



TOWN OF SENECA FALLS POLICE DEPARTMENT

GENERAL ORDER



GENERAL ORDER #: 301	RESCINDS: 07/01/13,08/24/17
SUBJECT: DISCIPLINARY SYSTEM	NYS ACCREDITATION: 14.4
EFFECTIVE DATE: 06/25/2020	
BY ORDER OF: Stuart W. Peenstra, Chief of Police	

I. BACKGROUND

Discipline within an organization requires compliance to a code of ethics and standards of performance supported by a system of authoritative guidelines such as rules, regulations, general orders and other policies and procedures. Discipline is a necessary element in the maintenance and growth of any person or organization. As such, this order defines the authority and responsibility delegated to departmental supervisors for the maintenance of discipline.

II. PURPOSE

To define the authority and responsibility delegated to Departmental supervisors for the maintenance of discipline.

1. Sergeants will handle Patrol Officers,
2. Lieutenant will handle, non-sworn employees, Sergeants and Patrol Officers when warranted.
[Revised:08/24/2017]

III. POLICY [Revised: 06/25/2020]

It is the policy of the Town of Seneca Falls Police Department that discipline procedures shall be positive in nature, constructive in use and application, and impartial, consistent and without prejudice in administration. The discipline system of the Town of Seneca Falls Police Department is comprehensive and includes provisions for commendations, non-punitive actions such as training, counseling and punitive alternatives.

IV. DEFINITIONS: [Revised: 06/25/2020]

- A. DISCIPLINE** - A characteristic which embodies willingness to conform and a feeling of self-restraint, coupled with dedication and perseverance or correctional or disciplinary action.
- B. NON-PUNITIVE** - All efforts short of punishment made by a supervisor to correct weaknesses in a subordinate. It is essentially a training method, is usually applied first, and is more constructive and desirable than punitive action.
- C. PUNITIVE** - Action that may involve oral or written reprimands, loss of pay or leave, suspension, demotion, or dismissal. Punitive discipline is seldom constructive, but when necessary, it has salutary effect on all members of the department and sometimes, but not always, on the person against whom it is directed.

- D. **COMMAND DISCIPLINE** - The resolution of disciplinary issues through the mutual consent of the accused member and the Chief of Police.
- E. **FORMAL DISCIPLINE** - The pursuit of disciplinary action through the process mandated by Section 75 of the New York State Civil Service Law and the Collective Bargaining Agreement.

IV. PROCEDURES

A. RESPONSIBILITIES OF SUPERVISORY OFFICERS [Revised: 06/25/2020]

1. Supervisory officers are responsible to ensure that department members perform their duties in accordance with the policies, procedures, and rules and regulations of the department and all applicable laws. Supervisors are required to initiate discipline in response to the acts of commission or omission of personnel who:
 - a. Are assigned to their command.
 - b. Are under their supervision.
 - c. Come to their attention.
2. With regard to the discipline process, an immediate supervisor has the responsibility to:
 - a. Discover the strengths, efficiencies, weaknesses, deficiencies, failures or overt acts of a subordinate that indicate the need for recognition or corrective action.
 - b. Analyze all the factors involved in order to decide the most suitable action.
 - c. Initiate, and in most instances, execute non-punitive discipline.
 - d. Recommend, through the chain of command to the Chief of Police, punitive actions in those cases in which such action is indicated.
 - e. Maintain notes in the LEFTA System for each subordinate in his/her command.
3. Supervisory members holding the rank of Police Sergeant or above are authorized to initiate a function of discipline for members of their commands to include non-punitive measures such as:
 - a. **Training** – In cases involving minor violations of Rules and Regulations, General Orders, or Standard Operating Procedures, supervisors shall utilize training as a non-punitive corrective method. Training activities shall be documented, and recorded in Aladtec.
 - b. **Counseling** – If appropriate, the supervisor shall counsel the member with regard to the unacceptable behavior. During counseling the supervisor shall:

