

# NIAGARA FALLS POLICE DEPARTMENT

## GENERAL ORDER

EFFECTIVE DATE: 08/27/2013	SUBJECT: <b>DISCIPLINE; SUPERVISORY AND COMMAND STAFF RESPONSIBILITIES</b>	Number 116.10 (NYSLEAP 14.4)
RESCINDS: 04/15/2003		Number of pages 3

### I. Purpose:

To define the authority and responsibility delegated to Departmental Supervisors for the maintenance of discipline.

### II. Policy:

- A. Supervisors (either permanent or acting) shall ensure that Departmental members perform their duties in a satisfactory manner in accordance with the Policies and Procedures, Rules and Regulations and other directives of the Niagara Falls Police Department.
- B. Supervisors are required to initiate action(s) in response to the acts of commission or omission of the rules of conduct and/or laws by personnel who are either:
  1. Assigned to their supervision, or
  2. Come to their attention, or
  3. Under their supervision (for however brief of a period)

### III. Authority:

Supervisors are required to initiate the following corrective measures to fulfill their responsibility of assuring compliance with NFPD Rules and Regulations, and Policies and Procedures. In all cases, the supervisor is required to instruct a subordinate on how to correct noted inadequacies:

**NOTE:** Nothing established herein should preclude a supervisor from regularly instructing officers on their performance.)

- A. Give remedial instruction in all instances that are or may be construed to be minor violations of departmental policy and or;
- B. Initiate discipline proceedings in accordance with G.O. 116.00 (Discipline), with current Collective Bargaining Agreements and within guidelines set forth by Article 75 of the New York State Civil Service Law and or;

C. Recommend through the chain of command to the Superintendent of Police the preferring of departmental charges in accordance with G.O. 116.00 (Discipline), the current Collective Bargaining Agreements and within guidelines set forth by Article 75 of the New York State Civil Service Law.

IV. Relief from Duty:

If a supervisor determines that an officer is unfit for duty (for either medical or psychological reasons) he may excuse that officer for the remainder of his tour. When it is indicated that the possession of a firearm or other equipment by a police officer is dangerous to himself/herself or others, said equipment will be secured from the officer generally by the supervisor, or under extreme circumstances, any other officer. The supervisor shall immediately advise his/her Commanding Officer and the Superintendent of Police whenever this measure is taken. The Superintendent of Police, if he/she deems it necessary, shall order the employee to a City appointed physician and/or psychiatrist for evaluation, prior to his/her return to duty. All equipment secured from the member will be returned to him/her upon return to full duty. The Superintendent of Police may choose to utilize the department Employee Assistance Program at any time.

V. Relief from Duty - Supervisory Personnel:

A. If a supervisor, either through health, emotional stress or psychological trauma, is unable to perform his/her duties and the immediate demands of the situation warrant a relief of duty, his/her command may be passed on to another.

B. Any time a relief of command is contemplated or made, the officers making such decision will always look first toward any reasonable alternative.

C. These questions must be answered before a logical, intelligent decision to relieve a supervisor is made.

1. Is the situation urgent and requiring immediate action?
2. Does this change of command have to be done immediately?
3. Will the change of command cause more harm than good in regards to the emergency?

D. After any relief from duty has been completed and all paperwork is documented and forwarded to the Superintendent of Police, an internal investigation will be commenced at the direction of the Superintendent.

E. When it is determined that a supervisor is unfit for duty:

1. The highest-ranking supervisor regardless of division or unit will be advised to respond and take charge of the situation and effect the relief.

2. Respect, courtesy, and decorum will always be shown to the member being relieved.

VI. Progressive Discipline:

- A. The Niagara Falls Police Department utilizes a progressive approach to discipline that encompasses instruction and correction for its employees. It is understood that most violations of rules and regulations won't warrant dismissal, but nevertheless, must be addressed to prevent future violations.
- B. Progressive discipline is a form of discipline imposed in graduated steps, from the least to the most severe:
  1. Counsel
  2. Oral Reprimand
  3. Written Reprimand
  4. The Filing of Department Charges
- C. The disposition of formal charges is explained in the current Collective Bargaining Agreements, NFPD Rules and Regulations, and Article 75 of the New York State Civil Service Law.

VII. Disciplinary Action:

- A. No member of the Police Department shall be reduced in rank, suspended, fined, or otherwise, punished or disciplined except as dictated by current Collective Bargaining Agreements, G.O. 116.00 (Discipline), NFPD Rules and Regulations, and New York State Law.
- B. Nothing in this policy shall forego the officer's rights under the current Collective Bargaining Agreements.

VIII. Records:

- A. The Office of Professional Standards shall maintain all records of Departmental disciplinary action taken against any member.
- B. Other records of supervisory reprimands and referrals for remedial training shall be maintained by the member's commanding officer.