-colored pin (blue-white-red-white-blue), which may be worn on the duty uniform. The recipient will receive a pin and framed nomination.
  - b. Nominations for this award are made by Olympia Police Department supervisors. The Olympia Police Department Awards Committee will review nominations and determine if the Distinguished Service Award will be presented.
7. The Officer of the Year Award is presented annually to a commissioned officer.
  - a. Nominations for Officer of the Year are based on how the officer has:
    - i. Helped the Department earn the trust of residents and visitors in our community.
    - ii. Demonstrated a team approach to proactive policing, corrections, community education and support services.
    - iii. Operated under a “one team” concept.
    - iv. Problem-solved at the lowest level possible.
    - v. Supported/facilitated open communication between members of the Department and the public.
    - vi. Represented the Department as being compassionate, respectful, highly-trained and innovative.
  - b. The Officer of the Year Award is accompanied by a pin with a gold star on a gray-black-gray background, which may be worn on the duty uniform. The recipient will receive a pin and framed nomination.
  - c. Any member of the Department may nominate someone for “Officer of the Year.”
  - d. At least one nomination per work team will be received and forwarded to the Chief for final decision making. The Chief may opt to solicit input from supervisors and/or management team. If more than one nomination is made on either or both teams, a majority vote will determine which nominee moves forward to the Chief.

8. The Employee of the Year Award Is presented annually to Corrections or Administrative personnel through a nomination and voting process.
  - a. Nominations for “Employee of the Year” are determined by how the employee has:
    - vii. Helped the Department earn the trust of residents and visitors in our community.
    - viii. Demonstrated a team approach to proactive policing, corrections, community education and support services.
    - ix. Operated under a “one team” concept.
    - x. Problem-solved at the lowest level possible.
    - xi. Supported/facilitated open communication between members of the Department and the public.
    - xii. Represented the Department as being compassionate, respectful, highly-trained and innovative.
  - b. The “Employee of the Year” will receive a plaque and framed nomination.
  - c. Any member of the Department may nominate someone for “Employee of the Year.” Nominations will be posted for review of Department members; followed by a voting process.
9. The “Code Ten” Inspirational Partner Award is awarded annually to a commissioned officer through a nomination and voting process of fully commissioned officers of the Olympia Police Department. The award is based on who officers would choose to be by their side during a critical circumstances or tough call.
  - a. The recipient receives a framed nomination.
  - b. Recipients of this award are determined by a nomination and majority vote of the fully commissioned staff.
10. The Corrections Officer “Code Ten” Inspirational Partner Award is awarded annually as determined by a majority vote of the limited-commissioned members of the Olympia Police Department and is not subject to an awards board. The award is based on who Corrections Officers would most like to have by their side in a critical circumstance or tough call.
  - a. The Corrections Officer “Code Ten” Inspirational Partner Award winner will receive a framed nomination.
  - b. The recipient is determined by a nomination and majority vote of limited-commissioned Officers.
11. The Commendation Award may be presented to any member of the Olympia Police Department or group of employees for outstanding work. Examples include; a significant case, assignment and/or project, or other activity related to the Olympia Police department.
  - a. Recipients of the Commendation Award will receive a framed copy of the nomination.
  - b. Any member of the Department may nominate someone for the Commendation Award. The Olympia Police Department Awards Committee will review nominations and determine whether an award is presented.
12. The Community Partner Award may be presented to a member of the community for outstanding service and assistance to the Olympia Police Department.

