



OFFICE *of*  
**STATE EXAMINER**  
FIRE & POLICE CIVIL SERVICE

# **Discipline in the Municipal Fire and Police Civil Service HANDBOOK**

## **A Guide For Appointing Authorities**

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## **Introduction**

This Disciplinary Handbook ("Handbook") is a guide for success in the disciplinary process in the municipal fire and police civil service.

Formal disciplinary action against employees in the Louisiana Municipal Fire and Police Civil Service requires a full understanding of the federal case of *Loudermill* and the Bill of Rights

## **Discipline and Corrective Action-----Reasons/Grounds**

- A) Corrective and disciplinary action for maintaining standards of service applies to:
  - a. Large Municipalities with population over 13,000 (Louisiana Revised Statute 33:2500);
  - b. Small Municipalities with population of not less than 7,000 or more than 13,000 (Louisiana Revised Statute 33:2560)
  - c. all Fire Protection Districts (Louisiana Revised Statute 33:2560)
  
- B) The appointing authority may remove any employee from the service or take such disciplinary action as the circumstances warrant in the manner provided below, for any one of the following reasons:
  - 1) Unwillingness or failure to perform the duties of his position in a satisfactory manner.
  - 2) The deliberate omission of any act that it was his duty to perform.
  - 3) The commission or omission of any act to the prejudice of the departmental service or contrary to the public interest or policy.
  - 4) Insubordination.
  - 5) Conduct of a discourteous or wantonly offensive nature toward the public, any municipal officer or employee; and any dishonest, disgraceful, or immoral conduct.
  - 6) Drinking vinous or spirituous liquors while on duty or reporting for duty while under the influence of liquor.
  - 7) The use of intoxicating liquors, or habit-forming drug, liquid, or preparation to an extent which precludes the employee from performing the duties of his position in a safe or satisfactory manner.
  - 8) The conviction of a felony.
  - 9) Falsely making a statement of any material fact in his application for admission to any test for securing eligibility or appointment to any position in the classified service or practicing or attempting to practice fraud or deception in any test.
  - 10) Using or promising to use his influence or official authority to secure any appointment to a position within the classified service as a reward or return for partisan or political services.
  - 11) Soliciting or receiving any money or valuable thing from any person for any political party or political purpose.
  - 12) Inducing or attempting to induce by threats of coercion, any person holding a position in the classified service to resign his position, take a leave of

- absence from his duties, or waive any of his rights under the provisions of this Part, or of the rules.
- 13) The development of any defect of physical condition which precludes the employee from properly performing the duties of his position, or the development of any physical condition that may endanger the health or lives of fellow employees.
  - 14) The willful violation of any provision of this Part or of any rule, regulation, or order hereunder.
  - 15) Any other act or failure to act which the board deems sufficient to show the offender to be an unsuitable or unfit person to be employed in the respective service.

### **Discipline and Corrective Action----- Types**

Unless the cause or condition justifies an employee being permanently removed from the service, disciplinary action may extend to:

- suspension without pay for a period not exceeding the aggregate of ninety days in any period of twelve consecutive months
- reduction in pay to the rate prevailing for the next lower class
- reduction or demotion to a position of any lower class and to the rate of pay prevailing therefor
- other less drastic action that may be appropriate under the circumstances.

### **Loudermill**

***Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985)***, is a United States Supreme Court case in which the Court held that:

- certain public-sector employees can have a property interest in their employment, per Constitutional Due Process
- this property right entails a right to "some kind of hearing" before being terminated—a right to oral or written notice of charges against them, an explanation of the employer's evidence, and an opportunity to present their sides of the story.
- thus, the pretermination hearing should be an initial check against mistaken decisions—not a full evidentiary hearing, but essentially a determination of whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed action.

As a result of the case, public sector employers are required to provide a Loudermill hearing and/or a Loudermill letter before terminating an employee.

## Bill of Rights

**Louisiana Revised Statute 33:2012** referred to as the "Louisiana Fire Service Bill of Rights" establishes a Fire Service Bill of Rights to promote the rights of members of the fire service in Louisiana and to ensure that their rights are safeguarded and protected. This Fire Service Bill of Rights consists of a statement, in nontechnical terms, of the rights of members of the fire service and obligations to them. The rights afforded members of the fire service are available insofar as they are implemented in accordance with the Constitution of Louisiana and Louisiana Revised Statutes of 1950, the administrative rules of state and local governmental entities, and the budgetary consideration of state and local governmental entities. To this end, this Louisiana Fire Service Bill of Rights is enacted.

