

## **Cobb County Police Department**

### **Policy 2.14**

#### **DISCIPLINARY ACTIONS**

<b>Effective Date:</b> March 12, 2021	<b>Issued By:</b> Chief C.T. Cox
<b>Rescinds:</b> Policy 2.14 (October 1, 2019)	<b>Page 1 of 5</b>
The words “he, his, him,” which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.	

The actions established by this policy will be utilized to ensure accountability for the conduct of all members of the Department.

#### **I. POLICY**

It is the policy of the Cobb County Police Department that discipline be administered in a fair and consistent method to promote good order and morale. Discipline will be administered as a function of the command responsibility to ensure compliance with directives established by the Department and its subordinate units.

Disciplinary Actions will be administered in accordance with the Progressive Discipline Policy and with the procedures set forth in the Rules and Standards of the Cobb County Civil Service Board.

#### **II. SUPERVISORY ROLE**

The role of first line supervisors is particularly crucial. These supervisors have the best opportunity to observe the actions and conduct of members of the Police Department. Additionally, they are best able to detect those instances where disciplinary actions are warranted.

- A.** Supervisors should talk to each subordinate informally, at least once each month, concerning work performance. While the performance evaluation system assists in communicating approval of progress and work accomplished, it should not take the place of communication between supervisors and employees.
- B.** Supervisors are responsible for ensuring Department policies and rules are followed, and taking appropriate action when violations occur.
- C.** Superior officers of the Department shall be responsible for both their appropriate use of discipline, and also for supporting and assisting supervisors under their command in the appropriate use of discipline.

### **III. FORMS OF DISCIPLINE AND REMEDIATION**

The following are examples of different forms of discipline which may be utilized solely or in conjunction with one another.

#### **A. Counseling of Employees**

Counseling may be used by supervisors to reinforce good performance by an employee, or to correct the actions of an employee for minor conduct violations or performance related issues. It may also be utilized to notify the employee that his continued actions or conduct may result in progressive disciplinary action.

1. Counseling is most often performed by first line supervisors. It should be done as soon as practical after gaining knowledge of the conduct or performance related issue. Counseling may be done in either a verbal or written manner.
2. Employees will be advised in writing whenever their performance is deemed to be unsatisfactory. A copy of the written notification will be provided to the employee in a timely manner.
3. Notes related to counseling and/or the Critical Incident Reminder form are not formal disciplinary documents; they are generally used to address issues during the performance evaluation process. However, in certain circumstances counseling notes and/or the Critical Incident Reminder form may become part of a formal disciplinary action or fitness for duty document.
4. A copy of all Critical Incident Reminders will be forwarded through the Chain of Command to the appropriate Deputy Chief.
5. Critical Incident Reminders will be maintained in the employee's local personnel file for one year from the date of issue.

#### **B. Training**

Training actions may be utilized by supervisors to enhance the skills of an employee. It may also be used to correct inadvertent actions or conduct by an employee that violates directives or procedures.

1. Recommendations for Training: Training recommendations may be part of the performance appraisal for an employee, or be used to prepare an employee for new or potential assignments.
2. Directed Training: An employee may be directed by a supervisor to attend training to improve his knowledge, skills, or abilities. The attendance of the employee at the training will be coordinated by the supervisor, through his

appropriate chain of command and the Cobb County Public Safety Training Center. An employee who is directed to attend training may be relieved from official duties pending the successful completion of the training.

3. Training may be utilized with other disciplinary actions in support of improving the employee's conduct or skills.

**C. Punitive Actions**

Punitive actions may be applied to any employee for any misconduct, or pattern of misconduct, where other means of discipline have not been successful, or are not appropriate. Punitive actions are most often applied in those instances of employee actions or conduct that represent willful misconduct and disregard for the directives of the Department. Punitive actions may be used solely or in conjunction with one another and consist of written reprimands, suspensions, demotions, and dismissals. For more information, refer to the Cobb County Progressive Discipline Policy.

