



# COLUMBIA POLICE DEPARTMENT

*“Policing Excellence through Community Partnerships”*

<b>Directive Type:</b> General Order	<b>Effective Date:</b> 06-04-2016	<b>General Order Number:</b> 03.03
<b>Subject:</b> <i>Disciplinary Procedures</i>		
<b>Amends/Supersedes:</b> Section 03, Chapter 03, Disciplinary Procedures, SO 2015 - 02	<b>Chief of Police:</b> <i>W.A. Hinkle</i>	
<b>Distribution:</b> All Personnel	<b>Review Date:</b> July 1	<b># of Pages:</b> 17

## 1.0 DISCIPLINARY PHILOSOPHY

The Columbia Police Department desires to serve the community with integrity and in professional manner. To achieve this goal and continue improving the quality of service the department provides to the community, each and every employee must accept the responsibility for their role in maintaining integrity, quality and high professional standards.

The most effective disciplinary system is one that combines the reinforcement of the right set of values in all employees with behavioral standards that are established in clear policies, procedures and rules that are consistently and fairly applied. Each employee of the Columbia Police Department must understand and be guided by the standards that have been established in the department policies, rules, regulations and procedures.

Employees of the Columbia Police Department are expected to conduct themselves, both in interactions with each other and with the public, in a manner that conveys respect, honesty, integrity, and dedication to public service. In turn, employees of the department can expect to be treated fairly, honestly and respectfully, by their peers and other employees of the department who hold positions of greater or lesser organizational authority.

Employees will be directly involved in the disciplinary process -- either as the subject of the process or in a review capacity to recommend or decide on the consequences in light of the circumstances that might have contributed to the violation.

A critical aspect of the application of discipline is applying discipline in a consistent and fair manner. For the Columbia Police Department **consistency** is defined as holding everyone equally accountable for unacceptable behavior and **fairness** understands the circumstances that contributed to the behavior while applying the consequences in a way that reflects this understanding.

In order to ensure that employees are treated in a **consistent** and **fair** manner, the application of consequences for behaviors that are not in keeping with the expectations of the department will be based upon a balanced consideration of several factors.

### **Employee Motivation:**

The police department exists to serve the public. One factor in examining an employee's conduct will be whether or not

the employee was operating in the public interest.

An employee who violates a policy in an effort to accomplish a legitimate police purpose that demonstrates an understanding of the broader public interest inherent in the situation will be given more positive consideration in the determination of consequences than one who was motivated by personal interest.

Obviously there will be difficulty from time to time in determining what is in the public interest. For example, would it be acceptable for an employee to knowingly violate an individual's First Amendment right to the freedom of speech to rid the public of what some might call a nuisance? Or is it acceptable as being in the public interest to knowingly violate a Fourth Amendment right against an unlawful search to arrest a dangerous criminal? Although it would clearly not be acceptable in either case for an employee to knowingly violate a Constitutional right, these are very complex issues that officers are asked to address.

The police have a sworn duty to uphold the Constitution. It is in the **greater public interest** to protect those Constitutional guarantees in carrying out that responsibility even though it might be argued the public interest was being better served in the individual case. But if an employee attempts to devise an innovative, nontraditional solution for a persistent crime or service problem and unintentionally runs afoul of minor procedures; the desire to encourage creativity in our efforts at producing public safety will carry significant weight in dealing with any discipline that might result.

**The Degree of Harm:** The degree of harm an error causes is also an important aspect in deciding the consequences of an employee's behavior. Harm can be measured in a variety of ways. It can be measured in terms of the monetary cost to the department and community. An error that causes significant damage to a vehicle for example could be examined in light of the repair costs. Harm can also be measured in terms of the personal injury the error causes such as the consequences of an unnecessary use of force. Another way in which harm can be measured is the impact of the error on public confidence. An employee who engages in criminal behavior – selling drugs for example -- could affect the public confidence in the police if the consequences do not send a clear, unmistakable message that this behavior will not be tolerated.

**Employee Experience:** The experience of the employee will be taken into consideration as well. A relatively new employee (or a more experienced employee in an unfamiliar assignment) will be given greater consideration when judgmental errors are made. In the same vein, employees who make judgmental errors that would not be expected of one who has a significant amount of experience may expect to receive more serious sanctions.

**Intentional/Unintentional Errors:** Employees will make errors that could be classified as intentional and unintentional.

- An **unintentional** error is an action or decision that turns out to be wrong, but at the time it was taken, seemed to be in compliance with policy and the most appropriate course, based on the information available. A supervisor for example, might give permission for a vehicle pursuit to continue on the basis the vehicle and occupants met the general description of one involved in an armed robbery. The pursuit ends in a serious accident and it is learned the driver was fleeing because his driver's license was expired. Under these circumstances, the supervisor's decision would be supported because it was within the policy at the time it was made.
- **Unintentional** errors also include those momentary lapses of judgment or acts of carelessness that result in minimal harm (backing a police cruiser into a pole for example, failing to turn in a report, etc.). Employees will be held accountable for these errors but the consequences will be more corrective than punitive unless the same errors persist.
- An **intentional** error is an action or a decision that an employee makes that is known (or should be known) to be in conflict with law, policy, procedures or rules at the time it is taken. Generally, intentional errors will be treated more seriously and carry greater consequences. Within the framework of intentional errors there are certain behaviors that are entirely inconsistent with the responsibilities of police employees.