**Louisiana Revised Statute 40:2531** is applicable to police employees as defined by R.S. 40:1372(5), Louisiana P.O.S.T. certified probation and parole officers employed by the Louisiana Department of Public Safety and Corrections, division of probation and parole, and to those law enforcement officers employed by any municipality and campus police employed at any state-supported college or university who are under investigation with a view to possible disciplinary action, demotion, or dismissal. This provision provides for the minimum standard that shall be applicable whenever a police employee or law enforcement officer is under investigation.

Simply stated, the Bill of Rights is applicable as follows:

- **Fire:** "Fire employee" includes any person employed in the fire department of any municipality, parish, or fire protection district maintaining a full-time regularly paid fire department, regardless of the specific duties within the fire department.
- **Police:** Applies to all law enforcement officers employed by any municipality AND Who is under investigation for possible discipline.

## Similarities of the Fire and Law Enforcement Bill of Rights

- Violation of Bill of Rights results in absolute nullity.
- Interrogation of employee shall be for a reasonable period of time and allow for reasonable periods of rest.
- Notice of Interrogation must include:
  - Nature of Investigation
  - Identity and authority of the person conducting the investigation
  - Identity of all people present during interrogation
  - State specific charges or violations being investigated
  - Employee can take notes
- Interrogation shall be recorded in full:
  - Employee shall not be prohibited from obtaining a copy of the recording or transcript of the recording.
- Employee allowed presence of counsel, representative or both:

- Allowed to offer advice and make statements on the record
- Counsel or representative may call witnesses to testify on employee's behalf.
- No statement made during an administrative investigation shall be admissible in a criminal proceeding.

### Bill of Rights ----Notable Differences

There are notable differences in the Fire Service Bill of Rights and Rights of Law Enforcement Officers while under investigation and interrogation:

### INVESTIGATIONS

<i>Fire Service Bill of Rights</i>	<i>Rights of Law Enforcement Officers</i>
<p><b>Fire</b> Bill of Rights provides that the Appointing Authority shall notify <u>in writing</u> prior to start of <b>investigation</b>:</p> <ol style="list-style-type: none"> <li>1) Nature of the investigation</li> <li>2) Identity and authority of the person conducting the investigation</li> <li>3) Specific charges being investigated</li> <li>4) Investigation shall be completed within 60 DAYS for FIRE.</li> <li>5) 60 days includes the <b>conducting of pre-disciplinary hearing.</b></li> </ol>	<p><b>Police</b> Bill of Rights differs from the Fire Bill of Rights by providing for <u>notification of investigation at the start of an interrogation.</u></p> <ol style="list-style-type: none"> <li>1) Notification does not have to be "in writing."</li> <li>2) Chief of Police or his authorized representative shall initiate an investigation within <i>14 days</i> for all formal, written complaints received against any police officer.</li> <li>3) Investigation shall be complete within 75 DAYS for POLICE (inclusive of Saturdays, Sundays and legal holidays).</li> <li>4) Investigation complete <b>upon notice of the pre-disciplinary hearing or determination of unfounded complaint.</b></li> </ol>

NOTE: For Both Fire and Police Bill of Rights, Louisiana Supreme Court case O'Hern v. Department of Police, La. 131 So. 3d, 29 (2013) provides that if allegations of criminal activity involving the employee, the administrative investigation will be tolled.