1. Although written reprimands are not appealable to the Civil Service Board, they may be appealed to the Chief of Police.
2. During a suspension, an employee will not conduct any official Department business, other than those functions he is directed to perform by a superior officer (such as court appearances). If the employee is directed to perform Department business during his suspension, he will be compensated for those hours worked, or in accordance with the United States Department of Labor, Fair Labor Standards Act (FLSA). The employee may be required to surrender Department credentials and equipment during his suspension.
3. If employee misconduct results in a punitive action, the employee will be provided with a written statement citing the reason(s) for said action and the effective date of the action. Additionally, if the punitive action is termination, the Cobb County Department of Public Safety Personnel Unit will provide the employee with a statement of the status of accrued employee benefits upon termination.

**IV. RECOMMENDATION FOR ADMINISTRATION OF DISCIPLINE**

When documenting formal disciplinary recommendations (i.e. – training, punitive actions, other recommendations, etc.) the procedures below will be followed.

- A. If not already completed, the following information will be entered into the Citizen Complaint module in the Records Management System (RMS):
  1. The “Page 1” and “Page 2” tabs should be completed as described in the Mobile Field Report Instruction Guide.

2. If the investigation is contained in an Internal Affairs binder, the investigation packet will serve as #1 and #2 above.
  3. The complaint report generated from RMS will be signed by both the subject(s) of the complaint and his supervisor.
  4. The subject(s) of the complaint will respond to the allegations as indicated in Policy 2.13, Disciplinary Investigations. Responses will be uploaded to RMS and attached to the complaint.
- B.** The complaint report (or Internal Affairs investigation) will be submitted through the chain of command to the precinct/unit commander for review. The complaint/disciplinary history of the employee should be taken into consideration before a recommendation is made.
- C.** Sustained charges that do not result in a recommendation for punitive actions will be reviewed by the Chief's Office and handled at the precinct/unit level. Sustained charges resulting in a recommendation for punitive actions will be forwarded to the Conduct Review Board (CRB). However, the Chief of Police may take direct action if he determines it to be more appropriate.
- Additionally, the Conduct Review Board Chair may forgo the CRB hearing in certain clear cases and make a disciplinary recommendation directly to the Chief of Police following established previous CRB recommendations and the Department's disciplinary precedents. The CRB chair or his designee will notify employees whose disciplinary actions or proposals are initiated through this exception, and upon request of such employee, will be granted a CRB hearing to include a review of the employee's response and the circumstances of the incident.
- D.** Completed packets will be submitted to the Chief's Office for approval.
- E.** Employees will be given the opportunity to respond to the Chief's Office regarding proposed punitive actions.

**V. CONDUCT REVIEW BOARD**

Unless the Chief takes direct action as stated above (Section IV, C), the Conduct Review Board will serve as the recommending body for all punitive actions (as defined above). The board will review all investigations where charges of misconduct have been sustained, and the precinct/unit commander feels a punitive action would be the most appropriate level of discipline.

**A. Composition of the Conduct Review Board**

1. The Conduct Review Board will consist of 11 members, all of whom will be appointed by the Chief of Police.

2. The board will be chaired by a Deputy Chief. The other members of the Board will be from the position(s) and rank(s) of major, captain, lieutenant, sergeant, and officer. A non-sworn supervisor and non-sworn employee should be used as alternates to the sergeant and officer when non-sworn personnel are facing punitive actions.
3. Members should have a minimum of three years' experience with the Department.
4. Board members will serve for a twelve month period unless otherwise relieved by the Chief of Police. Individuals who are appointed to fill a mid-term vacancy, will serve out the term of the vacancy, unless otherwise relieved.

**B. Conducting Business**

1. A quorum of four members is required to conduct business.
2. The Board will discuss each case of misconduct and make a recommendation appropriate to the offense(s) and circumstances thereof.

**C. Approval**

The Chief of Police will review all recommendations from the Board. The Chief may approve the Board's recommendation, send the recommendation back to the board for further review, or change the recommendation.

**VI. DISCIPLINARY RECORDS - RETENTION PROCEDURES**

The original documentation concerning any disciplinary action will be forwarded through the chain of command to the Chief of Police. After review by the Chief's Office, the documentation will be forwarded to Internal Affairs for retention in accordance with the Georgia Records Retention Schedule. Records will be stored in a secure area with limited access to protect confidentiality. A copy of any letters relating to disciplinary action will be forwarded to the DPS Personnel Unit and Human Resources for inclusion in the employee's personnel file.