



Suffern Police Department GENERAL ORDER

General Order No. 221	Issuance Date: 02/15/08
Subject: DISCIPLINARY SYSTEM	
Cross Reference: 14.4	Effective Date: 02/15/08
Distribution: All Department members	
Rescinded Date:	
Issuing Authority: Chief Andrew Loughlin	

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I. Purpose

The purpose of this General Order to provide employees with an understanding of the Department’s disciplinary system.

II. Policy

It is the policy of the Department to maintain an effective disciplinary system in order for the Department to effectively achieve its goals and objectives. The Village of Suffern Police Commission and Police Department recognize that legal and contractual rights of its employees regarding discipline supersede this General Order.

- A. Positive Recognition
In accordance with Department GO 702 “Awards and Recognition”, the Department will recognize those employees who have exhibited positive behavior and exemplary conduct or have distinguished themselves with outstanding, meritorious, or heroic actions.

- B. Disciplinary Considerations

When considering discipline, a supervisor should take into consideration the following factors:
 1. The seriousness of the misconduct;
 2. The impact of the misconduct on others;
 3. The employee’s prior disciplinary record; and
 4. The length and quality of the employee’s service with the Department;

- C. Progressive Discipline

1. When circumstances allow, and in instances of relatively minor misconduct, the concept of progressive discipline should be followed. This entails an administration of increasingly severe disciplinary actions for subsequent acts of misconduct.
2. In instances of serious misconduct, the concept of progressive discipline will not be applicable.

D. Training/Counseling as a Function of Discipline

1. When training/counseling is used as a function of discipline, such training shall be documented in the employee's personnel file.
2. Counseling may be used by a supervisor as follows:
 - a. To determine the extent of any personal or job problems that may be affecting performance, and to offer assistance and guidance;
 - b. To review and discuss rule violations, and to discuss the substance and importance of the rules with the employee.

III. Procedures

Disciplinary Actions

A. Disciplinary actions may take one or any combination of the following forms:

1. Verbal Warning
 - a. A Verbal Warning is a reprimand to the employee from a supervisor describing the way in which the employee's conduct or performance has failed to meet prescribed standards.
 - b. The Verbal Warning shall include:
 - (1) A statement of the alleged acts or omissions;
 - (2) A recommendation for corrective action(s); and
 - (3) Shall warn the employee that additional violations of Departmental General Orders, Procedures or Policies may lead to more stringent disciplinary measures.
2. Supervisory Contact Reports
 - a. A Supervisory Contact Report is a formal report documenting a formal contact by a supervisor with an employee.
 - (1) The nature of the Supervisory Contact Report is such that it may be used for:
 - (a) Positive contacts and recognition;

- (b) Negative contacts;
 - (c) Documentation of counseling/training sessions;
 - (d) Written reprimands; or
 - (e) For any other reason a supervisor wishes to document an employee's action.
- b. The Supervisory Contact Report shall include:
- (1) A statement of the nature of the contact; and
 - (2) If positive in nature, an indication as to whether the employee should be considered for a Departmental award;
 - (3) If negative in nature, recommendation(s) for corrective action; and
 - (4) A warning to the employee that additional violations of Departmental General Orders, Procedures or Polices may lead to more stringent disciplinary measures.
- c. Supervisory Contact Report's must be signed by the employee and the supervisor conducting the Supervisory contact.
- d. Employees shall be afforded an opportunity to respond to the Supervisory Contact Report.
- (1) Any response shall be in writing on the Supervisory Contact Report or as an attachment to same.
- e. Upon completion the Supervisory Contact Report shall be forwarded to the Lieutenant.

B. Departmental Charges

1. Departmental Charges may be brought against an employee by any Superior Officer. They should be drafted in consultation with the Village Attorney.
- a. Departmental Charges should be used in cases where a Superior Officer believes that the appropriate discipline may be more severe than a Verbal Warning or Supervisory Contact Report.
 - b. The charges shall include a statement of the alleged infraction(s) and; if relevant, any violation(s) of any applicable laws.
 - c. Departmental Charges shall be personally served upon an employee with a copy to the Village Attorney and a copy to the Village of Suffern Policemen's Benevolent Association.

C. Suspension

1. The Chief of Police and the Village of Suffern Police Commission have concurrent authority to suspend an employee from duty with or without pay in accordance with legal and contractual obligations.

D. Departmental Charges and or Suspension

1. Employees who are subject to Departmental Charges and or Suspension are subject to the following actions:
 - a. Loss of time or pay;
 - b. Disciplinary reassignment;
 - c. Demotion;
 - d. Discharge from employment
 - (1) Discharge from employment shall be done in accordance with all applicable provisions of:
 - (a) New York State Law;
 - (b) New York State Civil Service Law;
 - (c) The Rockland County Police Act; and
 - (d) Any current applicable labor contract.

E. Police Supervisor's Role

1. The primary responsibility for maintaining and reinforcing employee conformance with the standards of conduct of the Department shall be with the employee and the first line supervisors.
2. Police Supervisors shall familiarize themselves with the employees under their supervision, and closely observe their general conduct and appearance on a daily basis.
3. Police Supervisors should remain alert for indications of behavioral problems or changes that may affect an employee's normal job performance. The supervisor should document such information.
4. Where a Police Supervisor perceives that an employee may be having or causing problems, the supervisor should assess the situation, and determine the most appropriate action.

