

GENERAL ORDER

07/20/94

DISCIPLINE PROCESS FOR SWORN OFFICERS

The purpose of this order is to set forth the Department's disciplinary policies and procedures for officers as prescribed by the City Charter. Any reference in this order to member or officer shall mean a sworn police officer as defined in Penal Code Section 830.1.

I. POLICY

A. BASIS FOR DISCIPLINARY ACTION. Department General Order 2.01, General Rules of Conduct, Section 10 (WRITTEN ORDERS) states: Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors.

B. DEFINITIONS

1. **ADMONISHMENT:** An admonishment is an advisory, corrective, or instructional action by a superior which does not constitute formal discipline. It is a warning only and not a punitive action.
2. **REPRIMAND:** A reprimand is a formal written punitive action which shall be noted or included in a member's personnel file. A subsequent violation of a similar nature invites more serious punitive action.
3. **SUSPENSION:** Suspension is time off without pay imposed by the Chief of Police or by the Commission after a hearing. Time off by suspension is not counted toward retirement. A record of the suspension shall be included in the officer's personnel file.
4. **CHIEF'S DISCIPLINARY SUSPENSION:** Based on investigation and recommendations from a unit within the Department, a commanding officer, the Management Control Division, the OCC, etc., the Chief, after a hearing or an opportunity for a hearing may for disciplinary purposes, suspend an officer for a period not to exceed 10 days for violations of Department General Orders, directives, policies or procedures.
5. **SUSPENSION PENDING HEARING:** An officer may be suspended by the Chief pending a hearing before the Commission as provided herein below.

6. **SUSPENSION BY COMMISSION:** After a hearing before the Commission, the Commission may suspend an officer for a period not to exceed 90 days for each specification on which the officer is found guilty.
7. **FINE:** After a hearing before the Commission, the Commission may fine an officer a sum not exceeding one month's salary for each offense as provided by Charter Section 8.343.
8. **TERMINATION:** Dismissal from the Department.

C. ADMINISTRATION OF CORRECTIVE ACTION

1. **DISPOSING OF MINOR VIOLATIONS.** Subject to the prior approval of the Chief, a commanding officer may dispose of a minor violation of orders, policy, and procedures by an officer of his/her command by retraining or admonishment.
2. **CHIEF'S DISCIPLINARY HEARING.** The Chief may impose a disciplinary suspension or may order a disciplinary hearing. The Chief may, as an alternative, give an officer notice of intended punitive action. The notice shall inform the officer of the nature of the charge or allegation of misconduct, the basis for the charge or allegation and shall state that the material on which the charges shall be based are available for inspection. The officer shall be advised that he/she has 10 days after signed receipt to request a hearing before the Chief. If a request for a hearing is not received within the prescribed time, the punitive action will be imposed.
3. **FINDINGS.** At the conclusion of the Chief's Disciplinary Hearing, the Chief may impose any of the following: Suspend the officer up to 10 days, reprimand, admonish, prescribe corrective action, find not sustained, or exonerate.
4. **APPEAL.** Any sworn officer suspended by the Chief pursuant to Paragraph I. B. 4. of this order shall have the right to appeal such suspension to the Police Commission, and have a hearing on such suspension. Notice of this right to appeal and the procedure for effecting such appeal shall be included with the notice of suspension.