- i. Identify and define the behavior to be modified.
 - ii. Review any applicable rules, regulations, general orders, standard operating procedures or laws.
 - iii. Clearly explain the behavior expected of the member.
 - iv. Explain the potential consequences of continuing the unacceptable behavior.
 - v. Utilize the Town's Employee Assistance Program (EAP) when applicable.
 - vi. Document the counseling effort and record the counseling in the member's personnel file. Files shall be kept as follows:
 - a. A master personnel file with all original documents will be secured in the Office of the Chief.
4. In cases involving serious or repetitive violations of rules and regulations, general orders, standard operating procedures, violations of law or in those instances in which non-punitive measures have been tried and failed, supervisory officers shall request formal discipline to correct a member's behavior. Supervisors initiating a request for formal discipline shall:
- a. Prepare a written report describing the violations.
 - b. Collect and record facts or potential evidence pertaining to the alleged misconduct.
 - c. Demonstrate, where applicable, that non-punitive corrective action has been attempted and has failed.
 - d. The supervisory officer shall forward the request for formal discipline through the chain of command to the Chief of Police.
 - e. Each level of command shall review the request and forward it to the next level with a notation via attached memorandum that the request and recommendation are:
 - i. Endorsed.
 - ii. Not Endorsed- If the action is not endorsed, commentary shall be provided to explain the reasons for such decision, and recommended action.
 - f. The Chief of Police upon review may cause an internal investigation into the matter before rendering a finding and decision to initiate formal discipline.
 - g. The Chief of Police prior to the imposition of any formal disciplinary action shall consult with the Town Labor Relations Attorney on the matter.
 - h. The Chief of Police may authorize the following punitive disciplinary actions as per Civil Service Law § 75 (3) :
 - i. Written reprimand.
 - ii. Fine not to exceed \$100.00

- iii. Suspension without pay not exceeding two months.
- iv. Demotion in grade or title.
- v. Dismissal.
- i. The supervisor who initiated the process, unless otherwise directed, shall execute written reprimands.
- j. The Chief of Police, or at his direction, the Lieutenant, shall execute suspensions, demotions and dismissals.
- k. When a member is dismissed the Chief of Police or Lieutenant shall provide to the member in writing:
 - i. The reason for the dismissal.
 - ii. The effective date of the dismissal.
 - iii. A statement of the status of fringe and retirement benefits after dismissal.

5. **Relief from Duty**

- a. Supervisory officers holding the rank of Police Sergeant or above may relieve from duty any officer who the supervisor has reason to believe may not be mentally, physically or medically fit for duty. If circumstances permit, the supervisor shall notify and consult with the Lieutenant or the Chief prior to the removal. The supervisor shall follow up with a written report stating the details and forward same through the chain of command to the Chief of Police .
- b. In the event that the relief from duty involves possible mental unfitness, the supervisor will:
 - i. take possession of the employee's issued firearm(s) and any other Department-issued weapons; and
 - ii. immediately notify or cause to be notified the Chief of Police or in his/her absence the Lieutenant.
- c. In the event the relief from duty involves possible physical or mental unfitness, the employee may be subject to a Fitness for Duty Evaluation to determine the mental or physical fitness of the employee in which there are concerns about the employee's ability to meet demands on the job.
- d. Advise the Chief of Police of any alleged misconduct on the part of an officer. The Chief of Police or in his absence the Lieutenant shall be notified immediately of any allegations of criminal conduct by the officer.

B. NON-PUNITIVE DISCIPLINE - Supervisory officers shall, whenever practical, employ non-punitive discipline to reinforce or modify a member's behavior. Supervisory officers may employ the following non-punitive disciplinary actions:

1. **Commendations** – Supervisors may request that the police department officially recognize members who have performed outstanding or notable acts while in the course of their duties. Nominations shall be made in accordance with the provisions of General Order #255 “Awards and Commendations.”
2. **Recognition Letter** – In cases where a supervisor wishes to praise a member for job performance which does not rise to the level of a Commendation, Department Commendation, or other award but does deserve something more than verbal recognition. A Recognition Letter issued to an officer will also be added to the officer’s personnel file for permanent retention.
3. **Letter of Training** - In cases involving minor violations of Rules and Regulations, General Orders, or Standard Operating Procedures, supervisors shall utilize training as a corrective method of positive discipline. Training activities shall be documented, and recorded in the LEFTA System.
4. **Counseling** - In cases where the member has failed to respond to training or a prior documented incident in a Letter of Training, the supervisor shall counsel the member with regard to the unacceptable behavior. During counseling the supervisor shall:
 - a. Identify and define the behavior to be modified.
 - b. Review any applicable rules and regulations, general orders or standard operating procedures or laws.
 - c. Clearly explain the behavior expected of the member.
 - d. Explain the potential consequences of continuing the unacceptable behavior.
 - e. Document the counseling effort in a Letter of Counseling (LOC). Record the counseling as detailed above in the LEFTA System.
 - f. Letters of counseling shall remain in the officers work file for a rolling year from the date of issuance. Details regarding the letter of counseling shall be documented in the officer’s evaluation at the earliest possible point after issuance.