These include lying, theft, or physical abuse of citizens and other equally serious breaches of the trust placed in members of the policing profession. The nature of the police responsibility requires that police officers be truthful. It is recognized however, that it is sometimes difficult to determine if one is being untruthful. The

department will terminate an employee's employment when it is clear the employee is intentionally engaging in an effort to be untruthful. Every effort will also be made to separate individuals from the department found to have engaged in theft or serious physical abuse of citizens.

**Employee's Past Record:** To the extent allowed by law and policy an employee's past record will be taken into consideration in determining the consequences of a failure to meet the department's expectations. An employee that continually makes errors can expect the consequences of this behavior to become progressively more punitive. An employee that has a record of few or no errors can expect less stringent consequences. Also, an employee whose past reflects hard work and dedication to the community and department will be given every consideration in the determination of any disciplinary action. Formal disciplinary action will be kept indefinitely in the employee's city personnel file.

Following the careful consideration of all applicable factors in any disciplinary review, every effort will be made to determine consequences that consistently and fairly fit each specific incident. The rationale for disciplinary decisions will be explained as clearly as possible.

**NOTE: NOTHING CONTAINED HEREIN WILL LIMIT THE RIGHT, POWER AND AUTHORITY OF THE CHIEF OF POLICE TO ADMINISTER DISCIPLINARY ACTION AS HE DEEMS APPROPRIATE UNDER THE GIVEN CIRCUMSTANCE.**

## **2.0 PERSONNEL SUBJECT TO DISCIPLINE**

All members of the Department, both sworn and non-sworn, are responsible for conforming to departmental policies and procedures and are subject to discipline under the provisions of this chapter. Any member who violates the oath of office or trust, the laws of the United States, the State of South Carolina, or the City of Columbia or who violates any provision of departmental policies and procedures or who disobeys the lawful order of a supervisor, or who is incompetent in the performance of his duties is subject to disciplinary action. It is the supervisor's duty to ensure that those personnel subordinate to them conform to the Department's guidelines. This is best accomplished by supervisors setting a positive example for their subordinates. In those cases where the Department's guidelines are violated, there must be a uniform system of discipline.

## **3.0 COUNSELING AND RETRAINING**

It may be determined that while an incident may have resulted from less than satisfactory job performance, the infraction is not severe enough to rise to the level of an oral reprimand. In such cases, an appropriate alternative to disciplinary action may be counseling or retraining, either of which should be directed toward improving employee performance through positive and constructive means.

When counseling or retraining is used as an alternative to disciplinary actions, it is not considered formal discipline, but a "Report of Disciplinary Action and/or Termination" form will be completed by the supervisor as a written record and maintained in the member's Personnel Performance File for the remainder of the employee's evaluation year.

Nothing in this directive prohibits the use of counseling or retraining in combination with the formal disciplinary penalties identified neither in this section nor in matters not directly associated with infractions of regulations.

## **4.0 TYPES OF FORMAL DISCIPLINE**

Subject to the City of Columbia Employee Handbook and, when necessary, the approval of the City Manager, the following penalties may be imposed against a member of the Department for disciplinary purposes:

### **4.1 Oral Reprimand**

Any first offense violation of a minor directive or procedure may be grounds for an oral reprimand. The supervisor issuing an oral reprimand will verbally discipline the employee and will document the oral reprimand

on the "Report of Disciplinary Action and/or Termination" form checking oral reprimand as the action taken. The report will then be forwarded up the employee's chain of command to the Chief of Police.

The supervisor issuing the oral reprimand will inform the employee that the oral reprimand has been documented and a copy will be maintained in the employee's Personnel Performance File for the remainder of the employee's evaluation year. The original report will be maintained in the Department's Human Resources Unit.

#### 4.2 Written Reprimand

Any first or second offense violation of a minor directive or procedure may be grounds for a written reprimand. The supervisor issuing a written reprimand will verbally discipline the employee and will document the written reprimand on the "Report of Disciplinary Action and/or Termination" form checking written reprimand as the action taken.

The supervisor issuing the written reprimand will inform the employee that the written reprimand has been documented and will be permanently maintained in the employee's Personnel Performance File. Written reprimands will be forwarded up the employee's chain of command to the City Personnel Office.

#### 4.3 Suspension

The Chief of Police may, for disciplinary purposes, suspend without pay any employee of this Department for a length of time, as he considers appropriate, not exceeding five days per offense.

The Chief of Police will give a written statement specifically setting forth the reason for the suspension to the affected employee and a copy submitted to the City Personnel Director. With the approval of the City Manager, an employee may be suspended for longer periods pending a trial or investigation of any charges against him.

#### 4.4 Demotion

Any serious violation of a directive or procedure may be grounds for a demotion in rank and pay.

The Chief of Police will give a written statement specifically setting forth the reasons for the demotion to the affected employee and a copy submitted to the City Personnel Director.

