



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



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## 220.05 DISCIPLINARY ACTIONS

8-1-19

### PURPOSE

The purpose of this order is to establish uniform procedures when corrective or disciplinary action is required.

### POLICY

It shall be the policy of the Sacramento Police Department to resolve all disciplinary matters in accordance with Civil Service Board Rules and Regulations, Departmental General Orders, Internal Investigations Manual (RM 220.01), and applicable labor agreements.

#### A. General

1. Employees are subject to appropriate disciplinary actions if they violate:
  - a. Their oath by committing an offense in violation of the laws or statutes of the United States, the State of California, or ordinances of the City of Sacramento.
  - b. Any provisions of the General Orders of the Department.
  - c. Any lawful order of a superior.
2. The authority to impose any disciplinary actions on a Department employee shall be subject to provisions of the following:
  - a. Charter of the City of Sacramento
  - b. Civil Service Board, Rules and Regulations, Rule 12 – Disciplinary Actions, Appeals, and Hearing Procedures
  - c. Applicable labor agreements
  - d. Approval of the City Manager or designee
3. Non-Disciplinary actions include:
  - a. Verbal counseling
  - b. Documented counseling
  - c. Documented training
4. Disciplinary actions include:
  - a. Letter of reprimand
  - b. Suspension
  - c. Withholding in-grade salary increase
  - d. In-grade salary reduction
  - e. Demotion
  - f. Termination
5. The COP, or designee, shall have final authority over any imposed disciplinary action.
6. Counseling sessions, warnings, and reprimands shall be discussed with the involved employee in private.
7. Employees receiving disciplinary actions should provide their signature to acknowledge receipt of related documents.
  - a. If an employee refuses to sign any documents, the serving supervisor or manager shall write “Refused” in the appropriate area.
8. Documents of proposed/imposed disciplinary action shall:
  - a. Be provided to the employee.
  - b. Copied to the IAD for recordkeeping.
9. The IAD shall notify and provide copies of all applicable documents to the appropriate Labor Relations manager.



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## B. Concepts

1. Progressive discipline – The process of increasing the severity of corrective actions for repeated behavior.
2. Education-based discipline (EBD) – The development of an individualized remedial plan with involvement of the employee.
  - a. In lieu of serving some forms of disciplinary actions, employees may seek to enter into a settlement and release agreement with the City of Sacramento. Agreements should contain some or all of the following stipulations:
    - i. Forfeiture of any rights to file suit, officially complain, or appeal intended disciplinary actions
    - ii. Acknowledgement of specific violations
    - iii. Removal from a specialty unit
    - iv. Relinquishment of pay incentives
    - v. Writing assignments based on attendance of structured events such as training, courses, programs, or meetings
    - vi. Book reports
    - vii. Activation of Employee Assistance Program benefits for clinical counseling
    - viii. Indemnity clause to hold the City of Sacramento harmless
  - b. To ensure success and timely completion of an EBD plan, the following aspects should be determined on behalf of the Department:
    - i. Assigning an EBD coordinator (manager)
    - ii. Completion dates and deadlines
    - iii. The number of structured events to attend
    - iv. Minimum word count for written assignments

## C. Procedures

1. Documented counseling:
  - a. Any corrective measure achieved through a documented counseling session.
  - b. Employees shall be encouraged to discuss the situation, respond freely, and leave the session feeling they have been dealt with fairly. They should also have a firm understanding that they shall modify their behavior to conform with Department standards of performance.
  - c. Supervisors shall document the session in a memorandum that contains the following:
    - i. Issued date
    - ii. Counseled employee, counseling supervisor, and counseling supervisor's lieutenant/manager
    - iii. Summary of the situation and resulting discussion
    - iv. Signatures of the counseled employee and counseling supervisor
  - d. The originally signed memorandum shall remain inside the employee's division watch file for no more than one year after the issued date and/or in accordance with the current labor agreement.
  - e. Supervisors authoring a memorandum of documented counseling as a result of personnel complaints shall provide IAD with the date/time of issuance for notation in the Summary portion of the IA record.
2. Documented training:
  - a. Provided training or retraining to correct an employee's job performance.
  - b. Supervisors shall determine appropriate training opportunities, identify measurable learning objectives, and verify that the employee understands the instructed material.
  - c. Supervisors shall document the training session in a memorandum that contains the following:



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- i. Issued date
    - ii. Trained employee, training supervisor, and training supervisor's lieutenant/manager
    - iii. Summary of the situation, training description, learning objectives, and results
    - iv. Signatures of trained employee and training supervisor
  - d. The originally signed memorandum shall remain inside the employee's division watch file for no more than one year after the issued date, and/or in accordance with the current labor agreement.
  - e. Supervisors authoring a memorandum of documented training as a result of personnel complaints shall provide IAD with the date/time of the training for notation in the Summary portion of the IA record.
  - f. If a memorandum of documented training is issued subsequent to a documented counseling as a result of the same complaint, the documented training shall be attached to the documented counseling and purged at the same time the documented counseling is purged.
3. Letter of reprimand:
  - a. A formal letter of reprimand shall only be prepared by the IAD and contain the following:
    - i. Issued date
    - ii. Summary of facts
    - iii. Results of a fact-finding investigation
    - iv. Specific violations
    - v. Notice of further disciplinary action, up to and including termination, if the articulated facts and misconduct continue
    - vi. Review and signature of the employee's Office Chief or designee
    - vii. Approval of the COP or designee and Labor Relations Director or designee
  - b. A letter of reprimand shall not be appealable to the Civil Service Board; however, the employee may have an administrative review by submitting a written request to the Labor Relations Director of Human Resources within seven calendar days and/or in accordance with the current labor agreement.
  - c. A letter of reprimand will be withdrawn from an employee's official personnel file 18 months from the date of issuance provided there has not been additional discipline imposed during the 18-month period, and/or in accordance with the current labor agreement.
    - i. If the employee is subject to additional discipline within the 18-month period, the 18-month period will restart on the date of the new imposed discipline.
  - d. The employee's Division Captain/Manager, or designee, shall serve and provide the employee with the originally signed letter.
4. Letter of intent:
  - a. A formal letter of intent to discipline shall only be prepared by the IAD and contain the following:
    - i. Issued date
    - ii. Intended disciplinary action to include: suspension, withholding in-grade salary increase, in-grade salary reduction, demotion, or termination
    - iii. Summary of facts
    - iv. Results of a fact-finding investigation
    - v. Specific violations
    - vi. Skelly response, scheduled meeting, and assigned officer
  - b. Proposed suspensions require the following signatures and approvals:
    - i. Three (3) days or fewer: signature of the employee's Division Captain/Manager and approved by the COP and Labor Relations Officer.



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- ii. More than three (3) days: signature of the employee's Office Chief and approved by the COP, Labor Relations Officer and Labor Relations Manager.
        - c. The employee's Division Captain/Manager, or designee, shall serve the employee and provide them with the originally signed letter.
        - d. The employee has 10 calendar days to complete a Skelly meeting with the assigned officer (uninvolved Division Captain/Manager), unless extended by agreement.
          - i. The Skelly officer may audio record the meeting at their discretion and with consent of the employee.
          - ii. The meeting shall address each policy violation.
          - iii. After the meeting, the Skelly officer shall provide the COP or designee with the contents and any recommended modifications to the proposed discipline.
5. Letter of discipline:
  - a. A formal letter of discipline shall only be prepared by the IAD and contain the following:
    - i. Issued date
    - ii. Disciplinary action
    - iii. Summary of facts
    - iv. Results of a fact-finding investigation
    - v. Specific violations
  - b. If, after the investigation and any pre-disciplinary response or procedure, the department decides to impose discipline, the department shall notify the officer in writing of its decision to impose discipline including the date that the discipline will be imposed, within 30 days of its decision, except if the officer is unavailable for discipline.
  - c. Disciplinary actions of termination or demotion shall be administered by the Office of the Chief and require the following signatures and approval:
    - i. Sworn personnel – Signature of the employee's Office Chief and approval signature of the COP and City Manager or designee.
    - ii. Non-sworn personnel – Signature of the employee's Office Chief and approval signature of the COP and Labor Relations Director or designee.
  - d. The employee has 15 calendar days to appeal the imposed disciplinary action to the Secretary of the Civil Service Board.