

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 26.1

DISCIPLINARY PROCEDURES

AMENDED OCTOBER 2014

26.1.1 Distribution of Operations Manual

Each member of the Department will be furnished an electronic copy of the manual and is responsible for reading, understanding, and complying with its provisions. Additionally, printed versions will be distributed throughout the building, and will be available on the City's shared drive. Failure to adhere to any of these rules, regulations and orders can result in disciplinary action. The Department shall provide periodic training on the standards of the Code and on the disciplinary system.

26.1.2 Sexual Harassment Prohibition / Reporting

Complete details regarding sexual harassment and reporting standards are contained in [City Manager's Directive 131](#), and attached at the end of this chapter as Appendix A. [CMD 131](#) is an extremely important document, and should be thoroughly reviewed by all employees on a regular basis.

26.1.3 Documented Oral Counseling (DOC's)

The purpose of documenting the oral counseling of an employee is to provide an accurate description of the employee's behavior or work product in order to subsequently complete an employee performance evaluation. It is not discipline. The documentation will not become a part of the officer's permanent personnel file.

The documentation of oral counseling will be subject to the following guidelines:

- Documentation, if appropriate, will be made following any oral counseling session with an employee. It will be a written record of what was discussed during the counseling session.
- The documentation may be handwritten and will be directed to the employee involved, not directed to "Personnel File" or other inanimate objects.
- The documentation should limit itself to identifying the nature of the problem experienced by the employee and cite examples of its occurrence. Dates, times, case numbers and other references may be included (examples, if applicable, can be attached).
- The documentation will summarize the employee's understanding of the problem and any discussion of corrective action recommended or required by the supervisor.

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- The provisions of [Section 3305 and 3306 of the Government Code](#) shall be complied with in processing this documentation.

The documented oral counseling shall pass through the Divisional chain of command and be retained in the employee's current rating period folder in the Services Division, pending its possible use in the formulation of the yearly performance evaluation. It should be maintained there for no longer than one year, or the next evaluation due date when that is less than one year away.

26.1.4 Disciplinary System

The Santa Clara Police Department disciplinary system identifies measures to be applied toward employee conduct in the interests of good discipline. The system is designed to be fair and equitable and to stimulate employee morale and motivation. The disciplinary system shall include:

- The Police Department Service Award Program ([General Order 26.2](#))
- The Code of Conduct and Appearance ([General Order 26.3](#))

The disciplinary system shall include procedures and criteria for:

- Rewarding employees for exemplary behavior
- Using counseling as a function for discipline
- Using training as a function for discipline.
- The Department may mandate remedial training for employees found to be deficient in some necessary skills.
- Taking punitive actions as a function of discipline to include:
 - Reassignments
 - Written reprimands
 - Reduction of pay
 - Suspension
 - Demotion
 - Dismissal

26.1.5 Administration of Discipline - Explanations

Written Reprimand -- A Written Reprimand (Letter of Reprimand) is the formal documentation of an employee's violation of a Departmental policy, procedure, rule, or regulation. The misconduct is more serious or is part of a continuing pattern of behavior involving repeated minor misconduct or mistakes. A Written Reprimand will contain the allegations of misconduct and a statement outlining the hearing process. A Written Reprimand will normally be written at the Divisional level, on the Department "Notice of Proposed Letter of Reprimand" form.

A Written Reprimand is adverse to an employee's interest and notice that it will be placed in an officer's permanent personnel file will be given. The officer must make a timely request for an informal hearing on the merits of the Reprimand that will be heard at the Captain level. If approved, the Reprimand will be placed in the officer's personnel file.

Suspension or Demotion -- If the employee misconduct is very serious or is part of a continuing pattern of behavior involving repeated misconduct, employees may be recommended by the Division Commander for suspension in accordance with the employee's respective bargaining agreement or the [City of Santa Clara Civil Service Rules and Regulations](#).

Recommendations for suspension or demotion will be made by Division Commanders to the Chief of Police in writing and will include charges and specifications for the particular offense and a statement outlining the appeals process. Suspensions or demotions will become a part of an employee's permanent personnel file.