#### 4.5 Dismissal from the Department

Dismissals are discharges or separations made for delinquency, misconduct, inefficiency or inability to perform the duties of a position satisfactorily. The Chief of Police may dismiss any probationary or regular employee and they shall be informed in writing of the following:

- Reason for dismissal.
- Effective date of dismissal.
- Status of fringe and retirement benefits after dismissal.
- Contents of the officer's employment record relating to the dismissal.

The City Manager may dismiss any employee when he concludes that such dismissal is for the good of the City. The City Manager is not required to give any reason for disciplinary actions or dismissal.

All regular employees discharged for reasons of inefficiency or inability to discharge duties of their position will be given two weeks notice of discharge or granted two weeks severance pay in lieu of notice.

## **5.0 LEVEL OF AUTHORITY FOR DISCIPLINE**

All supervisors are held responsible for any discipline administered at any level below them within their span of authority. Final disciplinary authority and responsibility for departmental members rests with the Chief of Police, and if necessary, the City Manager.

All supervisors, to include first level supervisors (Sergeants, Inspectors, Lieutenants and Civilian Supervisors) and Division Commanders may exercise the following disciplinary measures with members under their control:

- Change of duty assignment within their span of supervisory control.
- Counseling and retraining.
- Oral reprimand.
- Written reprimand.
- Recommend a higher level of discipline, such as suspension or dismissal.
- Emergency relief from duty.

The Chief of Police may exercise the following additional disciplinary measures:

- Suspension for not more than five (5) days.
- Demotion in rank or pay grade.
- Dismissal from the Department.

Whenever any sworn supervisor observes improper officer conduct, it shall be their responsibility to administer the appropriate disciplinary action and then inform the offending member's supervisor of the action taken and reasons for those actions. Civilian supervisors have direct authority only over members of their sections and will report violations by sworn personnel to the officer's supervisor for action.

A first level supervisor or higher may relieve a member from duty on an emergency basis for serious violations of law or directive or when the member is physically or mentally incapable of performing his duties (i.e., intoxication, gross insubordination). Such relief from duty will remain in effect until 10:00 a.m. on the next day, unless otherwise directed by competent authority. At that time, the relieved member and the supervisor effecting the relief will report to the Division Commander. The relieved member and the supervisor effecting the relief will then follow the chain-of-command up to the Chief of Police who will render the final decision.

## **6.0 REPORT OF DISCIPLINARY ACTION AND/OR TERMINATION**

When disciplinary action is taken or recommended by a supervisor, a "Report of Disciplinary Action and/or Termination" form will be completed. This form will contain the following information:

- Name, rank and present assignment of the member being disciplined.
- Date, time and location of the violation.
- Section, Chapter and Subsection numbers of the directive or procedure violated, and/or the common name of the infraction.
- A complete statement of the facts of the violation.
- The written signature of the supervisor preparing the disciplinary and his rank.
- The written signature of all supervisors in the member's chain-of-command.

### **6.1 Forwarding of the "Report of Disciplinary Action and/or Termination"**

The supervisor imposing or recommending the disciplinary action will be responsible for forwarding the "Report of Disciplinary Action and/or Termination" to the member's first link in his chain-of-command. Each level of command must review; take any action within their authority and forward the disciplinary report up

through the chain-of-command to the Chief of Police. Any change at any level in discipline administered must be recorded in the report and forwarded.

#### 6.2 Distribution of the "Report of Disciplinary Action and/or Termination"

The "Report of Disciplinary Action and/or Termination" will be distributed as follows:

- Original - forwarded to the City Personnel Department by the Human Resources Unit.
- Copy - to be retained in the disciplined member's performance records within the Division.
- Copy - to member being disciplined.
- Copy - to the Internal Affairs Unit.
- Copy - to member's Division Commander.
- Copy - to member's Unit/Section Commanding Officer.

#### 6.3 Review of the "Report of Disciplinary Action and/or Termination"

The supervisor must show the "Report of Disciplinary Action and/or Termination" (with the exception of terminations and oral reprimands) to the employee and request his signature. The employee's signature acknowledges that he has seen the report but does not indicate agreement with the contents of the report or the action taken, nor does it prevent an appeal from the action. If the employee declines to sign the report, the supervisor shall note on the report the time and date it was shown to the employee and sign the notation.

### **7.0 CODE OF CONDUCT**

Employees will not commit acts or omit any acts that constitute a violation of any rules, regulations, written directives, procedures, or orders of this Department, whether stated in these rules or elsewhere.

It is not possible to list all acts or omissions that may result in disciplinary action. The following lists are merely a guideline of some of the more obvious types of misconduct and the probable disciplinary action that may result from them.

In every circumstance where the listed recommended disciplinary action is modified or recommended for modification by a supervisor due to extenuating circumstances, the supervisor must document the reasons for the modification in discipline. Supervisors may contact the Internal Affairs Unit for examples of similar violations and extenuating circumstances. However, the disciplinary action that is administered for any particular act or acts of misconduct rest in the sole discretion of the Chief of Police subject to review by the City Manager by way of the City grievance procedure.

#### 7.1 Insubordination Offense

##### 1. Respect Toward Superiors

Employees will display respect and will address supervisors and superior officers by proper rank or title.

##### 2. Abusiveness

Employees will not use abusive language or gestures toward a supervisor or superior officer of the Department.