- a. Recipients of the Community Partner Award will receive a framed copy of the nomination.
  - b. Any member of the Department may nominate someone for the Community Partner Award. The Olympia Police Department Awards Committee will review nominations and determine whether an award is presented.
13. The Chief's Commendation may be presented to employees to recognize exemplary work by employees. The award and a token of appreciation are determined by the Chief of Police.
- a. All supervisors are encouraged to submit a nomination to the Chief each year.
  - b. Supervisors may submit nominations for any employee and are not restricted to nominating only those employees under their supervision.
  - c. The recipient is chosen by the Chief.
14. The "Volunteer of the Year" Award may be presented to an Olympia Police Department volunteer who has provided exceptional service for the Olympia Police Department and community.
- a. The "Volunteer of the Year" is selected by the Olympia Police Department Volunteer Coordinator and the Chief of Police.
15. Division Awards may be presented during the year for exceptional work and/or special recognition of members within a particular work group or Division. The selection process for Division Awards is determined by the Division Manager.
- B. The Olympia Police Department Awards Committee
1. The Olympia Police Department Awards Committee administers the recognition program.
  2. Members are appointed by the Chief of Police.
  3. The Committee consists of two officers assigned to the patrol Division, one Detective, one Sergeant, one Corrections Officer, One Civilian Employee and one member at large.
  4. Meetings
    - a. The Awards Committee meets three times a year at dates, times and places determined by the members.
    - b. Special meetings may be called by the Chair, with consent of the division managers.
    - c. Meetings are agenda-driven.
    - d. Meetings are run by the Chair (or designee).
    - e. Official notes are kept of all meetings.
  5. Recognition process
    - a. Nominations for annual and special awards are received throughout the year using a "clearinghouse" system. Supervisors encourage employees to recognize fellow employees and eligible citizens for exceptional performance and service.
    - b. Nominations are submitted to the Olympia Police Department Awards Committee.
    - c. Nominations may be received from employees or from the public, with limitations noted in the award criteria above.

- d. Nominations must be in writing, in electronic or hard format.
- F. Presentation of awards
1. Annual and special awards are presented at the Department's annual meeting.
  2. Division awards are presented at an appropriate time at meetings of the involved work groups.
- H. New employee recognition
1. New employee welcome - Department employees and their guests are invited to attend welcoming ceremonies. The Chief's office announces the date and time of such ceremonies at least three days in advance to permit those wishing to attend to do so.
  2. Academy graduations - The Chief of Police (or, in his/her absence a member of the Command Staff) attends the Academy graduation ceremonies for each new graduate.
- I. Retiree recognition
- Any Department employee who takes regular service retirement, or who retires as result of injury received in the performance of duty receives a token of appreciation, a retirement badge (commissioned officers and detention officers only), and a retiree commission card, if applicable.
1. Retiree recognition takes place at an appropriate ceremony.
  2. The ceremony is announced by the Chief's office at least three days prior to permit those who wish to attend to do so.

### III. Discipline

Discipline is generally taken in a progressive fashion. The severity of an incident; circumstances surrounding an incident; employee discipline history; employee work performance history; overall negative impact an incident has on the organization; and prognosis for future success are all taken into consideration in the administration of discipline. Disciplinary measures are taken only with just cause, and are consistent with the provisions of current labor agreements. The standard progression of disciplinary action is as follows:

- A. Oral warning
1. Oral warnings may be issued to employees for isolated minor breaches of conduct.
  2. First-level supervisors (and above) are empowered to issue oral warnings.
  3. Oral warnings are issued to the employee privately, and include clarification of the supervisor's behavioral expectations.
  4. An oral warning may be recorded in the officer comment file as a personal record of the event, but it is not recorded in an employee's personnel file. Oral warnings are tracked in the professional standards database.
- B. Written warning
1. Written warnings may be issued to employees for more serious breaches of conduct or for repeated occurrences of minor problems where oral warnings have failed to correct behavior or improve performance.
  2. Written warnings clearly state the problem(s), the expected behavior/performance and the action(s) expected of the employee to correct the problem(s). A written warning documents any oral warnings which may have been given previously for related behavior/performance.

3. First-level supervisors (and above) are empowered to issue written warnings.
4. The employee and supervisor have a conference where the employee is presented with a copy of the written warning, and where the contents of the warning are discussed in detail. Employees may have a union representative present during this conference, as provided in the current labor agreement.
5. At the end of the conference, the employee and supervisor both sign the written warning. The employee's signature acknowledges only that he/she received the document and verifies that the contents were discussed in the conference.
6. The original copy of a written warning, signed by the employee and the supervisor is placed in the employee's personnel file. Written warnings are tracked in the professional standards database.

C. Suspension Without Pay

1. Suspensions without pay may be issued for serious misconduct or when lesser disciplinary actions have been ineffective in correcting behavior or performance.
2. Prior to suspension without pay, an employee is given an opportunity to hear the facts presented in support of the proposed suspension and to present information or mitigating circumstances which may affect the decision. A hearing which includes the employee, the supervisor making the recommendation, the division commander and the Chief of Police is held for this purpose. Employees may request a representative of their choice to be present at the hearing.
3. Suspended employees are notified in writing of the suspension. The written notification states the reasons for the suspension, the term of the suspension (including the start date/time and return date/time), and clearly explains the consequences of failure to improve. The written notification is transmitted to the employee at a conference during which the problem and required corrective action are thoroughly discussed.
4. Suspension without pay requires prior approval of the Chief of Police, subject to the hearing which may affect the decision to suspend. The City Manager and the Human Resources Director are notified as soon as possible regarding any suspension without pay.
5. A copy of the written notice of suspension without pay is forwarded to the employee's personnel file and to the Human Resources Department. Suspensions without pay are tracked in the professional standards database.
6. Alternative options to suspensions without pay, such as forfeiture of annual leave time, may be exercised at the discretion of the Chief.

