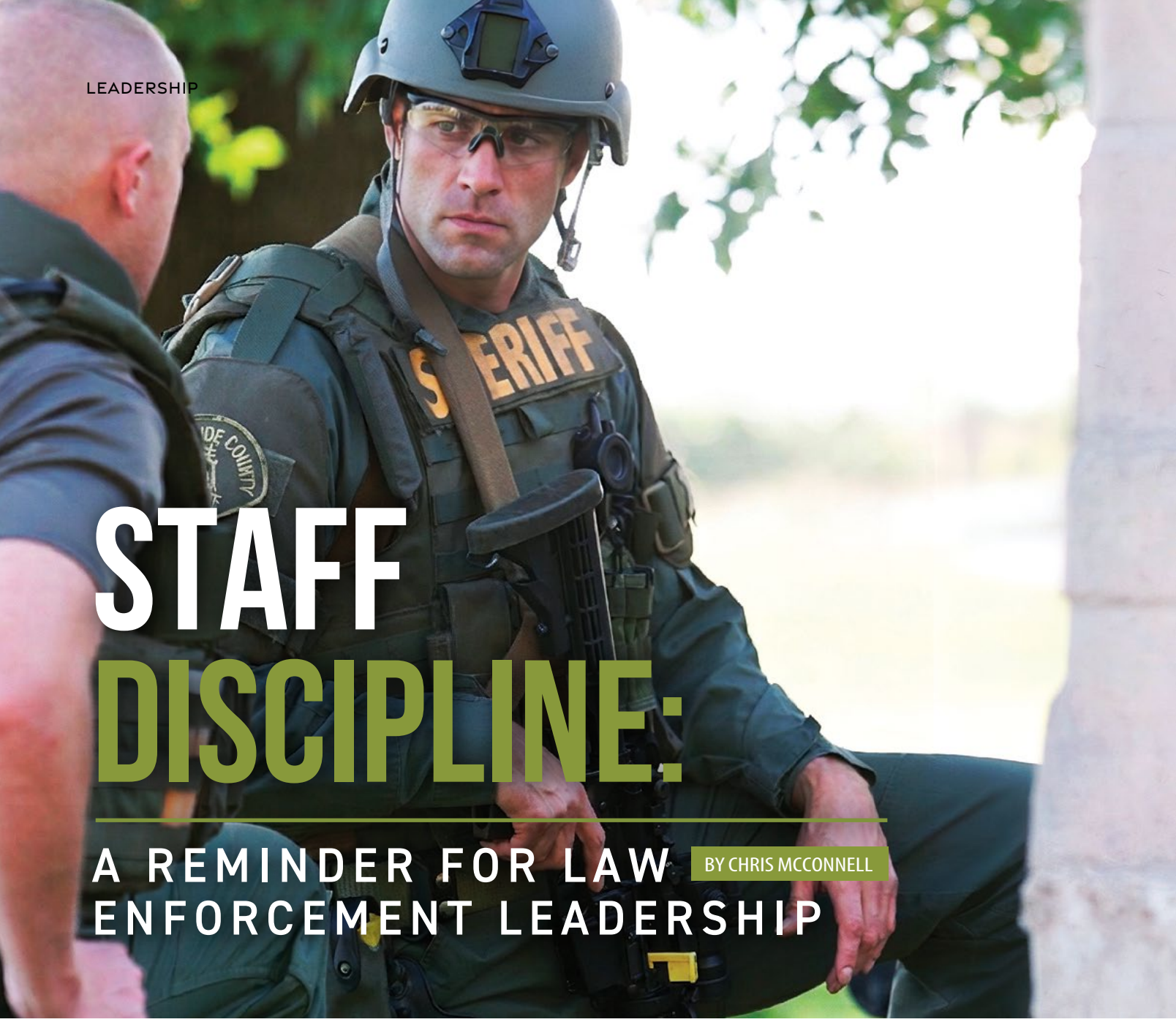


STAFF DISCIPLINE:

A REMINDER FOR LAW ENFORCEMENT LEADERSHIP

BY CHRIS MCCONNELL

Discipline is necessary to hold staff accountable and correct behavior for the overall efficiency of the service. However, too lenient or excessively harsh discipline can have the opposite effect. On occasions, I have seen where an individual receives unjust discipline and their attitude and job performance spirals uncontrollably downward. Perhaps, if handled differently, some of these instances could have been avoided.