##### 3. Prompt Compliance with a Direct Lawful Order of a Superior

Departmental personnel will promptly execute the direct lawful orders and/or instructions of a supervisor or superior officer, and will not delay or fail to carry out such orders or instructions.

#### 4. Truthfulness

Upon the order of the Chief, the Chief's designee or a superior officer, employees will truthfully answer all questions specifically directed and narrowly related to their scope of employment and operations of the Department.

#### 5. Concerted Job Actions

Departmental personnel will not engage in concerted job actions such as curtailment or restriction of work output, or interfere with work in or about other departmental work stations including, but not limited to, instigating, leading or participating in any walk-out, strike, sit-down, stand-in, slow-down, refusal to return to duty at the scheduled time, or otherwise instigate, lead, or contribute to job actions that undermine supervisory authority and seriously effect discipline, morale or organizational effectiveness.

### 7.2 Neglect of Duty Offenses

#### 1. Abuse of Meal Periods

Sworn personnel will be permitted to suspend their assigned activities for the purpose of having a meal during their tour of duty. The meal will be taken at an establishment within the officer's assigned district or patrol area and will last no longer than thirty (30) minutes. Officers will be subject to call during the meal break.

Sworn employees in an administrative assignment will be permitted to take a one (1) hour meal break at an establishment of their choice. Civilian employees will be permitted to take a one (1) hour lunch.

#### 2. Reporting for Duty

Employees will report for duty at the time and place required by assigned orders and will be physically and mentally fit to perform their duties. They will be properly equipped and cognizant of information required for the proper performance of duty so that they can immediately assume their duties. Judicial subpoenas will constitute an order to report for duty under this section.

#### 3. Report for Cause of Absence

Employees that are unable to report for duty due to illness or other valid reasons will notify their supervisor at least thirty (30) minutes prior to the start of their tour of duty.

#### 4. Misuse of Sick Leave

Departmental personnel will not feign illness or injury or falsely report themselves ill or injured or otherwise deceive any superior or supervisor of the Department as to the condition of their health for purposes of avoiding normal duties through use of accumulated sick leave. Performance of income producing or recreational activities while on sick leave will be prima-facie evidence of sick leave abuse. For the purpose of this directive, sick leave will be considered to be the 24 - hour period following the employee calling in sick.

Employees are expected to remain at their place of residence while on sick leave, or to cause prompt notification of the Unit/Section supervisor with a location at which they may be reached. Departmental personnel may, however, leave the place of residence for short durations as necessary for obtaining medical aids or assistance, food or sustenance, for performing necessary domestic errands, or exercise of civil rights to vote, travel to or engage in religious activities.

#### 5. Fictitious Illness or Injury Report

Employees will not feign illness or injury or falsely report themselves ill or injured or otherwise deceive or attempt to deceive any supervisor of the Department as to the condition of their health for purposes of making a fraudulent claim for insurance, workers compensation or disability retirement.

6. Response to Radio Calls

Departmental personnel will respond promptly to radio calls when logged or listed as being in-service with Columbia/Richland Communications Center.

7. Completion of Reports and Documents

Departmental employees will complete and submit all reports and documents required in the execution of their duties prior to concluding a tour of duty except as authorized by a supervisor.

8. Willful Violation of Policies and Procedures (Not Endangering Persons or Property)

Employees will not willfully ignore or violate official policies and procedures, supervisory instructions, or knowingly fail to properly execute the duties and responsibilities of their assigned position.

9. Willful Violation of Policies and Procedures (Endangering Persons or Property)

Employees will not willfully ignore or violate official policies and procedures, supervisory instructions, or knowingly fail to properly execute the duties and responsibilities of their assigned position that endangers persons or property.

10. Leaving Duty Post

Employees will not leave their assigned duty posts during a tour of duty except when authorized by proper authority, unless an incident of higher priority dictates immediate action.

11. Failure to Report a Motor Vehicle Accident

Departmental personnel will immediately report motor vehicle accidents that involve a departmental vehicle.

12. Failure to Report Loss of Equipment, Badge or ID Card

Departmental employees will immediately report the loss of badge, ID card, or departmental equipment to a supervisor.

13. Citizen Complaints to be Recorded

Employees will courteously and promptly adhere to policies and procedures established for processing citizen complaints.

14. Notification of Correct Address and Telephone Number

Employees will have telephones in their residences and will immediately report any change of telephone numbers or addresses to their immediate supervisor, the Human Resources Unit and Division Commander.

15. Identification Required

Employees will carry their identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They will furnish their name and badge number to any person



requesting that information when they are on or off duty while holding themselves in an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

16. Unsatisfactory Performance

- A. Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees will perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by lack of knowledge of the application of laws required to be enforced; unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving their attention, or absence without leave.
- B. Employees will make corrective efforts when notified of improper or poor performance. The following will be considered evidence of unsatisfactory performance; repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.

17. Sleeping On Duty

Employees will remain awake while on duty. If unable to do so, they will report to their superior officer who will determine the proper course of action.

18. Cowardice

Sworn police personnel shall perform their required duties and shall not avoid such duties because of fear or cowardice. Sworn officers are not expected or required to enter imminently hazardous situations without assistance; however, they shall not fail to come to the aid of another member of the Department who is already engaged in an imminently hazardous situation. Officers shall respond to the aid of all persons in danger unless the probability of losing their own life exceeds the probability of successful rescue.