F. Authority

1. The Chief of Police shall review all disciplinary actions and commendations, and shall retain final authority and responsibility for discipline administered to Department employees.
2. Police Supervisors have the authority to:

- a. Nominate for recognition, in accordance with Department General Order 702 “Awards and Recognition”, those employees who have exhibited exemplary positive conduct or have distinguished themselves with outstanding, meritorious, or heroic actions;
 - b. Investigate allegations of employee misconduct when within the scope of their authority and responsibility;
 - c. Counsel employees to improve job performance or correct violations of General Orders, Policies or Procedures;
 - d. Identify training needs as a function of the disciplinary process;
 - e. Take disciplinary action including Verbal Warnings and Supervisory Contact Reports; and
 - f. Implement disciplinary actions approved by the Chief of Police or a Lieutenant.
3. Squad Supervisors [**GO 106**] have the authority to:
- a. Take any actions described above.
 - b. Take actions as described in relief from duty in as outlined in this General Order (*below*)
4. The Chief of Police or a Lieutenant have the authority to:
- a. Nominate for recognition, in accordance with Department General Order 702 “Awards and Recognition”, those employees who have exhibited exemplary positive conduct or have distinguished themselves with outstanding, meritorious, or heroic actions;
 - b. Investigate allegations of employee misconduct;
 - c. Counsel employees to improve job performance or correct minor infractions and procedures;
 - d. Identify training needs as a function of the disciplinary process;
 - e. Directly implements disciplinary action including Verbal Warnings, Supervisory Contact Reports;
 - f. Place an employee on Disciplinary Administrative Leave; and
 - g. Implement disciplinary actions.

G. Relief from Duty

1. In cases where employee’s fitness for duty is in question the Officer-in-Charge (OIC) shall follow the following procedure:
 - a. An employee who is not fit for duty for that tour (e.g. an employee reporting for duty while intoxicated,) shall be remanded to police HQ.
 - (1) In such case the Supervisor or OIC shall notified the Chief of Police or a Lieutenant immediately.

- (2) The Chief of Police or a Lieutenant may relieve the employee from duty for that tour.
 - (3) A complete report shall be filed with the Chief of Police and a Lieutenant as to the actions of the Officer.
2. The Chief of Police or a Lieutenant may place any employee on Disciplinary Administrative Leave or Suspension¹ for reasons related to fitness for duty or due to an internal affair and or criminal investigation.
- a. In such case they shall confer with the Village Attorney when possible before taking such action.
 - b. Employees shall surrender their duty firearm; any firearms purchased using Village of Suffern Police Department Identification (*those purchases in which a NY State Police C-Form had to be filed*), police shield and their police identification card when placed on Disciplinary Administrative Leave or Suspension.
 - c. Employees are strictly prohibited from engaging in any line-of-duty performance or activities while on Disciplinary Administrative Leave or Suspension.
 - d. While on Disciplinary Administrative Leave or Suspension, employees shall not be allowed access to the police department facility, with the exception of the public front lobby unless escorted by a supervisor.
 - e. The Village of Suffern Police Commission shall be notified when an employee is placed on Disciplinary Administrative Leave or Suspension.

H. Maintenance of Disciplinary Records

1. Records of all disciplinary actions will be maintained in the employee's personnel file for a period of six years beyond the separation of service of the employee. Unless a sooner time is set at the time of the discipline (e.g. counseling memo's, etc.).
2. Upon written request by the employee AND approval of the Chief of Police, a Supervisory Contact Report may be purged from such employee's file after two (2) years from the date of action.

I. Law Enforcement Misconduct Investigative Office

1. Executive Law 75 established the Law Enforcement Misconduct Investigative Office. This law instituted reporting duties on covered agencies and personnel.
2. Section 75(5)(a) of Executive Law 75, requires that every officer or employee, in a covered agency shall report promptly to the LEMIO any information concerning any of the following:

¹ A Lieutenant may suspend an employee ONLY when he or she are Acting Chief of Police.

- a. Corruption;
 - b. Fraud;
 - c. Use of excessive force;
 - d. Criminal activity;
 - e. Conflicts of interest or abuse by another officer or employee relating to his or her office or employment;
 - f. This shall also apply to any person having business dealings with this agency relating to those dealings.
3. Reporting will be done via the portal at <https://ag.ny.gov/bureau/LEMIO>. Any employee or officer making a referral will notify a supervisor of said referral.
 4. Section 75 (5)(b) of Executive Law 75, establishes reporting guidelines for the Chief of Police or his designee. The reporting criteria are as follows;
 - a. The agency must receive at least five (5) complaints which involve the reporting criteria listed in **sub-section 2 of Section I** of this order;
 - b. From five (5) or more individuals;
 - c. Relating to at least five (5) separate incidents;
 - d. Which involve a certain officer or employee;
 - e. Within two (2) years.
 5. If all of the above criteria are met, the Chief of Police or his designee will refer the matter to the LEMIO.
 6. Referrals will be made via the portal at <https://ag.ny.gov/bureau/LEMIO>