D. Pay step reduction (when permitted by labor contract) or demotion

1. Reduction of a pay step or a demotion in rank may be issued for serious performance problems or when the performance review process and/or lesser disciplinary actions have been ineffective in correcting the presenting problem(s).
2. Prior to a step reduction/demotion, an employee is given an opportunity to hear the facts and present information or mitigating circumstances which may affect the decision. A hearing, which includes the employee, the supervisor making the recommendation, the division commander and the Chief of Police, is held for this purpose. Employees may request a representative of their choice to be present at the hearing.
3. The employee being reduced a pay step or being demoted in rank is so notified in writing. The written notification states the reasons for the decision to reduce/demote and clearly explains the consequences of failure to improve behavior and/or performance. The written notification is transmitted to the employee at a conference during which the problem and required corrective action(s) are thoroughly discussed.



4. Reducing a step or demotion in rank requires prior approval of the Chief of Police subject to the hearing which may affect the decision. The City Manager and the Human Resources Director are notified as soon as possible regarding any disciplinary pay step or rank changes.

5. A copy of the written notice of a disciplinary pay step change or demotion is forwarded to the employee's personnel file and to the Human Resources Department. Pay step reductions and demotions are tracked in the professional standards database.

E. Discharge

1. Discharge may result from instances involving serious insubordination, illegal or destructive acts, conviction for a domestic violence offense, inability to meet performance standards or other substantial reasons deemed appropriate by the Chief of Police. An employee may also be discharged after repeated offenses of a less serious nature, if the offenses have been documented by the supervisor and appropriate behavioral changes have not resulted from the previous application of corrective/instructional measures.

2. Prior to discharge, the employee is given an opportunity to hear the facts presented in support of the proposed discharge and to present any information or mitigating circumstances which may affect the decision. A hearing, which includes the employee, the supervisor making the recommendation to dismiss, the division commander/manager and the Chief of Police, is held for this purpose. Employees may request a representative of their choice to be present at the hearing.

3. The employee is notified in writing of the cause for discharge, the effective date of discharge and his/her appeal rights.

4. Discharge requires the prior approval of the Chief of Police and the City Manager, subject to the hearing which may affect the decision to discharge. The Human Resources Director and Civil Service Coordinator shall be notified as soon as possible when an employee is discharged.

5. A copy of the written notice of the discharge is forwarded to the employee's personnel file and to the Human Resources Department. Employee discharges are tracked in the professional standards database.

IV. Performance related tools

A. Counseling

1. Supervisors are encouraged to counsel employees whenever necessary to provide instruction or to assist employees in improving behavior or performance.

2. A counseling session may be recorded in the officer comment file as a personal record of the event for the purpose of monitoring improvement, but it is not recorded in an employee's personnel file or tracked in the professional standards database.

B. Performance improvement plans

1. A performance improvement plan clearly states the behavior and/or performance improvement goals targeted for the employee; identifies any special support that will be provided by the supervisor; and provides an explanation of the possible consequences of the employee's failure to successfully accomplish the goals outlined in the plan.

2. Prior to the start of a plan, the specifics of the plan are discussed in detail by the employee and the supervisor during a conference.

3. During the period a performance improvement plan is in place, the performance of the employee is monitored closely by the supervisor.

4. Performance Improvement Plans are maintained in the employee's personnel file.

C. Investigative suspension

1. Investigative suspension may be used when it is advisable and prudent for an employee to be removed from the work environment pending investigation of an incident or allegation. Investigative suspensions are suspensions with pay.
2. The issuing supervisor shall notify the employee in writing that the employee is on investigative suspension. The written notification shall clearly state the reason for the suspension and the nature of the investigation.
3. Under normal circumstances, prior approval from the division manager and the Chief of Police is required before an employee is placed on investigative suspension. However, investigative suspensions may be initiated without prior command level approval by a direct supervisor, if he/she believes it is necessary to immediately remove the employee from the work environment. In such circumstances, the division commander and Chief of Police shall be notified as soon as possible of the investigative suspension [refer to General Order 52.1.9].
4. Copies of the notice of investigative suspension are forwarded to the employee's personnel file and the Human Resources Department. Investigative suspensions are tracked in the professional standards database.