19. Failure to Comply With NCIC Policies and Procedures

Those employees authorized to enter information into or access information from NCIC shall not allow unauthorized personnel the use of any NCIC terminal, except for formal job training towards NCIC certification. Employees will comply with all established policies and procedures established in the SLED/CJICS-FBI/NCIC Operations and Procedures Manual and its' record keeping procedures.

7.3 Unlawful Conduct Offenses

1. Conviction of Traffic Violations

Departmental personnel will adhere to all local and state traffic laws and ordinances.

2. Conviction of Criminal Offenses

Departmental personnel will adhere to all federal, state and local criminal laws and ordinances.

7.4 Improper Conduct Offenses

1. Courtesy

Employees will be courteous to the public and to other departmental personnel. Employees will be tactful in the performance of their duties, shall control their temper, exercise the utmost patience and discretion and will not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane, insolent, sexually provocative or degrading language or gestures and will not express any prejudice toward any individual or group concerning gender, race, religion, politics, national origin, lifestyle or similar personal characteristics.

2. Home Address and Telephone Number Confidential

Departmental personnel will treat the home address and telephone number of other employees as confidential information. Such information will be released only when authorized by competent authority, or with the consent of the personnel concerned.

3. Radio Transmission

Departmental personnel will use official radio channels in accordance with established procedures, and will avoid the use of sarcasm, impertinent remarks, or other improper radio transmissions.

4. Testimonials

Departmental employees will obtain the approval of the Chief of Police before authorizing use of their names, photos, or official titles which identify them as members of the Columbia Police Department in testimonials or advertisements of any commodity, or commercial enterprises.

5. Employment Outside of Department

Employees may engage in off-duty employment subject to the following limitations:

- A. Such employment will not render the employee unavailable during an emergency, physically or mentally exhaust the employee, require special consideration for the scheduling of the employee's regular duty hours or bring the Department into disrepute or impair the operation or efficiency of the Department or employee.
- B. Employees will not engage in employment of any nature involving bail bond agencies, private investigative work, private security agencies, or towing services.
- C. All secondary and off-duty employment must be approved by the employee's respective supervisor. Employees will submit a written request for any off-duty employment that he works on a regularly scheduled basis. If this employment exceeds six (6) months, the request must be resubmitted annually.
- D. All officers engaged in security work off-duty will be required to wear their uniform and will be restricted to security work within the City Limits.

6. Endorsements and Referrals

Employees will not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service or commercial service, (such as an attorney, towing service, bondsman, mortician, etc.). In the case of towing service, when such service is necessary, and the person needing the service is unable or unwilling to procure it or requests assistance, employees will proceed in accordance with Section 2-4008 of the Columbia City Code of Ordinances.

7. Alcoholic Beverages and Drugs in Police Institutions

Employees will not store in or bring into any police facility or vehicle, alcoholic beverages, controlled substances, narcotics or hallucinogens, except alcoholic beverages, controlled substances, narcotics or hallucinogens that are held as evidence.

8. Violation of Drug and Alcohol Policy

Employees will not possess any controlled substances, narcotics, or hallucinogens except when prescribed as treatment by a physician or dentist. When controlled substances, narcotics, or hallucinogens are prescribed, or if they intend to use over the counter drugs or any substance that might impair their ability to satisfactorily perform their duties they will notify their supervisor prior to beginning their shift.

Employees will not consume intoxicating beverages while in uniform or on duty, except in the performance of duty and while acting under proper and specific orders from a superior officer.

9. Refusal to submit to Drug and Alcohol testing

Employees shall not refuse to submit to random, reasonable suspicion, post accident, probationary or promotion related drug and alcohol testing.

10. Abuse of Position

A. Employees will not use their official position, identification cards or badges for personal or financial gain, obtaining privileges not otherwise available to them except in the performance of duty, or to avoid the consequences of illegal acts. Employees will not lend to another person their identification cards or badges or permit them to be photographed, reproduced or have in their possession reproductions without the approval of the Chief of Police. This rule will apply to off-duty badges or other reproductions of official identification.

B. No Officer shall use their position of public trust and authority to intimidate, manipulate, persuade, improperly influence, request favors of, or harass any citizen, this will include sexual harassment.

Sexual harassment is the deliberate behavior of a sexual nature by one person to another that is unwelcome, unasked for or rebuked by the other person. The behavior can be verbal, nonverbal, or physical in nature.

11. Intentional Abuse of Departmental Equipment

Departmental personnel will utilize departmental equipment for its intended purpose in accordance with established procedures, and not intentionally abuse, misuse, or damage departmental equipment or vehicles.

12. Use and Handling of Weapons

Departmental personnel will use or handle weapons in a careful and prudent manner on or off-duty. Weapons will be used in accordance with the law and established departmental procedures.

13. Dissemination of Information

Employees will treat the official business of the Department as confidential. Information regarding official business will be disseminated only to those for whom it is intended. Employees may remove or copy official records or reports from a police installation only as it is necessary for the performance of their duties. Employees will not divulge the identity of persons giving confidential information except as authorized by

proper authority. This specifically includes but is not limited to: Unauthorized disclosure of SLED/CJICS - FBI/NCIC criminal justice information, release of driver's license or vehicle registration information to other than criminal justice employees who do not have a user agreement with the Columbia Police Department.