## INTERROGATIONS

<i>Fire Service Bill of Rights</i>	<i>Rights of Law Enforcement Officers</i>
<p><b>Fire</b> Bill of Rights provides a definition of "interrogation."</p> <p><b>"Interrogation"</b> includes but is not limited to any formal interview, inquiry, or questioning of any fire employee by the appointing authority or the appointing authority's designee regarding misconduct, allegations of misconduct, or policy violation.</p> <p>An initial inquiry conducted by the fire employee's immediate supervisors <b>shall not</b> be considered an interrogation.</p> <ol style="list-style-type: none"> <li>1) The Appointing Authority shall notify <b>in writing</b> at the start of any <b>interrogation</b>:               <ol style="list-style-type: none"> <li>a) Nature of the investigation</li> <li>b) Identity and authority of person conducting the investigation</li> <li>c) Identity of all persons present during interrogation</li> <li>d) Specific charges being investigated</li> </ol> </li> <li>2) The interrogation process can be conducted by the appointing authority or his designee.</li> </ol>	<p><b>Police</b> Bill of Rights provides:</p> <ol style="list-style-type: none"> <li>1) Employee shall be informed at the <b><u>commencement of the interrogation</u></b>:               <ol style="list-style-type: none"> <li>a. The nature of the investigation</li> <li>b. Identity and authority of person conducting investigation</li> <li>c. Identity of all persons present during the interrogation.</li> </ol> </li> </ol>

## INVESTIGATION EXTENSIONS

<i>Fire Service Bill of Rights</i>	<i>Rights of Law Enforcement Officers</i>
<p><b>Fire</b> Bill of Rights provides that the Fire department may petition the <u>governing authority</u> for an extension of time within which to complete the investigation.</p> <p>1) Collective Bargaining Agreement terms between the union and the Fire department which grants more than what is granted in the Fire Bill of Rights must be followed.</p>	<p><b>Police</b> Bill of Rights provides that the municipal Police department may petition the <u>local civil service board</u> for an extension of time within which to complete the investigation.</p>

**NOTE: In both Fire and Police, when granting extensions:**

- 1) Respective department must show good cause for extension request.
- 2) Employee must be notified of the next hearing.
- 3) Employee is allowed to present evidence and argue against the extension.
- 4) If extension request is found for good cause, may grant up to a 60-day extension.
- 5) Employee and appointing authority can enter into a written agreement for an extension up to 60 days.



## PERSONNEL FILES

<i>Fire Service Bill of Rights</i>	<i>Rights of Law Enforcement Officers</i>
Silent in this regard.	<b>Police</b> Bill of Rights provides that a law enforcement officer may have such adverse comment removed from his personnel file any allegations of domestic violence if complaint was made anonymously and charges are not substantiated within 12 months of lodging the complaint. Sustained complaints against the law enforcement officer shall remain in 14 the officer's personnel file for a period of at least ten years, but only after the officer has exhausted all administrative appeals to which he is entitled.

**NOTE: In both Fire and Police Bill of Rights, Fire employee or law enforcement officer has the right to respond to any adverse comment entered in his personnel file, or any other file used for any personnel purposes by his employer. He shall have opportunity to read and sign the instrument containing the adverse comment.**

**Fire employee or law enforcement officer has 30 days to file a written response to any adverse comment entered in his personnel file.**

## SECURING COUNSEL

<i>Fire Service Bill of Rights</i>	<i>Rights of Law Enforcement Officers</i>
<p><b>Fire</b> Bill of Rights provides:</p> <ol style="list-style-type: none"> <li>1) There is no time limit for the employee to secure counsel.</li> <li>2) Fire employee is entitled to counsel if they are the target of the investigation.</li> <li>3) If employee has secured counsel, the counsel may call witnesses on the employee's behalf.</li> </ol>	<p><b>Police</b> Bill of Rights provides:</p> <ol style="list-style-type: none"> <li>1) Employee has <b>14 days</b> to secure counsel.</li> <li>2) If employee is involved in an officer-involved incident and there is no confinement to hospital, employee has <b>14 days</b> to secure counsel.</li> <li>3) If it is an officer-involved incident and the employee is confined to medical facility employee shall have <b>30 days</b> to secure counsel.</li> <li>4) In all cases, questioning is suspended during that time.</li> <li>5) Securing counsel is applicable to <b>both the employee and witnesses</b>.</li> </ol>

## MISCELLANEOUS PROVISIONS

<i>Fire Service Bill of Rights</i>	<i>Rights of Law Enforcement Officers</i>
<p>Silent in this regard.</p>	<p><b>Police Bill of Rights provides definitions of the following terms:</b></p> <p><b><u>“Officer-involved incident”</u></b>            Any incident in which serious bodily injury or death of another individual is caused by any intentional or accidental use of a dangerous or deadly weapon by a police employee or law enforcement officer which results from the efforts of a police employee or law enforcement officer attempting to effectively arrest or otherwise gain control of another or while in police custody.</p> <p><b><u>“Serious bodily injury”</u></b>            Bodily injury which involves unconsciousness, extreme physical pain, protracted or obvious disfigurement, protracted loss or impairment of a bodily member, organ, or mental faculty, or a substantial risk of death.</p>

## APPENDIX

### Forms to assist with the Disciplinary Process

#### Fire Disciplinary Action Forms

##### **Critical Incident Form**

- Short, one-page form, which describes the incident
- Completed by supervisor when he believes, according to established departmental policy, that specific problem behavior needs to be referred to upper levels in the department for a decision on whether or not to start an investigation.

