



# Carrboro Police Department



<b>Subject: Chapter 27: DISCIPLINARY PROCEDURES</b>		<b>Number: V. Subsections</b>
<b>Issued: 07-02-18</b>	<b>Revised: N/A</b>	<b>Pages: 1 of 4</b>

- I. Personnel Policies
- II. Origin of Allegations and/or Charges
- III. Types of Violations
- IV. Successive Violations
- V. Violations of this Policy

## **I. PERSONNEL POLICIES**

Any disciplinary action taken against a member shall be in accordance with the Town’s Personnel Policy Manual.

The following standards shall also be adhered to when disciplining a member of the Carrboro Police Department.

## **II. ORIGIN OF ALLEGATIONS AND/OR CHARGES**

- A. Allegations and/or charges of violations of Departmental rules of conduct may be initiated from within or outside of the Carrboro Police Department. Every such allegation and/or charge shall be investigated by an officer who was not involved in the alleged incident as designated by the Chief of Police. Members shall not discourage anyone from lodging a complaint, but shall adopt a cooperative attitude in order that complaints can be promptly received and settled.
- B. A member electing to lodge a complaint against another member may verbally transmit same to the immediate supervisor of the reporting member. The supervisor shall notify the Chief of Police, via the chain of command.
- C. A citizen lodging a complaint against a member of the Carrboro Police Department should be asked to complete the “Complaint Form” and either submit it electronically or print it and turn it in to a police department employee. However, this policy does not apply to minor misunderstandings on the part of a complainant which can be quickly resolved with an explanation of State Law or Departmental policy. If the complaining citizen elects not to document his complaint, the member should summon the shift supervisor to receive the complaint from the citizen, if possible. If this is not possible, the member should receive the complaint himself. The member receiving the oral complaint shall obtain pertinent facts and relate same to his supervisor so that the complaint can



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be relayed to the Chief of Police, via the chain of command, as quickly as possible. In no event shall a complaint be refused because the complainant declines to make a written complaint. Verbal complaints shall be investigated in the same manner as written complaints.

- D. Complaints received shall be forwarded up the chain of command without undue delay. The Command Staff shall direct investigation of all such complaints, and remedial action shall be taken as necessary. The results of all such investigations shall be documented as a part of the subject officer's personnel file except as provided at 2(E)(2) below.
- E. Any complaint alleging a violation of the criminal law by a member of the Carrboro Police Department shall be forwarded to the Chief of Police as quickly as possible. At the Chief's discretion, such complaints of criminal activity shall be:
  - 1. Referred to an outside agency for investigation; or
  - 2. Investigated internally by an investigator not in the alleged perpetrator's chain of command. Any results or documentation of such an internal investigation shall be kept separate and apart from the employee's personnel file.
- F. The results of an investigation carried out pursuant to section D and E above are not a public record. No information resulting from any such investigation shall be released to the complainant or any other person outside the Carrboro Police Department except in compliance with the Public Records Act and Personnel Privacy Act.

### III. TYPES OF VIOLATIONS

- A. **TYPE 1** -- A Type 1 violation shall consist of counseling by a superior officer. A written record of the counseling shall be placed in the member's personnel file. The authority for imposing disciplinary action for a Type 1 violation rests with the shift supervisor and officers above that rank.
- B. **TYPE 2** -- A Type 2 violation shall consist of a written reprimand. The authority



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for imposing disciplinary action of a Type 2 violation rests with the shift supervisor and officers above that rank.

- C. **TYPE 3** -- A Type 3 violation shall consist of a suspension from duty without pay for one, two or three working days. The authority for imposing disciplinary action for a Type 3 violation rests solely with the Chief of Police.
- D. **TYPE 4** -- A Type 4 violation shall consist of reduction in rank, reduction in pay, a suspension without pay for greater than three working days, transfer to another assignment, or a combination of the above. The authority for imposing disciplinary action for a Type 4 violation rests solely with the Chief of Police, upon approval of the Town Manager.
- E. **TYPE 5** -- A Type 5 violation shall consist of dismissal from the Carrboro Police Department. The authority for imposing disciplinary action for a Type 5 violation rests solely with the Chief of Police, upon approval of the Town Manager.
- F. **EMERGENCY SUSPENSION** -- A member accused of committing a Type 3, Type 4 or Type 5 violation may be immediately suspended, with pay, by his shift supervisor or an officer above that rank. The accused member and the officer imposing the suspension shall report immediately to the Chief of Police, provided however, if the Chief of Police is off-duty, the accused member and the suspending officer shall report to the Chief of Police by 10:00 AM on the next working day for the Chief of Police, or as directed by the Chief of Police. Under no circumstances shall an emergency suspension exceed three working days.

## IV. SUCCESSIVE VIOLATIONS

- A. For successive violations of the same section, a member may be disciplined either at the same violation type or at a higher violation type. Such decision is to be made by the appropriate superior (see violation types) based upon the seriousness of the violation and the nature of the violation.
- B. A member who often violates sections not requiring dismissal to the extent that his effectiveness as a member of the Department is diminished may be disciplined at a higher violation type, up to and including Type 5.



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## **V. VIOLATIONS OF THIS POLICY**

- A. Violations of this policy may result in disciplinary action at any of the types listed above.
- B. Violation types and disciplinary action shall be determined by looking at the totality of the circumstances including, but not limited to:
  - 1. Prior behavioral actions by the member requiring disciplinary action;
  - 2. Seriousness of the offense; and
  - 3. Consistency within the Department's disciplinary action.