14. Processing Property and Evidence

Property or evidence that has been discovered, gathered or received in connection with departmental responsibilities will be processed in accordance with established procedures. Employees will not convert to their own use, create, conceal, falsify, destroy, remove, tamper or withhold any property or evidence in connection with an investigation or other police action except in accordance with established departmental procedures.

15. Associations

Employees will avoid regular or continuous associations or dealings with persons whom they know, or should know based upon relative circumstances, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or are unavoidable because of other personal relationships of the employee.

16. Excessive or Unnecessary Force

Departmental personnel will use only that degree of force necessary to perform official duties in accordance with established departmental directives or procedures.

17. Chain of Command

Departmental personnel will adhere to the organization chain of command in the course of regular duties except when necessary for maintaining the morale and/or the integrity of the Police Department, or in cases of justifiable personal need.

18. Abuse of Process

Employees will not make false accusations of a criminal or traffic charge.

19. Gifts, Gratuities, Bribes, or Rewards

Employees shall not solicit any gift (including money, tangible or intangible personal property, food, beverage, loan promise, service entertainment, or special discount) from any person, business or organization. Employees shall not accept any gift whatsoever where the acceptance would appear to be intended to influence the action of the employee in his official capacity. This rule does not prohibit any employee from partaking of minor social graces or negligible gifts in the spirit of a social or a holiday nature.

20. Always On Duty

All employees of the Columbia Police Department for disciplinary purposes will be considered as being on duty at all times. Although certain hours are allotted to a respective employee for the performance of duty on ordinary occasions, he is required to respond immediately, day or night in any emergency on notice that their services are needed.

21. Use of Tobacco

Use of tobacco, in any form, is prohibited inside all City of Columbia facilities. Outside City of Columbia facilities, employees may not use tobacco if they are engaged in providing services to the public or while in

departmental vehicles.

22. Political Activity

All employees are urged to exercise their individual right to vote as citizens. As City employees, in an official capacity, however, employees shall not engage in public political activity, for or against any political candidate or political issue.

23. Intervention

Employees will not interfere with cases being handled by other employees of the Department or by any other governmental agency unless:

- A. Ordered to intervene by a superior officer, or;
- B. The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

Employees will not undertake any investigation or other official action not part of their regular duties without obtaining permission from their supervisor unless the demands of the situation require immediate police action.

24. Revocation or Suspension of Drivers License

Employees who operate departmental vehicles will immediately report the revocation or suspension of their driver's license to the Chief of Police.

25. Criticism and Malicious Gossip

Employees of the Department will not criticize any other member or employee, except in the line of duty as a supervisor to a subordinate, nor will any employee maliciously comment about any supervisor, or any order, directive, procedure, case or event that should remain police information. No employee will maliciously cause discredit to, or lower or injure the morale of the Department or that of any individual of the Department.

26. Conduct Unbecoming a Law Enforcement Officer

No Officer, while in uniform or identified as a representative of the Department, shall engage in any conduct or activity which would reasonably be construed as bringing disrepute upon the City of Columbia Police Department or the profession of Law Enforcement as a whole.

27. Use Dynamic URLs sites (Blogs)

Social networking (dynamic URLs) websites are virtual online communities use to share information, opinions, photos, music and videos. When an employee of the Columbia Police Department discusses sensitive issues or publicly communicates an association with the department in such a forum, they may be placing themselves or the department at risk. Employees should consider the integrity of the department, the safety of its members and the potential risks of disclosing sensitive or personal information.

All employees of the Columbia Police Department are hereby prohibited from using images of department equipment, uniforms, and insignias on any social networking Internet site without the written permission of the Chief of Police.

## **8.0 HARASSMENT DIRECTIVE**

The Columbia Police Department will provide a businesslike work environment free from all forms of employee discrimination including incidents of unlawful workplace harassment or sexual harassment. Appropriate disciplinary actions will be taken for all violations of this directive. Sworn employees will be disciplined under the guidelines for Conduct Unbecoming a Law Enforcement Officer. Civilian employees will be disciplined under City guidelines for Sexual Harassment.

### **8.1 Definition of Unlawful Harassment**

Unlawful harassment is conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

### **8.2 Definition of Sexual Harassment**

Sexual harassment is the deliberate or repeated behavior of a sexual nature by one person to another that is unwelcome, unasked for or rebuked by the other employee. The behavior can be verbal, nonverbal, or physical in nature.

Examples of sexual harassment include, but are not limited to, the following:

- Creating an intimidating, hostile, or offensive working environment
- Utilizing the submission to or rejection of unwelcome sexual conduct as a basis for employment decisions affecting that individual
- Making acceptance of unwelcome sexual conduct or advances or requests for sexual favors of any nature a condition of employment or continued employment.

### **8.3 Reporting Procedure**

An employee who feels that he or she has been unlawfully or sexually harassed shall immediately file a complaint with their supervisor who will send the complaint through the Chain of Command to the Chief of Police. The Internal Affairs Unit will promptly and thoroughly investigate the allegation in a confidential manner. A report detailing the findings of the investigation will be submitted to the Chief of Police who will determine what, if any, disciplinary action will be taken.