Dismissal -- If the employee misconduct is so serious that continued employment is no longer appropriate or is part of a continuing pattern of behavior involving repeated serious or very serious misconduct, employees may be recommended for dismissal. The Chief of Police will make recommendations for dismissal in writing to the City Manager for approval/disapproval. All such actions will follow current state law, [Civil Service Rules and Regulations](#), labor agreements, and [Peace Officer Bill of Rights](#) provisions if applicable.

Discipline will generally be administered in a progressive fashion. The following factors will be taken into consideration in the administration of discipline:

- seriousness of the incident
- circumstances surrounding the incident
- employee's past disciplinary record
- employee's past work performance
- overall negative impact on the organization that the incident has caused

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- prognosis for future similar problems

26.1.6 Supervisory Role

First-line supervisors direct personnel toward the goals and objectives of the Department and are accountable for detecting the instances of positive and negative behavior of the employees under their immediate or indirect supervision. First-line supervisors participate in the disciplinary system by:

- Recognizing and documenting instances of exemplary or unacceptable behavior
- Identifying training needs as a function of the disciplinary process
- Implementing commendatory or disciplinary actions
- Investigating allegations of employee misconduct when within the scope of their authority and responsibility, and in conjunction with the Professional Standards Unit as outlined in [General Order 52.1](#).
- Counseling employees to improve job performance
- Recommending the most effective disciplinary methods to the Command Staff
- Command Level Officers are responsible for reviewing the recommendations of the first-line supervisors, and reporting the conclusions of investigations to the Chief of Police.

The Chief of Police is responsible for reviewing recommendations for disciplinary actions, sustaining or reducing the actions, and imposing the forms of discipline in accordance with the standards in the Code of Conduct.

26.1.7 Supervisory Authority

Supervisors who identify instances of positive or negative behavior shall have the authority to exercise commendatory and disciplinary actions to include:

- Recommendation to the Division Commander for a Letter of Commendation or other appropriate reward or recognition following instances of exemplary behavior or action.
- Nomination for an award under the Police Service Awards Program following instances of exemplary behavior or action.
- Preparation of Documented Oral Counseling memos or recommendations of written reprimand and/or referral of the incident to the Professional Standards Unit for further investigation for serious violations of policies and procedures in accordance with [General Order 52.1](#).

- Emergency relief from duty and referral to the Professional Standards Unit in accordance with the provisions of [General Order 52.1](#), when the negative behavior is so serious that continued immediate service is detrimental to the best interests of the Department. The supervisor shall immediately inform the appropriate Division Commander, who shall in turn notify the Chief of Police, when an emergency relief from duty is imposed.

The Police Chief shall promptly report in writing to the City Manager the facts and his/her recommendations. The City Manager shall then determine if the subordinate would be suspended or discharged; any such action shall be pursuant to the [City Charter](#) and subject to the [Civil Service Rules and Regulations](#), and subject to the normal disciplinary process.

26.1.8 Restrictions during Suspension

When a sworn police officer is suspended, the officer may be required to turn in all Departmental weapons, badges, and police identification cards. Officers under suspension may be ordered not to represent themselves as nor exercise the power of police officers. The Chief of Police or his designee will determine these restrictions.

26.1.9 Dismissal Notice

If an investigation of employee misconduct results in the dismissal of an employee, the Department shall provide the employee with information to include at a minimum:

- The reason for dismissal
- The effective date of dismissal
- The status of employee benefits and retirement after dismissal

This section shall not necessarily apply to probationary employees.

26.1.10 Disciplinary Action Records

Records of disciplinary actions shall be kept in accordance with the procedures for Professional Standards records management as outlined in [General Order 52.1](#).

Records of reassignments for disciplinary purposes, written reprimands, demotions, reductions of pay, suspensions and terminations will be kept permanently in the personnel file maintained by the City of Santa Clara Human Resources Department.

All of the disciplinary procedures discussed in this manual will be completed in accordance with current state law, the [Public Safety Officers Procedural Bill of Rights Act](#) (California Government Code Sections 3300-3312), and any other applicable laws or current Memorandum of Understanding.

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26.1.11 Appeals Process

All appeals to disciplinary actions shall be handled in accordance [The City of Santa Clara Civil Service Rules and Regulations](#), the [Peace Officer's Bill of Rights](#), [City Manager's Directive 47](#) on grievances, and applicable Memorandums of Understanding.