##### **Employee Investigation Authorization**

- This form authorizes the investigation and communicates critical information to those involved in the process.
- Shows date investigation began.
- Shows 60-day target.
- Shows person(s) authorized to conduct investigation.
- Shows the decision on whether or not employee will be placed on Administrative Leave With Pay.

NOTE: For Lawrason Act jurisdictions, it would be incumbent upon the mayor to make sure notification is given and voted on by the city council. At that time, the clock will start on the 60-day investigation completion deadline.

##### **Investigation Checklist**

- This form should be initiated by whomever makes the decision to begin an investigation.
- Supervisor referring the initial complaint should be notified.

##### **Notice of Investigation**

- This fill-in memo includes all of the essential requirements of the Bill of Rights.
- The description of the event from the Critical Incident form may be used to describe the incident on this form.

##### **Acknowledgement of Receipt of Notice of Investigation**

- This form simply provides proof for your files that the employee being investigated received the notice of investigation and the Bill of Rights.

##### **Notice of Interrogation**

- This form is given to employee prior to commencement of interrogation

##### **Employee Interrogation Checklist**

- This is a form to remind the person conducting the interview of the legal requirements that must be met when conducting the interview under the Bill of Rights.

#### **Notice of Pre-Disciplinary Conference**

- This form letter prompts you to include all necessary information for the *Loudermill* Hearing.
- Provides date and time when officer is notified and provided opportunity to appear.
- Describes incident.
- Quotes departmental policies violated.

#### **Notice of Disciplinary Action**

- This letter advises of the decision to take specific disciplinary action and includes an effective date.
- Describes incident.
- Quotes departmental policies violated.

# SAMPLE..... Fire Disciplinary Action Forms..... SAMPLE

## FIRE - CRITICAL INCIDENT FORM

<b>EMPLOYEE'S NAME:</b>	
<b>SUPERVISOR'S NAME:</b>	
<b>DATE:</b>	<b>FURTHER INVESTIGATION OR ACTION RECOMMENDED?</b>
<b>DATE OF INCIDENT:</b>	
<b>Did employee's actions result in one of the following?</b>	
Unwillingness or failure to perform the duties of his position in a satisfactory manner?	
Deliberate omission of any act that it was his duty to perform?	
Commission or omission of any act to the prejudice of the departmental service or contrary to public interest or policy?	
Insubordination?	
Conduct of a discourteous or offensive nature toward the public or toward any municipal officer or employee?	
Reporting for work under the influence, or the use of drugs or alcohol off duty to the extent that the employee's ability to perform his job is impacted?	
Political activity?	
The development of any condition that calls the employee's fitness for duty into question?	
<b>DESCRIPTION OF INCIDENT:</b>	

# SAMPLE..... Fire Disciplinary Action Forms..... SAMPLE

## EMPLOYEE INVESTIGATION AUTHORIZATION

<b>Initiate Investigation on (Name/Rank):</b>	
<b>Date:</b>	<b>60 Days from Initiation of Investigation:</b>
<b>Recommended by:</b>	
<b>Authorized by:</b>	
<b>Immediate Supervisor of Employee Under Investigation: Notified?</b>	
<b>Person(s) Authorized to Conduct Investigation:</b>	
<b>Administrative Leave With Pay? Date(s)</b>	
<b>Notes:</b>	

