



POLICY & PROCEDURE

HOLMEN POLICE DEPARTMENT

SUBJECT:	DISCIPLINARY PROCEDURES	NUMBER:	6.9
		ISSUED:	10/20/2016
SCOPE:	All Personnel	REVIEWED:	10/20/2016
DISTRIBUTION:	Policy and Procedure Manual		
REFERENCE:	WI §62.13(5); and §164.02-.05	WILEAG 4 th EDITION STANDARDS: 4.2.1, 4.2.2, 4.2.3, 4.2.4	

INDEX AS: Disciplinary System
 Supervisory Role and Authority
 Punitive Action
 Disciplinary Records

PURPOSE: The purpose of this Policy & Procedure is to establish a corrective action system that includes procedures and criteria for the use of counseling or other disciplinary actions in the interest of maintaining department order and citizen trust.

This Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. PROCEDURE

I. POLICY

Employees are subject to discipline for violations of law or agency policy, rules or regulations. It is the policy of the Holmen Police Department to strive to stay abreast of evolving case law and disciplinary systems and to incorporate them into its policies, procedures and practices. All disciplinary actions taken under this policy are subject to, and shall be consistent with, applicable state law, local ordinances, administrative rulings and Village Personnel Policies Manual. The Department recognizes employee rights as afforded by the constitution, applicable state law, and pertinent case law. The Chief will solicit case law and related statutory revisions on an annual basis in an effort to update this directive.

II. DEFINITIONS

LAW ENFORCEMENT OFFICER: Has the meaning given in WI §165.85(2)(c).

CRIMINAL INVESTIGATION: The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing criminal charges.

INTERNAL INVESTIGATION: The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing administrative charges.

III. PROCEDURE

A. Grievance Procedures.

1. Department members with complaints regarding fellow officers/employees or Department policies, should follow the grievance procedures established in the Village of Holmen Employee Personnel Policies Manual.
2. These procedures have been established to assure each individual an opportunity for an impartial hearing. A “grievance” is defined in the current applicable Village of Holmen Employee Personnel Policies Manual.

B. Disciplinary Procedures.

1. The following disciplinary procedures will be followed in disciplinary matters of the Holmen Police Department whenever rules and policies of the Department are broken or the employee performs unsatisfactorily, unless these procedures are superseded by more specific procedures contained in a current applicable Village of Holmen Employee Personnel Policies Manual.
2. (4.2.1.3) Sworn employees shall be afforded the rights and privileges of WI §62.13, Police and Fire Departments. Recognition of employment rights and procedural safeguards as outlined §164 Law enforcement Officers ‘Bill of Rights’.
3. For purposes of this Section, the term “officer” shall mean any sworn employee of the Department.
4. Employees who withhold information from, or fail to cooperate with, internal investigations or who fail to report misconduct of employees are subject to disciplinary action in addition to any other disciplinary action that may result from the investigation.

C. (4.2.1.2) Authority to use Corrective Action

- Counseling and/or training – Lieutenant or Police Chief
 - Verbal reprimand – Lieutenant or Police Chief
 - Written reprimand – Lieutenant or Police Chief
 - Relieved from duty with pay pending further action – Lieutenant or Police Chief
 - Suspension with pay – The police chief or Village Administrator
 - Suspension without pay–Village Board/police commission (with recommendation of the Chief)
 - Demotion – Village Board/police commission (with recommendation of the Chief)
 - Discharge - Village Board/Police commission (with recommendation of the Chief)
1. Prior to taking disciplinary action, the official(s) reviewing the matter should give full consideration to the following (WI §62.13(5)(em)):
 - a. Whether the subordinate could reasonably be expected to have had

- knowledge of the probable consequences of the alleged conduct.
- b. Whether the rule or order that the subordinate allegedly violated is reasonable.
 - c. Whether the police chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.
 - d. Whether the effort described under c. was fair and objective.
 - e. Whether the Police Chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
 - f. Whether the Police Chief is applying the rule or order fairly and without discrimination against the subordinate.
 - g. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the Department.

NOTE – Probationary employees can be discharged without recourse to these disciplinary procedures.

2. (4.2.1.1) If, in the opinion of the police chief and/or the designated reviewing authority, immediate discharge, suspension or written warning is not warranted by the seriousness of the violation, the following disciplinary measures shall be followed:
 - a. A minor infraction shall be handled by the police chief or Lieutenant with counseling and/or training.
 - b. The police chief or Lieutenant, in all cases, shall document all employee counseling sessions.
 - c. Counseling sessions will be documented by written memorandum to the employee, with a copy to the employee's personnel file.
- D. Notice to Employees Subject to Punitive Action
1. Any employee who is subject to punitive action shall receive the following information in a timely manner:
 - a. Reason, scope, and effective date for the punitive action.
 - b. The employee's appeal and hearing rights.
- E. Types of Discipline. (4.2.1.2)
1. Counseling and/or Verbal Reprimand/Warning
 - a. The police chief or Lieutenant may exercise the prerogative of immediate correction or admonishment of a subordinate whenever the nature or circumstances of an incident may not warrant a written reprimand or other formal disciplinary action. If the application of immediate correction or admonishment is not effective, a written reprimand can be administered.
 - b. If the violation was investigated and after discussing the matter with the officer, the officer may be given a verbal warning from the police chief or

Lieutenant. The police chief or Lieutenant, for purposes of letting the officer know that it is an official warning, shall state, "This is a verbal warning." A notation of this shall be placed in the officer's personnel file.