5. **NOTIFICATION.** Written notice of appeal must be filed within 10 days after signed receipt of notice of such suspension. The hearing of such appeal must be heard within 30 days after filing, unless waived in writing by the officer.
6. **EXONERATION.** If the Police Commission reverses or alters the finding of the Chief then the officer affected shall be paid his/her salary for the time of suspension which the Police Commission set aside.
7. **STATEMENT OF SUSPENSION.** In every suspension imposed as a result of a Chief's disciplinary hearing, a statement in writing shall be given to the suspended officer, giving notice of the authority by which it is made, the basis of the action, the length of suspension, and the right of appeal. A copy of the notice shall be forwarded to the Commission, to the officer's commanding officer, the Personnel Division, Management Control Division, and other City departments, as required.
8. **SUSPENSION PENDING HEARING:** Under exigent circumstances the Chief is authorized to suspend temporarily any officer pending a hearing before the Commission. In all such cases of suspension, the Chief shall immediately report the same to the Commission with the reasons therefore in writing.
9. **ADMINISTRATIVE HEARING.** When an officer is suspended as described in I. C. 8., of this order, the officer is entitled to an administrative hearing. This hearing shall be held within 5 working days of such suspension. The purpose of this hearing is to determine whether the officer should remain suspended pending a hearing before the Police Commission.
10. **FILING CHARGES.** When an officer is suspended pending a hearing before the Commission, charges shall be filed with the Commission within 7 calendar days after the date of such suspension, whether personally served on said officer or otherwise and shall be immediately served as provided herein. If service has not been effected within the 7 day period, the charges shall be filed with the Police Commission, and the proof of service returned after service.

11. CONTINUANCES. When an officer is temporarily suspended pending the hearing of charges, the charges shall be heard by the Commission not more than 90 days after the date of suspension. The Police Commission may, in its discretion, grant a continuance for a period of time which exceeds the 90 day period. If a hearing shall be delayed beyond such time by the act of or at the request of the accused officer, the additional time requested shall be construed to be "Leave of Absence Without Pay" and the request for additional time and request for leave of absence without pay shall be in writing and processed in accordance with applicable law or rules subject to Section 8.344 of the Charter.

12. ORDERS/POLICIES/PROCEDURES. An officer under suspension shall remain subject to the order of the Chief and the orders, directives, and procedures of the Department.

D. FORMAL CHARGES

- 1. DEFINITION.** A charge is a formal written accusation, alleging misconduct on the part of an officer. Charges must be definite, clear, and specific.
- 2. FORM.** Charges shall state the first name, middle initial, and surname of the accused. Charges must contain a statement of facts constituting the grounds of the complaint in ordinary concise language, subscribed by the party making said charges and verified under oath.
- 3. FILING.** After service on the accused officer, the original copy of said charges shall be filed with the Secretary of the Police Commission together with proof of service.

E. SERVICE OF CHARGES SHALL BE ACCOMPLISHED AS FOLLOWS:

- 1. FILING.** By serving a copy of the charges on the accused, the original copy of the charges and the proof of service showing date, time and place of service shall be filed with the Police Commission.
- 2. PERSONAL SERVICE.** If the personal service cannot be made after reasonable diligence, then by leaving a copy of the charges at the officer's usual place of abode or dwelling house in the presence of a competent member of the household at least 18 years of age who shall be informed of the contents thereof.

3. **POSTING A COPY.** If personal service cannot be made or if a copy cannot be left with some competent person over the age of 18 years at the last known residence of the accused, then by posting a copy of the charges conspicuously in the station, bureau, or unit to which the accused is attached at least 6 days before the date set for trial and mailing a copy by certified mail to the officer's last known address.
 4. **DATE OF SERVICE.** Charges shall be served at least 6 days before the setting date for hearing. In computing said period of six days, the date of service shall be excluded and the date of setting included.
 5. **REPORT.** When charges are served under the provisions of either Sections 2. or 3. above, the officer serving same shall submit a report stating how service was made, the time of service, and file same with the original set of charges.
 6. **FILING.** The original proof of service shall be filed with the Police Commission as soon as practicable after service is accomplished.
 7. **ATTENDANCE.** The subject officer, or his/her designated representative, shall attend each session of the Police Commission at which the pending charges appear on the agenda.
- F. PENALTIES AFTER TRIAL.** Any officer who, after a trial by the Commission, is found guilty of violating any order, policy, or procedure of the Department or any order of instruction issued by competent authority may be punished by reprimand, by fine, by suspension, or by dismissal from the Department as provided in Charter Section 8.343.
- G. INDIVIDUAL RIGHTS/LIMITATIONS ON CORRECTIVE ACTION.** Once an officer has been formally punished for a violation(s), such officer shall not receive any other punishment for the same incident.

Reference

SFPD Disciplinary Penalty & Referral Guidelines.