## SAMPLE..... Fire Disciplinary Action Forms..... SAMPLE

### FIRE INVESTIGATION CHECKLIST FOR:

Action	Date/Initials
Critical Incident Form	
Receipt of Outside Complaint? Date of Complaint:	
Investigation Authorized: Date Initiated:                      60-Day Target:	
Request for Investigation Extension to the Governing Authority: Date of Hearing:	
Notice of Investigation to Employee Copy of Fire Service Bill of Rights Included	
Administrative Leave With Pay	
Notice of Investigation pursuant to interrogation Date of Employee Interview(s):	
Date of Witness Interview(s)	
Recommendation for Disciplinary Action	
Letter for Pre-disciplinary Conference (Include all evidence which may be used.)	
Pre-Disciplinary Conference: Attended By:	
Notice of Action Exoneration Letter of Disciplinary Action PAF	
Appeal by Employee to Civil Service Board? Date of Hearing:	
Notes:	



# **SAMPLE..... Fire Disciplinary Action Forms..... SAMPLE**

## **INTEROFFICE MEMORANDUM**

**TO:**    \*.\* (Employee)

**FROM:**   \*.\* (Appointing Authority)

**SUBJECT:**   **Notice of Investigation**

**DATE:**    \*.\* (Date)

This is to notify you that we are initiating an investigation into an incident involving you in a matter which occurred on \*.\* (Date). Specifically,

*\*.\* (Describe Incident from Critical Incident Form)*

This investigation is an opportunity to fully explore what happened, and to determine if any departmental policies were violated. It is also our intent to give everyone, including you, an opportunity to be heard. In many cases, officers are fully exonerated once we have all the facts, but state law requires us to provide you with this notice prior to discussing the situation with you if there is a possibility that disciplinary action could result.

The person conducting this investigation will be \*.\* (Who?). I have enclosed a copy of the Fire Service Bill of Rights for your review. Our target is to complete this investigation no later than 60 days from today's date. If necessary, we will ask the governing authority to extend this time for an additional 60 days, or we may seek a voluntary agreement to extend the time if it is beneficial to both you and the city. You will be advised of our findings as soon as they become available. As you know, at any time we question you regarding this investigation, you may be represented by counsel or any other representative of your choice. If we have a need to speak with you regarding this situation at any time during the course of the investigation, our conversations will be recorded. You have an opportunity to obtain a copy of these recordings by making a written request to the chief. Should we determine that disciplinary action may be warranted, you will be advised of a pre-disciplinary hearing prior to the expiration of the investigation period. It is our intent to protect your rights while we determine whether or not any inappropriate actions may have occurred that may compromise the integrity or impact the efficiency of the \*.\* Fire Department.

**SAMPLE..... Fire Disciplinary Action Forms..... SAMPLE**

**Acknowledgment of Receipt of Notice of Investigation and  
Fire Service Bill of Rights**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature of Employee)

## **SAMPLE..... Fire Disciplinary Action Forms..... SAMPLE**

### **INTEROFFICE MEMORANDUM**

**TO:**    \*.\* (Employee)

**FROM:**   \*.\* (Appointing Authority)

**SUBJECT:**   **Notice of Interrogation**

**DATE:**    \*.\* (Date)

This is to notify you that we have initiated an investigation into an incident involving you in a matter which occurred on \*.\* (Date). Specifically,

*\*.\* (Describe Incident from Critical Incident Form)*

This investigation is an opportunity to fully explore what happened, and to determine if any departmental policies were violated. It is also our intent to give everyone, including you, an opportunity to be heard. In many cases, officers are fully exonerated once we have all the facts, but state law requires us to provide you with this notice prior to discussing the situation with you if there is a possibility that disciplinary action could result.

The person conducting this investigation will be \*.\* (Who?). The following people will be present during the interrogation: \*.\*.\* Our target is to complete this investigation no later than 60 days from the date the investigation began. If necessary, we will ask the governing authority to extend this time for an additional 60 days, or we may seek a voluntary agreement to extend the time if it is beneficial to both you and the city. You will be advised of our findings as soon as they become available. As you know, at any time we question you regarding this investigation, you may be represented by counsel or any other representative of your choice. If we have a need to speak with you regarding this situation at any time during the course of the investigation, our conversations will be recorded. You have an opportunity to obtain a copy of these recordings by making a written request to the chief. Should we determine that disciplinary action may be warranted, you will be advised of a pre-disciplinary hearing prior to the expiration of the investigation period. It is our intent to protect your rights while we determine whether or not any inappropriate actions may have occurred that may compromise the integrity or impact the efficiency of the \*.\* Fire Department.