V. Volunteers

- A. The discipline process does not apply to volunteers.
- B. Volunteer positions in the Department inherently have no property rights.
- C. Although it is generally the practice of the Department to provide volunteers with opportunities to correct minor misconduct or poor performance, volunteers serve strictly at the pleasure of the Chief of Police and may be dismissed from service by the Chief of Police or his/her designee at any time, with or without notice or cause.

VI. Written response

Employees may write a response to any disciplinary action above the level of an oral warning. Such responses are added to personnel files, unedited, and become a part of the official record of disciplinary action.

**26.1.6 Supervisor role and authority**

- I. In the employee recognition and discipline system, the role of the direct supervisor is as follows:
  - A. To take a genuine interest in the success of assigned employees;
  - B. To accurately observe the performance, conduct and appearance of employees without interfering in employees' work;
  - C. To detect those circumstances when recognitions (informal or formal), disciplinary actions or performance improvement measures are warranted;
  - D. To issue sincere informal recognitions when earned by employees;
  - E. To counsel and instruct assigned employees, as necessary, to encourage career success, and to attempt to avert circumstances that could require disciplinary measures;
  - F. To thoroughly and fairly investigate allegations of employee misconduct, as assigned; [see 52.1]
  - G. To recommend the most effective methods of discipline and/or performance improvement, taking into consideration the behavior history and personality traits of assigned employees;

H. To fairly and impartially implement disciplinary actions, as required.

II. Other supervisors or command officers who personally observe employee misconduct have the authority and responsibility to take corrective action.

#### **26.1.7 Appeal procedure**

I. Disciplinary decisions may be subject to appeal using the grievance procedures contained in the current labor contracts.

II. Other avenues of appeal may be available through the Olympia Civil Service Commission and/or City Policy. Time lines and procedures for civil service appeals are outlined in the Commission's rules, regulations and procedures.

#### **26.1.8 Discharge**

I. If an investigation into employee misconduct results in discharge, the employee shall, on dismissal from service, receive written notice which includes the following information:

- A. The reason for discharge (charges and specifications);
- B. The effective date of discharge;
- C. The status of fringe and retirement benefits after discharge;

II. This section does not apply to probationary employees or volunteers.

#### **26.1.9 Records retention**

I. Personnel files are maintained in accordance with Washington State retention guidelines and labor agreements.

II. An employee's personnel file is the property of the Department and the City.

III. Personnel files are confidential, but are subject to legal process.

IV. Employees may review any item placed in their personnel files.

V. Awards, compliments, disciplinary measures at the oral warning level and above, discipline-related contracts and investigative suspensions are tracked in the Department's professional conduct database to assist in assuring consistent response to employee recognition and discipline issues.

#### **26.1.10 Employee consideration**

The Department strictly follows current case law with regard to disciplinary matters to assure that employees are afforded all due protections. Whenever possible, the Department considers the needs of employees in scheduling conferences and interviews required by the employee discipline system. To that end, the following guidelines are used:

I. Required conferences and interviews are scheduled during effected employees' normal "awake time," whenever possible.

II. In keeping with current case law (Weingarten rule), employees are advised when required conferences, interviews or hearings allow them to be accompanied by a representative of their choice, and such conferences, interviews or hearings are scheduled, to the degree practical, at a time that permits the attendance of both the employee and his/her selected representative. A practical delay, for purposes of this accommodation, is normally considered to be one of no more than 24 hours, unless extended by the involved supervisor and approved by the Chief of Police or his/her designee.

Consideration is given to the time of day, day of the week and severity of the incident in determining if the scheduling of investigative meetings can be extended beyond the normal, 24-hour practical delay period. Extended time is allowed for severe incidents.

III. Disciplinary matters are discussed in private, whenever practical. Private discussion, in this context, is a practical choice when immediate correction or instruction in the field is considered by the involved supervisor not to be critical either for employee safety or educational impact.