C. LETTER OF TRAINING USE AND DISTRIBUTION

1. It is the responsibility of all supervisors to provide ongoing instruction, training and counseling for their subordinates.
2. Supervisors shall continuously strive to improve the performance of their subordinates and shall encourage training and or counseling as a primary means of improving employee productivity and effectiveness through positive and constructive methods.

3. When observed performance does not rise to the level of punitive discipline, supervisors shall recognize performance in the form of written documentation. Observed performance categories include but are not limited to:
 - a. Driving Skills.
 - b. Radio use.
 - c. Field performance.
 - d. Officer Safety.
 - e. Prisoner control.
 - f. Control of conflict.
 - g. Field activity.
 - h. Vehicle/pedestrian stops.
 - i. Interview/Interrogation skills.
 - j. Communication skills.
 - k. Report Writing.
 - l. Arrest activity.
 - m. Accident investigation.
 - n. Knowledge of departmental policies and procedures.
 - o. Use of Force.
 - p. Criminal investigation.
 - q. Domestic dispute investigations.
 - r. Acceptance of criticism / feedback.
 - s. Relationship with citizens or department members.
 - t. Decision making / problem solving.
 - u. General appearance.
4. Observed performance as training and/or counseling shall be documented in the form of a Letter of Training and hand delivered if practical to the subordinate.
5. The Letter of Training shall include a detailed description of the observed performance and, if necessary, allow the subordinate an opportunity to respond to the documented performance.
6. Members shall review the documented performance, respond if requested, and return the report to the authoring supervisor.
7. If applicable, supervisors shall then document on the Letter of Training any supervisory action taken in reference to the observed performance and distribute the report as denoted below.

8. Completed observation reports shall be signed by both the supervisor and the member. Member signatures shall serve as an acknowledgement that the completed Letter of Training has been received.
9. Even though Letters of Training are considered a non-punitive disciplinary action that are utilized for documenting training and/or counseling, employee's do have the ability to appeal the document as written. A member who wishes to appeal a Letter of Training shall forward a written memorandum to the Lieutenant within 10 days of the Letter of Training issuance date. The Lieutenant shall review the appeal and report his findings to the member within 10 days of actual receipt. The Lieutenants findings are final. If the Lieutenant is the author of the Letter of Training, the appeal will be reviewed by the Chief of Police.
10. Completed Letters of Training shall be distributed as follows:
 - a. To the member.
 - b. The member's immediate supervisor.
 - c. The Lieutenant.
11. Letter of Training shall remain in the officers work file (LEFTA System) for a rolling year from the date of issuance. Details regarding the Letter of Training shall be documented in the officer's evaluation at the earliest possible point after issuance.

D. PUNITIVE DISCIPLINE

1. In cases involving serious violations of rules and regulations, general orders, standard operating procedures, violations of law or in those instances in which non-punitive methods have been tried and failed, supervisory officers shall request punitive measures to correct a member's behavior. Supervisors initiating a request for punitive action shall:
 - a. Prepare a "SERVICE/PERSONNEL COMPLAINT FORM" as described in General Order #310 "Internal Affairs."
 - b. Collect and record facts or potential evidence pertaining to the alleged misconduct.
 - c. Demonstrate, where applicable, that non-punitive corrective action has been attempted and has failed.
 - d. Recommend the punitive action to be taken.
2. The supervisory officer shall forward the request for punitive action through the chain of command to the Chief of Police.
3. Each level of command shall review the request and forward it to the next level with a notation via attached memorandum that the request and recommendation are:
 - a. Endorsed.
 - b. Not Endorsed. If the action is not endorsed, commentary shall be provided to explain the reasons for such decision, and recommend action.
4. The Chief of Police will be responsible for approving, modifying, or disapproving requests for punitive actions against members.