## **SAMPLE..... Fire Disciplinary Action Forms..... SAMPLE**

### **FIRE Employee Interrogation Checklist**

- Tape all discussions. Record in full.
- At the beginning of the session, inform the employee in writing of the nature of the investigation and the identity and authority of the person conducting the investigation and the identity of all persons present during the interrogation.
- The employee shall be allowed to make notes.
- The interview/interrogation shall be for a reasonable period of time and shall allow for reasonable periods for rest and personal necessities.
- The employee under investigation shall have the right to be represented by counsel, other representative, or both. This counsel or representative shall be allowed to offer advice to the employee and make statements on the record regarding any question asked of the employee. Counsel or representation may call on witnesses.

# SAMPLE..... Fire Disciplinary Action Forms..... SAMPLE

## Notice of Pre-Disciplinary Hearing

### INTEROFFICE MEMORANDUM

**TO:** \*. (Employee)

**FROM:** \*. (Appointing Authority)

**SUBJECT:** Notice of Pre-Disciplinary Hearing

**DATE:** \*. (Date)

On \*. (Date), we initiated an investigation into an event involving you which occurred on \*. (Date). Our investigation has provided information to support the following:

\*. (Describe incident in detail)

This is a violation of our departmental policies which state the following:

\*. (Quote departmental policies violated.)

Your actions may result in disciplinary action for the reason(s) identified below from Louisiana Revised Statute \*. (33:2500 or 33:2560).

\*. (Quote appropriate items from this statute).

This is your notice and opportunity to appear on \*. (Date), at \*. (Location), for a pre-disciplinary hearing. During this meeting, we will go over the facts of this incident and give you an opportunity to provide reasons why we should not take disciplinary action against you. Included with this memorandum are all of the documents or statements which may be used against you. You may bring a representative or counsel with you who will be allowed to offer you advice and make statements on the record regarding any question asked of you during the course of the hearing. Counsel may also call witnesses on your behalf.

Enclosure

# SAMPLE..... Fire Disciplinary Action Forms..... SAMPLE

## Notice of Disciplinary Action

### INTEROFFICE MEMORANDUM

**TO:**    \*\* (Employee)

**FROM:**  \*\* (Appointing Authority)

**SUBJECT:** **Notice of Disciplinary Action**

**DATE:**  \*\* (Date)

Following a pre-disciplinary conference which was held on \*\* (Date), we have evaluated all available information and determined that disciplinary action is appropriate. This is to notify you that \*\* (state disciplinary action and effective date).

On \*\* (Date), we initiated an investigation into an event involving you which occurred on \*\* (Date). Our investigation has provided information to support the following:

*\*\* (Describe incident in detail)*

This is a violation of our departmental policies which state the following:

*\*\* (Quote departmental policies violated.)*

Your actions will result in disciplinary action for the reason(s) identified below from Louisiana Revised Statute \*\* (33:2500 or 33:2560).

*\*\* (Quote appropriate items from this statute).*

You may appeal this action to the civil service board by filing a written appeal within fifteen days from today's date. We are forwarding a copy of the personnel action form to the civil service board, and you will be provided a copy after they have approved the form at their next meeting. This memorandum shall serve as your official notice of the disciplinary action, however.

## **Police Disciplinary Action Forms**

### **Critical Incident Form**

- Short, one-page form, which describes the incident
- Completed by supervisor when he believes, according to established departmental policy, that specific problem behavior needs to be referred to upper levels in the department for a decision on whether or not to start an investigation.
- 

### **Employee Investigation Authorization**

- This form authorizes the investigation and communicates critical information to those involved in the process.
- Shows date investigation began.
- Shows 75-day target.
- Shows person(s) authorized to conduct investigation.
- Shows the decision on whether or not employee will be placed on Administrative Leave with Pay.

NOTE: For Lawrason Act jurisdictions, it would be incumbent upon the mayor to make sure notification is given and voted on by the city council. At that time, the clock will start on the 75-day investigation completion deadline.

### **Investigation Checklist**

- This form should be initiated by whomever makes the decision to begin an investigation.
- Supervisor referring the initial complaint should be notified.

### **Notice of Investigation**

- This fill-in memo includes all of the essential requirements of the Bill of Rights.
- The description of the event from the Critical Incident form may be used to describe the incident on this form.

### **Acknowledgement of Receipt of Notice of Investigation**

- This form simply provides proof for your files that the employee being investigated received the notice of investigation and the Bill of Rights.

