



Series 100 Administration	Effective Date 6/15/2017	Review Date Annually	Directive Number 102.4
Chapter 102 - Standards of Conduct			
Reviewing Office <i>Disciplinary Administration</i>			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised <small>Revisions in <i>italics</i></small>
References			

DISCIPLINE

102.4 - 1 POLICY

1. The Detroit Police Department views service in law enforcement as an honorable calling. Working in this organization requires a professional (as opposed to an occupational) philosophy. Through appropriate recruiting practices, training, and employee development, the Department attempts to instill in its members those principles the Department sees as most conducive to police work (e.g. personal honor, a desire for professional status, and a sincere devotion to service). Deviation from these ideals, even to the slightest degree, can damage the public’s view of the Detroit Police Department and, consequently, frustrate its crime suppression efforts. The Chief of Police is, therefore, both legally and ethically obligated to maintain a system of corrective measures designed to assure the public that the Department strives to maintain public trust by holding employees accountable.
2. The Department is committed to preventing unprofessional conduct before it occurs with effective managerial practices, such as mentoring, counseling, and training. But in addition to this, a police agency must maintain an open, effective, and efficient philosophy of discipline designed to prevent further misconduct. Though some offenses are so egregious that the Department must discharge the offending member, emphasis is always on correcting the *member’s* conduct and setting the appropriate expectations.

102.4 - 2 Overview

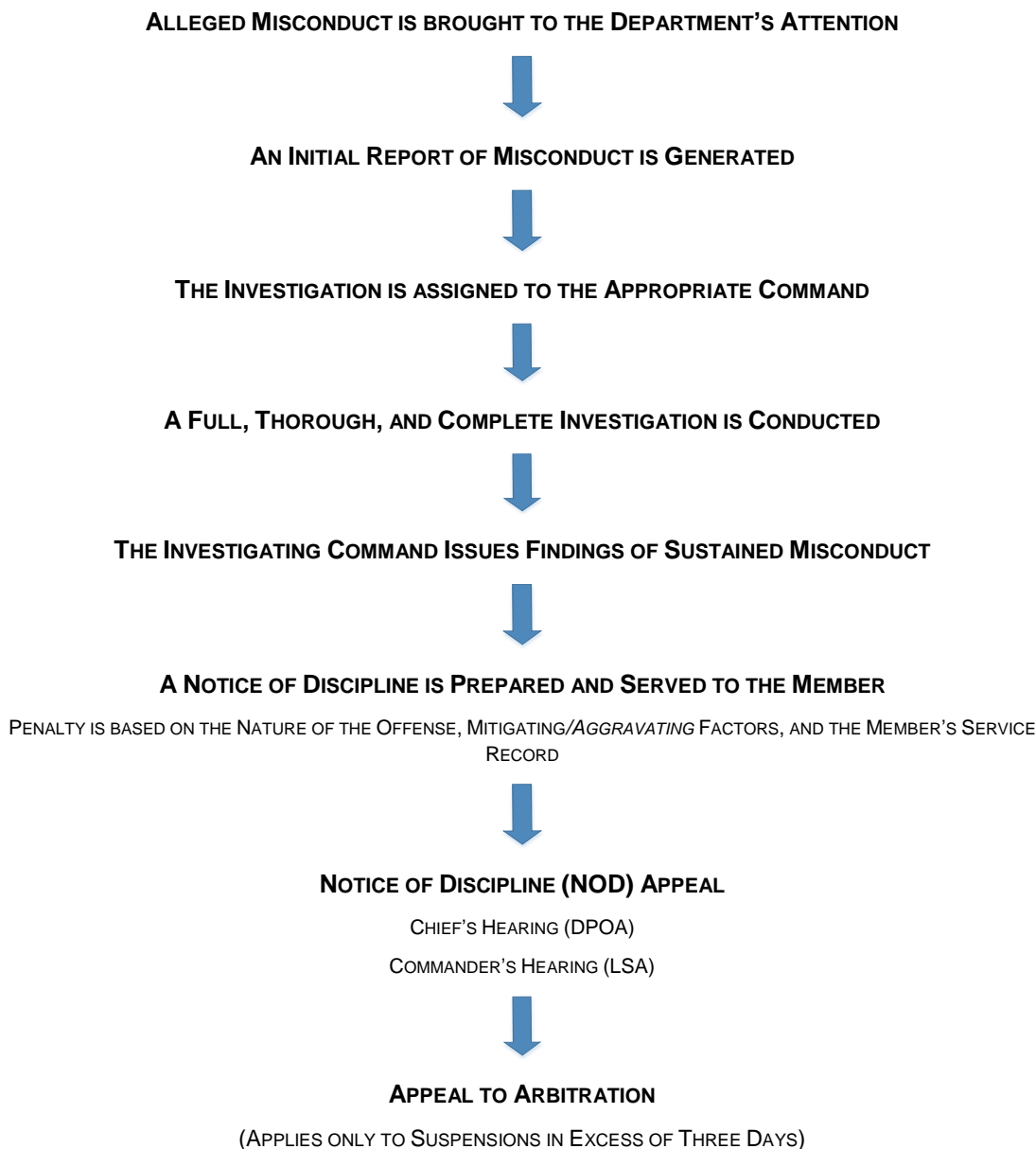
Fairness, as well as speed and certainty of punishment, are necessary features to an effective disciplinary system. In recognition of this fact, the Department has agreed to guarantee each employee suspected of misconduct the following:

- a. An impartial investigation that is full, thorough, and complete;
- b. Written notice of the disciplinary action; and
- c. An opportunity to appeal *the disciplinary action*.

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102.4 - 2.1 Overview of DPD's Disciplinary Process

1. The following chart provides a quick overview of the Department's disciplinary process for members below the rank of captain.¹ Members should review the appropriate collective bargaining agreement for more detail.



¹ Under the Master Agreement between the City of Detroit and the DPCOA, the Chief of Police has the right to discipline a command officer for "any legitimate reason" and to discharge a command officer "for cause." Members of the DPCOA are entitled to arbitration proceedings only in cases of discharge.

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2. The Chief of Police has the exclusive right to rescind or mitigate any disciplinary action at any step of the disciplinary process including but not limited to after the conclusion of an arbitration hearing.

102.4 - 2.2 Authority Attendant to Each Level of Discipline

1. A member may be suspended without pay and benefits as described below:
 - a. Following proper service of a duly prepared Notice of Discipline once the appeal period has expired;
 - b. Following a Chief's Hearing (DPOA) or a Commanders Hearing (LSA) if an appeal to arbitration has not been made or could not be pursued;
 - c. Following receipt of an arbitration decision, absent an intervention by the Chief of Police;
 - d. Where a decision is made to discharge the member, pending the outcome of the disciplinary case; or
 - e. Through other lawful process.
2. A member may *only* be issued a written reprimand following proper service of a duly prepared Notice of Discipline. *Under no circumstances is a member to be served a written reprimand without the prior completion of a thorough misconduct investigation.*

102.4 - 2.3 Authority Where Immediate Action is Necessary

The Department must at all times preserve order and efficiency. For this reason, supervisors are authorized to summarily suspend a member (with pay) in circumstances where a member's alleged misconduct is so egregious, insubordinate, or threatening that the Department should not allow the member to carry on as a *law enforcement* officer. Such suspensions are strictly for the purpose of preserving order and efficiency and are not to be used as a form of discipline.

102.4 - 3 Proper Service

Proper documentation and reporting at each level of the disciplinary process, from the initial report of misconduct to final adjudication, is critical toward ensuring a fair and impartial process. For this reason, the Department has implemented a series of forms designed to capture the information needed to effectively carry out its disciplinary process. Because of the time-sensitive nature of this process, distribution following service of these forms shall be by way of e-mail or immediate hand delivery.

102.4 - 3.1 Notice of Discipline

Before a member is formally disciplined, members are entitled to written notice of the disciplinary action the Department intends to take and to be appropriately apprised of an opportunity to appeal. The Notice of Discipline must state the following:

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- a. The employee's violation;
- b. The date, time, and location of the violation;
- c. A concise statement setting forth the relevant facts; and
- d. The disciplinary penalty.

102.4 - 3.2 Decision Letter

Once a member has exhausted all appellate rights and a final ruling has been rendered in regards to a disciplinary case, Disciplinary Administration will forward a Decision Letter to the member's command indicating the final decision. The member's command will be responsible for serving the member with the Decision Letter. The mandated disciplinary action must be implemented with fifteen (15) days of that notification and proper documentation is to be forwarded to Disciplinary Administration as soon as practicable thereafter.

102.4 - 3.3 Notice of Suspension (DPD215)

Whenever a member is suspended from the Department they must be served with a Notice of Suspension (DPD215). The form is to be prepared by the suspending supervisor and must contain each charge along with a brief description of the alleged act that resulted in the suspension. The suspending supervisor shall ensure the form is distributed as indicated on the form by e-mail or hand delivery.