5. The Chief of Police may authorize the following punitive disciplinary actions:
 - a. Written Reprimand.
 - b. Loss of Leave.
 - c. Loss of Pay.
 - d. Suspension.
 - e. Demotion.
 - f. Dismissal.
 - g. Criminal Prosecution.
6. Written reprimands shall be executed by the supervisor who initiated the process unless otherwise directed.
7. Suspensions, demotions and dismissals shall be executed by the Chief of Police, or at his direction, a command officer.
8. When a member is dismissed the Chief of Police or command officer shall provide to the member in writing:
 - a. A statement citing the reason for the dismissal.
 - b. The effective date of the dismissal.
 - c. A statement of the status of fringe and retirement benefits after dismissal.

E. COMMAND DISCIPLINE

1. The Chief of Police may, at his discretion, offer the member the opportunity to accept command discipline in lieu of formal disciplinary charges. The accused member may elect to accept the finding and command discipline, or reject the finding and penalty and opt for formal disciplinary charges.
2. Command discipline penalties shall be limited to:
 - a. Written Reprimands.
 - b. Loss of Leave.
 - c. Loss of Pay.
 - d. Suspension.
 - e. Driver Training Program.

F. COMMAND DISCIPLINE REPORT

1. If the member elects to accept the finding and command discipline the Chief of Police shall prepare, or cause to be prepared, a "Command Discipline Report" to include:
 - a. Allegation of misconduct.
 - b. Penalty proposed and accepted.

- c. Members' signature acknowledging the finding and penalty.
 - d. The Chief of Police's or his designee's signature.
2. Command Discipline shall be commenced no more than ninety (90) days after the discovery of the alleged misconduct.
3. If applicable, the Chief of Police or Lieutenant will issue a Personnel Order indicating the discipline administered.
4. The member shall be provided with a copy of the "Command Discipline Report." The original shall be filed in the Internal Affairs files with a copy placed in the member's personnel file.

G. FORMAL DISCIPLINE

1. When a member declines to accept command discipline, or in those cases in which the Chief of Police does not offer the member the option of command discipline, the member will be subjected to formal disciplinary action.
2. Sworn officers who are formally charged shall have the option of having the case heard before:
 - a. A hearing officer appointed pursuant to Section 75 of the Civil Service Law.
 - b. An arbitrator mutually acceptable to the department and the officer.
3. Non-sworn members in permanent competitive classifications shall have their cases heard before a hearing officer appointed pursuant to Section 75 of the New York State Civil Service Law.
4. All formal disciplinary proceedings shall be conducted in accordance with the "Manual of Procedure in Disciplinary Actions," published by the New York State Department of Civil Service, Municipal Services Division, and applicable laws and bargaining agreements.
5. When a sworn officer elects to have the case heard before an arbitrator, the decision of the arbitrator shall be final and binding upon the department and the officer. All disciplinary arbitration shall be conducted in accordance with the provisions of the "Manual on Negotiated Disciplinary Procedures" published by the New York State Department of Civil Service.
6. When a case against a member is heard before a hearing officer appointed pursuant to Section 75 of the Civil Service Law, the member may appeal the decision of the hearing officer either:
 - a. Before the Civil Service Commission or Personnel Officer of Jurisdiction pursuant to the provisions of Section 76 of the New York State Civil Service Law; or;
 - b. In court pursuant to the provisions of Article 78 of the New York State Civil Service Law.

H. DISCIPLINARY RECORDS

1. A record of all sustained command discipline and formal disciplinary findings shall be placed in the members personnel file.
2. Pursuant to New York State Education Department guidelines, records of disciplinary actions may be purged from a members personnel file at the discretion of the Chief of Police three years after a final disposition has been reached.
3. A member's personnel file may be reviewed in accordance with the procedures listed under the established bargaining agreement.
4. Records of training/counseling shall be maintained in the respective supervisor or commanders work file (LEFTA System).

[Revised:06/25/2020]