### **Employee Interrogation Checklist**

- This is a form to remind the person conducting the interview of the legal requirements that must be met when conducting the interview under the Bill of Rights.

### **Notice of Pre-Disciplinary Conference**

- This form letter prompts you to include all necessary information for the *Loudermill* Hearing.
- Provides date and time when officer is notified and provided opportunity to appear.
- Describes incident.
- Quotes departmental policies violated.

### **Notice of Disciplinary Action**

- This letter advises of the decision to take specific disciplinary action and includes an effective date.
- Describes incident.
- Quotes departmental policies violated.



# SAMPLE..... Police Disciplinary Action Forms..... SAMPLE

## POLICE - CRITICAL INCIDENT FORM

<b>EMPLOYEE'S NAME:</b>	
<b>SUPERVISOR'S NAME:</b>	
<b>DATE:</b>	<b>FURTHER INVESTIGATION OR ACTION RECOMMENDED?</b>
<b>DATE OF INCIDENT:</b>	
<b>Did employee's actions result in one of the following?</b>	
Unwillingness or failure to perform the duties of his position in a satisfactory manner?	
Deliberate omission of any act that it was his duty to perform?	
Commission or omission of any act to the prejudice of the departmental service or contrary to public interest or policy?	
Insubordination?	
Conduct of a discourteous or offensive nature toward the public or toward any municipal officer or employee?	
Reporting for work under the influence, or the use of drugs or alcohol off duty to the extent that the employee's ability to perform his job is impacted?	
Political activity?	
The development of any condition that calls the employee's fitness for duty into question?	
<b>DESCRIPTION OF INCIDENT:</b>	

# SAMPLE..... Police Disciplinary Action Forms..... SAMPLE

## EMPLOYEE INVESTIGATION AUTHORIZATION

<b>Initiate Investigation on (Name/Rank):</b>	
<b>Date:</b>	<b>75 Days from Initiation of Investigation:</b>
<b>Recommended by:</b>	
<b>Authorized by:</b>	
<b>Immediate Supervisor of Employee Under Investigation: Notified?</b>	
<b>Person(s) Authorized to Conduct Investigation:</b>	
<b>Administrative Leave With Pay? Date(s)</b>	
<b>Notes:</b>	

## SAMPLE..... Police Disciplinary Action Forms..... SAMPLE

### POLICE INVESTIGATION CHECKLIST FOR:

Action	Date/Initials
Critical Incident Form	
Receipt of formal written complaint? Date of Complaint:                      14 Days:	
Investigation Authorized: Date Initiated:                      75-Day Target:	
Request for Investigation Extension to the civil service board: Date of Hearing:	
Determination of Officer-involved Incident:	
Notice of Investigation to Employee Copy of Police Bill of Rights Included Date of Employee Interviews: Date of Witness Interviews:	
Administrative Leave With Pay	
Recommendation for Disciplinary Action	
Letter for Pre-disciplinary Conference (Include all evidence which may be used.)	
Pre-Disciplinary Conference: Attended By:	
Notice of Action: Exoneration Letter of Disciplinary Action PAF	
Appeal by Employee to Civil Service Board? Date of Hearing:	
Notes:	

## SAMPLE..... Police Disciplinary Action Forms..... SAMPLE

### INTEROFFICE MEMORANDUM

**TO:**     \*\* (Employee)

**FROM:**   \*\* (Appointing Authority)

**SUBJECT:**   **Notice of Investigation**

**DATE:**     \*\* (Date)

This is to notify you that we are initiating an investigation into an incident involving you in a matter which occurred on \*\* (Date). Specifically,

*\*\* (Describe Incident from Critical Incident Form)*

This investigation is an opportunity to fully explore what happened, and to determine if any departmental policies were violated. It is also our intent to give everyone, including you, an opportunity to be heard. In many cases, officers are fully exonerated once we have all the facts, but state law requires us to provide you with this notice prior to discussing the situation with you if there is a possibility that disciplinary action could result.

