

SANTA CRUZ POLICE DEPARTMENT

General Orders Cover Sheet

Topic: DISCIPLINE

1. Performance Responsibility:
Supervisory: All Supervisors
General: All Personnel
 2. Use Requirement: At all times
 3. Outside Impact: City Manager
Personnel
City Attorney
 4. Training Requirements: Review of G.O.
30 min.
by supervisors
 5. Internal Review: Annual
 6. Any Special Distribution Requirements: None
 7. How Indexed: Discipline
 8. Effective Date: 4-15-83
- Revised: 12-12-85

DISCIPLINE

PURPOSE:

The Department has a responsibility to its members and the community to seek out and discipline those whose conduct discredits the Department or impairs its effective operation. Discipline has as its immediate purpose the channeling of individual effort into effective and productive action. It may involve encouragement, inspiration, training, or the imposition of negative sanctions. Negative sanctions administered internally may range from a warning, where the immediate effect is on the individual, to termination, where the positive result is the reassurance to other employees of the unacceptable limits of misconduct. Policies, procedures, rules, regulations, and written or oral directives are promulgated as guidelines to acceptable and desired objectives. When violations of such directives occur, members of the Department will be subject to disciplinary action.

POLICY:

A well-disciplined Police Department is a Department whose members voluntarily conform to all Department policies, procedures, and rules. It follows that the best disciplined Department is least in need of corrective action. Nevertheless, a violation of the Department's policies, procedures and rules, or of the law, requires disciplinary action.

Discipline may be instruction or counseling which modifies the behavior of an individual, or may be punishment. However, the use of punishment as a disciplinary technique will be resorted to only when other forms of discipline have failed or the gravity of the violation dictates its use for the good of the Department.

8. DISCIPLINE

A. General Conduct Subject to Disciplinary Action

1. Any member or employee of the Santa Cruz Police Department whose personal actions reflect against the reputation of the Police Department or the City of Santa Cruz, or who commits an offense punishable under the laws or statutes of the United States, the State, or local ordinances, or violates any provision of the rules and regulations of the City of Santa Cruz or of this Department, or disobeys any lawful order, or is incompetent to perform assigned duties is subject to appropriate disciplinary action.

B. Specific Conduct Subject to Disciplinary Action

1. In concert with Civil Service rules, a member of the Department may be made the subject of disciplinary action whenever a member's conduct warrants. Examples of conduct which may result in the following disciplinary action, but not limited to the following:
 - a. The commissions of a crime:
 - 1st offense - suspension (10-30 days) or termination
 - 2nd offense - termination
 - b. Use of intoxicants in violation of the rules and regulations of this manual:
 - Off-Duty
 - 1st offense - written reprimand or suspension (3 days)
 - 2nd offense - suspension (5-15 days) or termination
 - 3rd offense - termination
 - On-duty
 - 1st offense - termination
 - c. Illegal use of narcotics or drugs including abuse of prescription drugs:
 - 1st offense - termination
 - d. Willful neglect of duty:
 - 1st offense - suspension (10-30 days) or termination
 - 2nd offense - termination
 - e. Willful disobedience of orders:
 - 1st offense - suspension (10-30 days) or termination
 - 2nd offense - termination
 - f. Absent from duty without leave:
 - 1st offense - written reprimand or suspension (3 days)
 - 2nd offense - suspension (5-15 days) or termination
 - 3rd offense - termination
 - g. Conduct unbecoming an employee:
 - 1st offense - written reprimand or suspension (3-5 days)
 - 2nd offense - suspension or termination (5-15 days)
 - 3rd offense - termination
 - h. Use of unreasonable and/or unnecessary force:
 - 1st offense - suspension (15-30 days) or termination
 - 2nd offense - termination

- i. Sleeping on duty:
 - 1st offense - written reprimand or suspension (3 days)
 - 2nd offense - suspension or termination (5-15 days)
 - 3rd offense - termination
- j. Accepting or soliciting a bribe:
 - 1st offense - Termination
- k. Soliciting gratuities:
 - 1st offense - written reprimand or suspension (3-5-days)
 - 2nd offense - suspension (5-15 days)
 - 3rd offense - termination
- l. Use of police badge, uniform, business card or identification card for personal gain:
 - 1st offense - suspension (5-15 days) or termination
 - 2nd offense - termination
- m. Aiding and abetting a prisoner to escape:
 - 1st offense - termination
- n. Appropriating for one's own use any property, evidence, or items received in the course of duty:
 - 1st offense - suspension (5-15 days) or termination
 - 2nd offense - termination
- o. Lying, falsification of reports, official records, or communications:
 - 1st offense - termination
- p. Divulging confidential information that may be detrimental to an investigation or another person without first obtaining consent from supervisor:
 - 1st offense - written reprimand or suspension (3-5 days)
 - 2nd offense - suspension (5-15 days) or termination
 - 3rd offense - termination
- q. Feigning sickness or injury to escape duty:
 - 1st offense - written reprimand or suspension (3 days)
 - 2nd offense - suspension (5-15 days) or termination
 - 3rd offense - termination