If the offending party is in the employee's Chain of Command, the employee may file the complaint directly with the Chief of Police or City's Human Resources Director.

### **8.4 Protection of Complainants against Retaliation**

Retaliatory action against anyone filing a complaint of unlawful or sexual harassment, as described in this directive, is strictly prohibited.

### **8.5 Training**

All supervisory personnel in the Department will receive annual training on the prevention of unlawful or sexual harassment. This training will be scheduled and coordinated by the Training Unit.

## **9.0 CHAIN OF COMMAND REVIEW BOARD**

### **9.1 Purpose:**

Chain of Command Review Board Hearings (CRB) are designed to provide a more open decision-making process that benefit from all board members hearing the same facts. All board members are allowed to ask

clarifying questions of witnesses and the accused employee. The accused employee has an opportunity to address the board with any information they believe would be relevant to the decision, enhancing due process.

Upon notification of a disciplinary action, the accused employee can elect to accept the action or appeal the action through the Command Review Board process; however, certain disciplinary actions require Command Review Board review. If the accused member is not satisfied with the final decision rendered by the Chief, they can appeal the decision through the City of Columbia Human Resources Department's formal Grievance process.

All recommendations and final dispositions will be made in accordance with the Departments discipline philosophy.

Command Review Boards will be scheduled within thirty (30) of completion of an administrative investigation that requires a CRB. In the event that a parallel criminal investigation is required, the CRB will be scheduled within thirty (30) days of the conclusion of the criminal investigation and the parallel administrative investigation respectively. Any disciplinary measures that are implemented as a result of the finding of the CRB will be carried out within fifteen (15) days of the conclusion of the CRB. Deadlines may be adjusted in exigent circumstances upon authorization by the Office of the Chief.

**NOTE: The CRB process does not eliminate the option to request a grievance hearing in accordance with the City of Columbia Employee Handbook (see Attachment #1) and accessible by all City employees on the T:Drive.**

## **9.2 Chain of Command Review Board Structure:**

The Chain of Command Review Board will consist of the following personnel, assigned by the Chief of Police or his designee:

- Chief of Police / Deputy Chief of Police will serve as Chairperson of the board.  
At the conclusion of the hearing, the employee will be excused and the board will make recommendations for disposition of the complaint to the chair, which will render the decision.
- Professional Standards Division Commander (advisory capacity)  
Will coordinate the hearings, including working with the chair to schedule, organize and facilitate the hearings for all allegations investigated. Assistance from Internal Affairs may be provided for hearings conducted for investigations completed by field supervisors. Peer members will be selected from a randomly selected pool by the Internal Affairs Commander.
- Bureau/Division Major
- Regional Commander/Captain (Chain of Command)
- Regional Executive Officer/Lieutenant (Chain of Command)
- Regional Sergeant/Corporal (Chain of Command)
- Peer Member (Same job classification and/or tenure as accused employee)
- Non-Sworn (advisory capacity)

## **9.3 Requesting a Chain of Command Review Hearing:**

The Chief of Police or his designee may convene a Chain of Command Review Board hearing for any circumstance deemed appropriate.

- As outlined in the Columbia police Departments Directives and Procedures Manual; Section 02, Chapter 06 – Internal Affairs, 3.2 Notification of Allegations. Employees under Administrative Complaint Investigations will be notified in writing of the nature of the investigation, to include the employees' rights and responsibilities relative to the investigation as soon as practical.

The employee, at the time of notification, will be afforded the opportunity to request a Chain of Command Review Board hearing in writing or choose to have the matter reviewed and final

disposition concluded by his or her Chain of Command.

- Completed investigations with an initial finding of the allegation(s) being **Not Sustained, Exonerated** or **Unfounded** will be reviewed by the employee's Major, Captain/Manager and the Internal Affairs Commander. These cases will be given a final disposition and are not eligible for a Chain of Command Review Board hearing.
- Completed investigations that result in an initial finding of **Sustained** and a recommendation of **Counseling/Re-training or Oral Reprimand** will be referred to the employee's Chain of Command for final disposition of the investigation and determination of the action to be taken.
- Completed investigations that result in an initial finding of **Sustained** and a **Written Reprimand** is recommended, the accused employee's decision as indicated on his or her Letter of Notification will determine whether the matter is forwarded for review by the Command Review Board or by the employee's Chain of Command.
- Completed investigations that result in an initial finding of **Sustained** and a **Suspension, Demotion, or Termination** is recommended, a Chain of Command Review Board hearing will be automatic. The Chain of Command Review Board will recommend a final disposition to the Deputy Chief or Chief who will determine the appropriate disciplinary action.
- Employees will have the option to rescind their request for a Chain of Command Review Board hearing anytime during the administrative investigation process. If the accused employee chooses to rescind his request for a hearing, the employee's immediate Chain of Command will determine final the disposition and forward it through the Office of the Chief for disciplinary action.

#### **9.4 Peer member of the Chain of Command Review Board:**

For any Chain of Command Review Board, the accused employee may elect to have a peer serve as a member of that board.