The person conducting this investigation will be \*\* (Who?). The following individuals will be present during the interrogation: \*\*, \*\*. I have enclosed a copy of the Police Officer's Bill of Rights for your review. Our target is to complete this investigation no later than 75 days from today's date. If necessary, we will ask the civil service board to extend this time for an additional 60 days, or we may seek a voluntary agreement to extend the time if it is beneficial to both you and the city. You will be advised of our findings as soon as they become available. As you know, at any time we question you regarding this investigation, you may be represented by counsel or any other representative of your choice. If you chose to seek representation, we will schedule a time at the end of 14 days to resume the investigation. If at any time we speak to you regarding this situation, our conversations will be recorded. You have an opportunity to obtain a copy of these recordings by making a written request. Should we determine that disciplinary action may be warranted at the conclusion of this investigation, you will be advised of a pre-disciplinary hearing. It is our intent to protect your rights while we determine whether or not any inappropriate actions may have occurred that may compromise the integrity or impact the efficiency of the \*\* Police Department.

***PLEASE NOTE: If this is an officer-involved incident of and the employee is confined to a medical facility due to injury or illness related to the incident, or otherwise incapacitated, he will have 14 days to secure counsel.***

**SAMPLE..... Police Disciplinary Action Forms..... SAMPLE**

**Acknowledgment of Receipt of Notice of Investigation and  
Police Officer's Bill of Rights**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature of Employee)

## **SAMPLE..... Police Disciplinary Action Forms..... SAMPLE**

### **POLICE Employee Interrogation Checklist**

- Tape all discussions. Record in full.
- At the beginning of the session, inform the officer of the nature of the investigation and the identity and authority of the person conducting the investigation and the identity of all persons present during the interview or interrogation.
- The officer shall be allowed to make notes.
- The interview/interrogation shall be for a reasonable period of time and shall allow for reasonable periods for rest and personal necessities.
- Whether it is the officer under investigation or a witness, the employee shall have the right to be represented by counsel, other representative, or both. This counsel or representative shall be allowed to offer advice to the employee or officer and make statements on the record regarding any question asked of the employee or officer.

# SAMPLE..... Police Disciplinary Action Forms..... SAMPLE

## INTEROFFICE MEMORANDUM

**TO:**    \*\* (Employee)  
**FROM:**   \*\* (Appointing Authority)  
**SUBJECT:**   **Notice of Pre-Disciplinary Hearing**  
**DATE:**    \*\* (Date)

On \*\* (Date), we initiated an investigation into an event involving you which occurred on \*\* (Date). Our investigation has provided information to support the following:

*\*\* (Describe incident in detail)*

This is a violation of our departmental policies which state the following:

*\*\* (Quote departmental policies violated.)*

Your actions may result in disciplinary action for the reason(s) identified below from Louisiana Revised Statute \*\* (33:2500 or 33:2560).

*\*\* (Quote appropriate items from this statute).*

This is your notice and opportunity to appear on \*\* (Date), at \*\* (Location), for a pre-disciplinary hearing. Included with this memorandum are all of the documents or statements which may be used against you. During this meeting, we will go over the facts of this incident and give you an opportunity to provide reasons why we should not take disciplinary action against you. You may bring a representative or counsel with you who will be allowed to offer you advice and make statements on the record regarding any question asked of you during the course of the hearing.

Enclosure

# SAMPLE..... Police Disciplinary Action Forms..... SAMPLE

## INTEROFFICE MEMORANDUM

**TO:**    \*\* (Employee)

**FROM:**   \*\* (Appointing Authority)

**SUBJECT:**   **Notice of Disciplinary Action**

**DATE:**    \*\* (Date)

Following a pre-disciplinary conference which was held on \*\* (Date), we have evaluated all available information and determined that disciplinary action is appropriate. This is to inform you that \*\* (state disciplinary action and effective date).

On \*\* (Date), we initiated an investigation into an event involving you which occurred on \*\* (Date). Our investigation has provided information to support the following:

*\*\* (Describe incident in detail)*

This is a violation of our departmental policies which state the following:

*\*\* (Quote departmental policies violated.)*

Your actions will result in disciplinary action for the reason(s) identified below from Louisiana Revised Statute \*\* (33:2500 or 33:2560).

*\*\* (Quote appropriate items from this statute).*

You may appeal this action to the civil service board by filing a written appeal within fifteen days from today's date. We are forwarding a copy of the personnel action form to the civil service board, and you will be provided a copy after they have approved the form at their next meeting. This memorandum shall serve as your official notice of the disciplinary action, however.