- r. Willful rough and careless handling of City property:
 - 1st offense - written reprimand or suspension (3 days) plus reimbursement to City for repair or replacement
 - 2nd offense - suspension (5-15 days) plus reimbursement to City for repair or replacement
 - 3rd offense - termination
- s. Property prohibited in police facilities (G.O. #18)
 - 1st offense - written reprimand
 - 2nd offense - suspension (3 days)
 - 3rd offense - suspension (5 days) or termination

C. Disciplinary Action Permitted

- 1. When corrective action is indicated by the finding, one or more of the following actions may be taken by the Chief of Police subject to the provisions of the Charter of the City of Santa Cruz, rules of the Civil Service Commission, and when necessary, the approval of the City Manager
 - a. Counseling
 - b. Training
 - c. Oral reprimand
 - d. Written reprimand
 - e. Suspension
 - f. Demotion
 - g. Dismissal from the Department

D. Department Authority for Disciplinary Action

- 1. Final Departmental disciplinary authority and responsibility rests with the Chief of Police. Supervisory personnel may administer one or more of the following:
 - a. Counseling
 - b. Training
 - c. Oral reprimand
 - d. Written recommendation for other disciplinary action

2. In those instances where emergency relief from duty is believed necessary, commanding officers will adhere to the procedures entitled "Non-Disciplinary Emergency Relief from Duty", C-8J.

E. Emergency Interdivisional Disciplinary Action

1. When the improper conduct of a member or employee of one unit is of such a nature that immediate or emergency disciplinary action is required of a commanding or supervisory officer of another unit, such action may be taken at once.
2. When such action is taken, the commanding or supervisory member imposing the discipline will notify superiors in both chains of command immediately. When the conduct is such that the commanding or supervisory member believes that other disciplinary measures are required, such supervisor will submit a memorandum to the member's immediate supervisor detailing the conduct.

F. Informing the Person Being Disciplined

1. The member or employee being disciplined will be informed of the charges and penalties assigned at the time such action is taken. Prior to the imposition of any discipline resulting in a suspension, demotion or dismissal, Internal Affairs, or a delegate, will review with the employee the results of the investigation of the incident(s), the charges and the discipline being recommended. The employee will be advised at that time of his/her right to present new material or to appeal the discipline prior to its imposition, at a meeting with the Chief of Police or his delegate. In cases of suspension, demotion or dismissal, the Chief of Police, or designate, will provide the employee with a formal notice of intent to discipline.

G. Appeal from Penalties

1. Appeals from penalties imposed as disciplinary measures may be taken as provided in the Charter of the City of Santa Cruz and in accordance with the Civil Service rules.

H. Endorsement and Forwarding of Disciplinary Reports

1. Each level in the chain of command must endorse and forward reports bearing on disciplinary matters received. Such endorsement may be one of approval, disapproval, or recommendation for modification. No member or employee will alter or cause to be altered facts or elements in the disciplinary report. Disciplinary report in transit through the chain of command will not be delayed but must be reviewed, endorsed, and forwarded as soon as possible.

I. Use of Counseling and Training

1. Misconduct investigations which result in a finding of "Exonerated" or "Not-Sustained" will not relieve Department supervisors or commanders from the responsibility of counseling or training subordinate personnel who demonstrate problems of knowledge, judgment or common sense.

J. Nondisciplinary Emergency Relief from Duties

1. The following personnel have the authority to impose emergency relief from duty until the next business day against an employee when it appears that such action is in the best interest of the Department.
 - a. Any command officer.
 - b. Any police sergeant.

2. When a Department employee is relieved from duty pursuant to this procedure, the command officer or sergeant instituting the action will direct the employee to report to such employee's division commander on the next business day at 0900 unless otherwise directed by competent authority.

3. The command officer or sergeant imposing or recommending the action will also report to the employee's division commander at the same time and have prepared a written report of the details of the incident prompting the relief from duty. The report will include:
 - The name, rank, serial number and present assignment of the person relieved from duty.
 - The date(s) and time(s) of the incident and locations(s).
 - The section number(s) of this manual violated or common name of the violation.
 - A complete statement of the facts of the incident.
 - The written signature, serial number and rank of the preparing officer and his position in relation to the member or employee involved.

4. The relieved employee's division commander, or a designee, will evaluate the incident and determine what action is appropriate. Division dispositions may be:
 - Counseling
 - Training
 - Written reprimand

Dispositions of the written reprimand will be forwarded to the Office of the Chief of Police for approval. If disciplinary action more severe than a written reprimand is indicated, the division commander will refer the incident to the Office of the Chief of Police for further investigation.