When an allegation of misconduct is presented to the responsible official, they must determine how the allegation will be managed. This could be by additional training, verbal counseling, written performance entry, or a referral for administrative or criminal investigation. Regardless of the course of action, it must be thoroughly documented. This documentation will show the incident has been properly addressed, in a timely manner, and for the purposes of progressive discipline if within a reckoning period.

Dilemma

Inherently, there will be staff members you are fond of with great attitudes, who always give 100% on every assignment, and perhaps is a member of the emergency response component. It is these staff we tend to give lenient discipline. Conversely, you will have those who are prone to discipline,

have poor attitudes, are always late on assignments, and for one reason or another you cannot find common ground with them. It is these staff we tend to give harsher discipline. It is these staff that are teetering on becoming a career-long challenge. Now may be the time to address any underlying issues that will improve their performance.

The deciding disciplinary official has the ultimate responsibility to be firm, fair, and most importantly consistent. Moreover, deciding officials must remain within the boundaries of their departmental discipline guidelines and table of penalties. I have seen times when an individual has 15 or 20 years of discipline-free service but they receive excessive discipline for a first-time mistake. You should not discount decades of positive performance for one negative mistake, yet we do. Why? Human nature. As previously mentioned, we are fond of some and not so fond of others and that affects our judgment and decisions.

Examples

You have two separate but very similar cases of low-level sustained administrative misconduct. Both have same pay grades. One staff member is a highly respected tactical operator who was working in a high-stress environment during their incident. The other staff member is performing at or below an acceptable level. Again, different situation but same offense. What is the appropriate disciplinary penalty? Does the employee performing at a lower level receive different discipline?

How about the highly respected employee who has 20 years in the job with no prior disciplinary record and an outstanding performance record? However, a proper and thorough investigation has determined they committed a moderate to high infraction. Department guidelines have determined this offense has a range of penalties from seven days suspension to termination. Being that your primary purpose is to shape behavior and improve performance, and considering aggravating and mitigating factors, what is the appropriate penalty? Deciding officials must find the right balance by being consistent and not fostering a disgruntled employee.

Mistakes

Common low-level infractions are much easier to respond to consistently, with verbal reprimands or one- to three-day suspensions, whereas moderate to high level infractions are more difficult. Moderate to higher level infractions require a greater penalty or adverse action, so aggravating and mitigating factors must come into play. Each aggravating and mitigating application will determine the appropriate penalty, which could be slightly but not remarkably different from person to person.

HERE ARE FIVE COMMON MISTAKES TO AVOID AND WHY:

1. **Disciplining some employees for actions that others get away with.** Nothing will create resentment and undermine fairness faster than this perception.
2. **Making exceptions for certain employees.** This will cause instant and lasting damage to your credibility.
3. **Not conducting a proper investigation.** A reasonable and thorough investigation needs to be followed to avoid an unfair decision.
4. **Not addressing the underlying problem.** Uncorrected issues that contribute to the problem can lead to repeated concerns.
5. **Treating discipline as punishment.** The overall goal is to correct behavior and improve performance, not to serve only as punishment.

Conclusion

Nobody wants to be disciplined, especially a suspension that will affect pay or worse, a termination. When determining the appropriate disciplinary penalty, deciding officials may have factors to review for aggravation or mitigation such as nature and seriousness of the offense, length of service, past disciplinary record within a reckoning period, performance record, and the potential for rehabilitation, to name a few. By far, the most difficult is the consistency of the penalty imposed upon other employees for the same offense.

The disciplinary process is not only a necessary tool to correct behavior but a teaching moment. Employees will have questions, so answer them. This will go a long way in their career development and hopefully keep them on the right track. Afterall, discipline is professional not personal. If your personal feelings are involved, I would caution you to rethink your decision.

About the author

Chris McConnell retired from the Federal Bureau of Prisons after serving 30 years of dedicated service. He achieved the position of Senior Executive Service Complex Warden and was responsible for over 600 staff. He served on a tactical team for 15 years and has functioned as an operator, assistant team leader, and team leader. He is a U.S. Army combat veteran and holds a B.S. degree in criminal justice. He can be reached at cmcconnell1968@outlook.com.

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