IV. Employees are not intentionally exposed to public ridicule or embarrassment.

V. Every effort is made to provide sufficient internal communication to minimize rumor and innuendo, without violating the essentially private nature of disciplinary matters.

VI. When an employee is ordered to respond to questions related to disciplinary matters, he/she is advised in accordance with current case law (Garrity advisement).

VII. All disciplinary matters involving potential property loss involve due process as prescribed in current case law (Loudermill hearings).

**General Order 26.2**  
**FAIR & IMPARTIAL POLICING**

Last Revised: 03-01-2017

SUBJECT: FAIR & IMPARTIAL POLICING

This order consists of the following numbered sections:

- 26.2.1 Purpose
- 26.2.2 Policy
- 26.2.3 Definitions
- 26.2.4 Fair & Impartial Treatment
- 26.2.5 Required Training
- 26.2.6 Accountability

**26.2.1 Purpose**

The purpose of this policy is to emphasize this department's commitment to unbiased, equitable treatment of all persons in enforcing the law and providing police services.

**26.2.2 Policy**

Maintenance of public trust and confidence in the police is critical to effective policing and is achieved largely through fair and equitable treatment of the public. This is a basic requirement of law enforcement and the right of all persons in our society. All persons having contact with members of this department will be treated in a nonpartisan, fair, equitable, and objective manner, in accordance with law, and without consideration of their race, color, national origin, or other individual characteristics or distinctions as defined in this policy.

**26.2.3 Definitions**

I. **Biased Policing:** Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of members that interferes with their professional judgment, or training, departmental policy, or adherence to law. Bias-based policing—also referred to in some instances as “profiling”—includes but is not limited to prejudicial decisions affecting individuals in classes protected by federal and state law. It also includes, for example, persons with whom members have such “personal involvement” that they cannot act impartially, as defined herein.

II. **Equal Treatment:** In the present context, equal treatment means that persons, irrespective of race or other distinction, will be treated in the same basic manner under the same or similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically in all cases. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or mental disabilities, injury, illness, infirmity, or similar conditions, or when information about them necessitates different treatment.

III. **Police Service Functions:** Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include but are not limited to such tasks as assistance at fire scenes, traffic accidents, and medical emergencies, lifesaving services, crime prevention, preventive patrol, traffic control, public information, education, assistance, and similar activities.

**26.2.4 Fair and Impartial Treatment**

I. **Fair and Equal Treatment**

- A. Bias-based policing is prohibited both in enforcement of the law and the delivery of police services.

- B. Members may not use race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age, or cultural group as the sole criteria for determining when or how to take enforcement action or provide police services.
- C. Members must articulate specific facts and inferences drawn from those facts that establish reasonable suspicion or probable cause to take any enforcement action.
- D. Members will take equivalent enforcement actions and provide equivalent services to all persons in the same or similar circumstances.
- E. Members who cannot make objective judgments that are uninfluenced by prejudicial views or attitudes, intolerance to or preference for certain individuals that are unrelated to the situation at hand will, as soon as reasonably possible, request that another officer assume responsibility for the matter.
- F. Unless exigent circumstances exist, members will not engage in a law enforcement matter when it involves a family member, friend, or relative such that the officer's objectivity may be, or may appear to be, compromised.
- G. Members who are personally involved in enforcement actions will summon other members for assistance or intervention where reasonably possible unless the officer is the victim of a crime.
- H. Nothing in this policy prohibits members from using the traits and characteristics of persons, such as race, ethnicity, or national origin in combination with other facts to assist in establishing reasonable suspicion or probable cause in the same manner that members would use hair color, height, weight, or gender for such purposes.

#### **26.2.5 Required Training**

All members will receive basic and in-service training and, where deemed necessary, remedial training as defined by the training sergeant and supervisors on subjects related to police ethics, cultural diversity, implicit/explicit bias, police-citizen interaction, standards of conduct, conducting motor vehicle stops, and related topics suitable for preventing incidents of biased policing.

#### **26.2.6 Accountability**

- I. Members who witness or who are aware of instances of bias-based policing will report the incident to their supervisor as soon as practical.
- II. The department takes allegations of bias-based policing seriously. All such complaints will be forwarded to the department's Professional Standards office for investigation. (see General Order 52.1)
- III. The Professional Standards office will maintain data relating specifically to complaints of biased policing. Information will be provided to the Chief annually in a manner most suitable for administrative review, problem identification, and development of appropriate corrective actions.