

4.06 ACCOUNTABILITY AND DISCIPLINE



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Chief Nathan C. Hagglund		

I. GENERAL CONSIDERATIONS AND GUIDELINES

Under most circumstances, the term “discipline” is incorrectly interpreted to be solely a negative form of punishment. This directive reflects the term discipline in its broader sense, as in having a “highly disciplined department.” In this usage, discipline takes on a positive connotation, and is associated with conformance to a set of rules, a code of ethics and a high standard of conduct that results in a departmental image of professionalism.

This disciplinary directive enables all officers and employees to know what is expected of them and to understand that appropriate discipline will be administered when required. Essential fairness and justice are the foundation of this process.

II. POLICY

It is the policy of the West Brookfield Police Department to administer discipline in a fair, timely and consistent manner, directed toward ensuring that members have every opportunity to correct deficient performance, are regularly evaluated on their performance, and that when sanctions are applied, they are consistent with the seriousness of the offense and the employee’s prior record. The discipline process is used to train and develop by instruction. The

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process includes positive, corrective, and punitive actions in the interest of promoting discipline within the department. If the overall performance of an employee is deemed to be unsatisfactory, written notification must be given to the employee unless there is an ongoing internal investigation into the employee. **[35.1.5]**

III. DEFINITIONS

IV. PROCEDURES

LETTERS OF COMMENDATION

It is an essential part of an effective internal disciplinary process to have a positive program of awarding commendations for an employee's performance. A commendation program is the means by which deserving officers can receive official recognition for their accomplishments and actions that are in accordance with the department's mission.

COUNSELING

When a supervisor recognizes a problem or the potential for one with an employee, they should discuss the matter with the employee, outlining the corrective action expected before more stringent disciplinary methods are required. **[26.1.4(2-C)]**

TRAINING

In some cases, an employee's deficiencies may be addressed by additional training in the problem area. Successful completion of the course of training and application on the job will determine the effectiveness of this method. At the discretion of the Chief of Police, an employee may be required to attend such training. **[26.1.4(2-A)]**

WRITTEN REPRIMAND

A written reprimand may be issued for infractions of department written directives. All letters of reprimand will become part of the individual's personnel file of the department. **[26.1.4(2-E)]**

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RELIEF FROM DUTY

The Lieutenant or Sergeant may relieve those under their command from duty for the balance of the shift if they determine that any person under their command is engaged in serious misconduct or not properly able to carry out their duties. Misconduct may include, but is not limited to, insubordination, refusal to perform duties, criminal offenses, or falsifying statements. In all such cases, the Chief or designee shall be notified as soon as possible and no later than the employee's next tour of duty. A written report shall be submitted to the Chief concerning such action. **[52.2.7] [26.1.4(2-E)]**

DISCIPLINARY ACTION

Members may be disciplined for just cause. This would include any misconduct or unsatisfactory behavior which impairs personnel or departmental efficiency or effectiveness. Disciplinary actions which may be imposed after statutory procedural requirements are observed are as follows: **[26.1.4(2-B,D,F)]**

Suspension: Relieved from duty without pay for any infraction of departmental written directives. In all cases of suspension, the Chief will notify the appointing authority. Any officer suspended has the right to a hearing before the appointing authority relative to their suspension.

Lowering in Rank and Compensation: Reduction in rank and compensation for any officer at any time for just cause, and after due hearing, which cause shall be specified.

Termination: Removal of any employee at any time for just cause and after due hearing, which cause shall be specified in the order of termination. Upon termination by the appointing authority, the employee who is being dismissed will be provided with a written statement setting the reason for the termination, the effective date of the termination, the status of accrued employee fringe and retirement benefits after termination, and such notice of termination shall be entered into the employee's personnel file. **[26.1.7]**

APPEALS

Employees have no right to appeal any disciplinary action less than a suspension. Disciplinary action at the level of a suspension or above may be appealed in accordance with the employee's collective bargaining agreement. **[26.1.6]**

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DISCIPLINE RECORDS [26.1.8]

Disciplinary records will be maintained in the personnel file of the affected employee in accordance with Massachusetts General Laws and applicable collective bargaining agreements, until retirement or separation, at which time they will be archived. All files will be store in a locked cabinet in the office the Chief of Police.

Notwithstanding any general or special law or collective bargaining agreement to the contrary, on or before September 30, 2021, every law enforcement agency, as defined in section 1 of chapter 6E of the General Laws, shall provide to the Massachusetts peace officer standards and training commission, in a form to be determined by the commission, a comprehensive disciplinary record for each law enforcement officer, as defined by said section 1 of said chapter 6E, employed by said agency, including, but not limited to¹:

- A. every complaint of which the officer was the subject of during the course of their employment with the agency; and
- B. all disciplinary records of the officer, including the final disposition of a complaint, if any, and any discipline imposed.

ROLE AND AUTHORITY OF SUPERVISORS [26.1.5]

All superior officers have the duty to ensure that discipline is maintained within the department. It must be remembered that discipline can be positive in nature and includes recognizing and rewarding exemplary performance, training, counseling, as well as punitive action.

The Lieutenant and Sergeant have the best opportunity to observe or foresee disciplinary problems and therefore bears the primary responsibility for the conduct, discipline and duty performance of all personnel under their supervision and the basic accountability for failure to take warranted disciplinary action.

Supervisors shall be responsible for discovering marginal or problem employees and for uncovering evidence of corruption, dishonesty or malfeasance by personnel under their supervision.

Lieutenant/Sergeant: Sergeants have the authority to counsel, evaluate, praise and recommend employees for recognition. They also have the authority to counsel, orally reprimand, relieve from duty, and

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recommend a formal written reprimand or more serious disciplinary action, as appropriate.

Chief of Police: The Chief of Police has all the above authority, plus the authority in accordance with all applicable law and Department of Personnel Administration Rules, to recommend demotion, impose punishment duty, issue a formal written reprimand, suspend, and begin termination proceedings.

¹ An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth “JEALE” Police Reform Bill. December 31, 2020