- c. Verbal reprimands shall be documented in writing. They shall be kept in each employee's personnel file.
2. Written Reprimand/Warning
 - a. Written reprimands are used for minor infractions and typically do not require an internal investigative complaint nor a formal investigation.
 - b. Before a written reprimand is imposed, a review will be made of previous reprimand notifications, if any, in the employee's personnel file. If this review indicates repeated infractions of a similar nature for which a written reprimand was imposed more formal discipline may be initiated.
 - c. When a written reprimand has been imposed the reprimand will be prepared and will request the employee's signature on the form to attest to the employee's understanding that he/she has been officially reprimanded. Should the employee refuse to sign the reprimand, the reprimand will be marked "REFUSED".
 - d. After the forms are signed or marked "REFUSED" as appropriate, the police chief or Lieutenant will sign the reprimand. Written reprimands shall be kept in each employee's personnel file and a copy may be kept by the police chief for use in the employee's annual performance evaluation.
 - e. In the case of subordinate officers of the Department, the police chief's decision may be appealed pursuant to Wisconsin Statutes or current Village Employee Personnel Policy Manual.
 3. Suspension with Pay
 - a. An employee receiving a suspension with pay shall be required to report to the police chief when called.
 4. Suspension without Pay
 - As prescribed, officers of the Department found to be in violation may be suspended without compensation.
 - a. Suspension without pay is a period of time during which an employee's salary is withheld for disciplinary reasons.
 - b. The Lieutenant may recommend a suspension, but the police chief reserves the right to set the severity.
 - c. Suspension without pay is not to be confused with an employee being relieved of duty with pay pending an investigation or bringing of formal charges.
 - d. Within the time period required by State Statute or pertinent Village Employee Personnel Policy Manual, the officer in question shall receive written notice from the police chief or Village Board that the officer's alleged violation will be reviewed, and a hearing held and that the officer is encouraged to appear at the hearing. The officer will be notified that suspension without pay is a possible outcome and/or additional

disciplinary measures may be imposed. The Village Board may order a suspension without pay after the investigation and hearing. Policies and procedures set by Holmen Village Board shall be followed / enforced when in conflict with this Section.

5. Demotion/Dismissal

- a. All formal charges shall be filed with the Holmen Village Board.
- b. Demotion is a transfer of an employee from a position in a higher class or rank to a position in a lower class or rank for which the maximum rate of pay and/or level of responsibility is lower.
- c. Dismissal is an involuntary separation of an employee from the Department. As prescribed, officers of the Department may be discharged pursuant to this Policy and Wisconsin Statutes. The notice and hearing procedures used when considering suspensions shall be used when discharge of a Department member is being considered.
 - 1) State Law. The requirements of the Wisconsin statutes shall supersede the provisions of this Section when in conflict.
 - 2) Village Board. As prescribed herein, adopted Holmen Village Board policies and procedures shall control in disciplinary proceedings, if/when in conflict with this Section.

F. Administrative Leave or Change of Duties.

1. An employee who is the subject of an allegation may be immediately placed on administrative leave by the police chief or Lieutenant when such leave will assist in protecting the best interest of the community, the Department or the employee.
2. Administrative leave for employees may be imposed:
 - a. When there is reasonable suspicion to believe that an employee is suspected to be or has been in violation of any alcohol and/or drug use laws; and/or rules or regulations of the Department while on duty.
 - b. When there is reasonable suspicion to believe that an employee is in such a mental or physical state that he/she presents a danger or potential danger to himself/herself or others.
 - c. When there is reasonable suspicion to believe that the employee is charged with a criminal act within or outside the Department's jurisdiction.
 - d. When there is reasonable suspicion to believe that the employee's presence on duty could jeopardize impartiality of an internal investigation, or could jeopardize an investigation conducted by another jurisdiction, or at the request of the police chief.
 - e. When an independent preliminary investigation by the Department, of alleged criminal activity of the employee results in the finding that the employee engaged in a criminal act. This preliminary investigation may be conducted and concluded immediately upon discovery of the alleged criminal activity and is not subject to the restrictions applicable to formal internal investigations. Suspension under these circumstances may be

instituted only after consideration of an investigation conducted by the Department itself, and not on arrest information or records received from other law enforcement jurisdictions.

- f. Other circumstances as deemed appropriate by the police chief.

Note....Reasonable suspicion may be based on information obtained from citizens, department employees or other law enforcement agencies.

3. A temporary change of duties may be assigned an employee as an alternative to administrative leave at the discretion of the police chief, according to the employee's capabilities.
4. A temporary change of duties may be assigned an employee when the employee's presence in the original assignment may jeopardize, or appear to jeopardize, the impartiality of any investigation.
5. An immediate change of duties or administrative leave is not an act of discipline or a demotion regardless of the nature of the temporary change of duties.
6. An employee under administrative leave may be required to report to the police station on a daily basis for any change in status.

G. Disciplinary Records

1. All completed disciplinary documents will be maintained in the Department's internal files, maintained by the police chief in a secured file in his/her office. A copy of the disciplinary action will be included in the employee's personnel file.
2. All reports of employee conduct and subsequent administrative action will be tracked in accordance with Department Policy 6.9.

Shane Collins
Police Chief

This Policy cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 10/20/2016