102.4 - 4 Suspension

102.4 - 4.1 Conduct during Suspension

A member who is suspended is temporarily relieved of police duties and authority until restored to duty, discharged, or otherwise permanently separated. During a suspension, a member shall not wear any police uniform or take police action other than that allowed to a private citizen. A member serving a suspension must still adhere to all Department rules and regulations and must comply with all lawful commands. Behavior or conduct of a suspended member that is incompatible with the minimum requirements of a police applicant or the criteria established by the Michigan Commission on Law Enforcement Standards may prohibit reinstatement.

102.4 - 4.2 Surrendering Equipment during Periods of Suspension

At the time suspensions are implemented, members will be required to surrender all Department-issued equipment. This includes but is not limited to the member's badge, cap shield, identification card, firearms, PREP radio, handcuffs, and handcuff keys. For all suspensions in excess of 30 days, the commanding officer must ensure the equipment is returned to the appropriate command for safekeeping.

102.4 - 4.3 Suspended Without Pay during Suspension

A member who is suspended without pay may not draw wages, accumulate sick or furlough time, or otherwise derive benefits to which a member would normally be entitled, unless such penalty or loss of pay during the duration of an appeal is

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precluded by current applicable bargaining agreements. A suspended member is subject to investigation prior to reinstatement only if the member's activities, while suspended, would prevent the member's appointment to the Department.

102.4 - 5 Use of Compensatory Time in Lieu of Suspension

102.4 - 5.1 General

Lieutenants and Sergeants Association (LSA) members subjected to disciplinary suspension may elect to use compensatory time, deducted from their compensatory time bank, in lieu of the loss of actual workdays resulting from suspension.

102.4 - 5.2 Procedure

- 1. The LSA member shall prepare an Inter-Office Memorandum (DPD568) to their commanding officer (Direct), requesting to use compensatory time in lieu of being suspended.*
- 2. After approval, the commanding officer shall prepare an Inter-Office Memorandum (DPD568) directed to the commanding officer, Disciplinary Administration, noting the LSA member's request, and noting the number of hours that are to be deducted from the member's compensatory bank.*
- 3. The command's timekeeper shall prepare a Payroll Adjustment Request (DPD65), requesting Payroll to deduct the appropriate number of hours from the member's bank. In the "remarks" box it should state, "It is requested that the number of hours (i.e. 240 hours) be taken out of the member's compensatory time bank, in lieu of the member serving the suspension time in accordance with the LSA contract."*

102.4 - 5.3 Distribution

The following documents shall be forwarded to Disciplinary Administration for the case to be considered closed:

- a. The original Inter-Office Memorandum (DPD568) drafted by the commanding officer;*
- b. The original copy of the member's request;*
- c. Copies of the timekeeper's Payroll Adjustment Request;*
- d. The member's signed receipt (of the Plea Settlement, Trial Board decision, Arbitration decision, or BOPC decision); and*
- e. Two (2) payroll registers:*
 - One (1) showing the total amount of the member's compensatory time bank before the time is deducted; and*
 - One (1) showing the total amount after the hours have been deducted.*

102.4 - 6 Restoration to Duty

Commanding officers are authorized to restore suspended members assigned to their command to duty provided the period of suspension was 30 days or less. In cases

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where a member serves a suspension greater than 30 days, the Chief of Police shall direct the commanding officer of Police Recruiting to conduct an investigation of the member's activities while suspended.

102.4 - 7 *Disciplinary Administrative Reports*

102.4 - 7.1 *Monthly Disciplinary Time Served Report*

The Disciplinary Time Sheet Report shall be prepared on an Inter-Office Memorandum (DPD568) only when the member affected has completed serving the penalty invoked. The monthly report submitted shall include the dates on which the member suffered a loss of pay or other disciplinary time served. The report shall be distributed as follows:

- a. The original shall be forwarded to Disciplinary Administration;*
- b. One (1) copy shall be forwarded to Police Personnel; and*
- c. One (1) copy shall be placed in the member's command file.*

102.4 - 7.2 *Reopening a Case*

In the event that any member of the Department discovers or becomes aware of new evidence or new testimony which may mitigate or change the findings of a disciplinary action, the member shall submit an Inter-Office Memorandum (DPD568) to the Chief of Police. In such cases, the Chief of Police may direct that the case be reopened.