- The peer will be selected from a pool of all eligible employees in the accused employee's job classification and/or tenure with the department. If no pool of employees exists within the accused employee's job classification and/or tenure with the department, the Internal Affairs Commander will select a peer from a similar class of employees.
- The peer may not be a probationary employee, involved in the case to be heard, have a disciplinary action take or pending within the previous twenty-four (24) months, or be on suspension or other leave.
- Internal Affairs will provide the accused employee with (3) peer employee names. The employee may select one of the (3) peer employees' names or reject all peer employee names presented.
- If the employee rejects all (3) peer employees' names, the accused employee will have no peer representation in the board hearing process.
- The Internal Affairs Commander may replace any peer for just cause.

#### **9.5 Chain of Command Review Board Process**

During the Chain of Command Review Board hearing, the case presenter will have (30) minutes to present the case to the board. Likewise, the accused employee will have (30) minutes to address the board with any information they believe would be relevant to the decision.

The Board will then have (30) minutes for deliberation on the final disposition and recommended disciplinary action. Board members should strive for consensus in decision and recommendation; however the Board Chair has responsibility for the final decision in each case.



Only members of the accused employee's Chain of Command from the peer to the chair and including the CAC member will participate in rendering a recommendation for final disposition and disciplinary action on each allegation of misconduct.

All documentation produced as a result of the Command review Board, with the exception of the "Report of Disciplinary Action and /or Termination", will remain within the Internal Affairs Unit. The "Report of Disciplinary Action and /or Termination" will be distributed in accordance with this General Order.

The Board Chairperson will:

- With the assistance of the Professional Standards Division Commander, will determine the date, time and location of the hearing and departmental witnesses who will appear at the hearing.
- Review the investigative file prior to the hearing and be prepared to fully participate in the hearing.
- Direct the board's proceedings including determining the order of witnesses, insuring an orderly process and ruling on procedural questions.
- Insure all board members are familiar with the hearing process and understand their roles.
- Render the final decision of the board on each allegation of misconduct upon receiving recommendations from each board member.

Chain of Command Review Board members will:

- Ask questions of any witness or accused employee related to the allegations in order to gain an understanding of the facts or clarify any issue.
- Make recommendations to the Chair for disposition of each allegation of employee misconduct.
- The recommendations shall be sustained, not sustained, exonerated or unfounded. Upon any allegations being sustained by the board, members will then make recommendations for corrective action to the Chair based upon the Department's Disciplinary Philosophy. Recommendations will be made starting with the lowest ranking board member and proceed through the chain of command to the Chair.

Professional Standards Division Commander will:

- Assist with administrative matters related to the hearing process.
- Assist the Chair in conducting an orderly hearing process.
- Insure all documents related to board decisions are completed.

## **9.0 Recording of Command Review Board Proceedings**

In Accordance with the City of Columbia Handbook, there will be no video or audio record of any Command Review Board hearing unless permission is granted by the board prior to the hearing.

**The presence and assistance of the employee's counsel during the review is not permitted.**

## ATTACHMENT #1

### **16. GRIEVANCE PROCEDURE**

This procedure is adopted in accordance with the "County and Municipal Employees Grievance Procedure Act," Section 8-17-110, et seq., Code of Laws of South Carolina, 1976.

A grievance is defined as any complaint by an employee that he has been treated unfairly, unlawfully, or in violation of City policy, with regard to any matter pertaining to his employment by the City of Columbia. This definition includes, but is not limited to: discharge; suspension; involuntary transfer; promotion and demotion. Performance appraisals are not grievable.

An employee who feels that he has a grievance must follow the following procedure:

Step 1.	He must discuss the grievance with his immediate supervisor. If his supervisor is unable or unwilling to address the grievance to the satisfaction of the employee, the employee must take Step 2.
Step 2.	The employee must follow the chain of command in his department, appealing to each successive level of supervision. All Step 1 and Step 2 appeals may be oral. At each level each supervisor will have two (2) work days (Saturdays and Sundays excluded) to render a decision. If no decision is made within this time, the grievance will be considered denied. If a supervisor at a particular level is unavailable to consider the grievance, it will be considered denied and the employee will appeal to the next level of supervision.
Step 3.	If the Assistant City Manager/Department Director in which the employee is employed denies the grievance, this decision will be final as to any grievance brought by an introductory employee. A new employee will be considered introductory for a minimum of 180 days and until he successfully completes his introductory evaluation and it is approved by the Assistant City Manager/Department Director.

A regular employee may appeal the denial of his grievances by the Assistant City Manager/Department Director by filing a written request for appeal to the Employee Grievance Committee at the City's Human Resources Department. This must be done within fourteen (14) calendar days of the time at which the facts on which the grievance is based became available to the employee. The written request for appeal must include the following information:

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- The purpose of the appeal and the recommendation requested of the Grievance Committee to send to the City Manager; and
- A statement that the chain-of-command has been followed in the appeal as is required by the grievance procedure.

Human Resources staff will assist in preparing the appeal, if requested.

Within ten (10) days of receipt of the employee's request, the Chairperson of the Grievance Committee will schedule the requested hearing and notify the Grievance Committee members, the employee requesting the hearing, the affected Department Director and the Director of Human Resources.