

State of Alabama
Walker County
City of Dora
May 13, 2014

City of Dora
RESOLUTION #4-2014

RESOLUTION SETTING PRE-DISCIPLINARY HEARING POLICY FOR CITY LAW ENFORCEMENT OFFICERS

This resolution and policy applies only to the City of Dora Law Enforcement Officers, and this resolution replaces any previous pre-disciplinary hearing policy regarding the City of Dora Police Department, and/or City of Dora Law Enforcement Officers.

WHEREAS, Section 11-43-230, *Ala. Code* (1975), as amended, requires every municipality to provide a pre-disciplinary hearing prior to the suspension or termination of its law enforcement officers and to establish written due process procedures applicable to the pre-disciplinary hearing; and

WHEREAS, the City Council of the City of Dora desires for the City to be compliant with Section 11-43-230 *Ala. Code* (1975) and to establish an easy to follow and workable due process procedure for pre-disciplinary hearings of city law enforcement officers.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Dora, Alabama as follows:

1. **PURPOSE.** The purpose of this resolution is to adopt and explain the pre-disciplinary hearing procedure required by *Ala. Code* 11-43-230 (1975), prior to the suspension or termination of any city law enforcement officer.

2. **DEFINITION OF A LAW ENFORCEMENT OFFICER.** As used in this resolution, the term A law enforcement officer shall mean a City law enforcement official who is certified by the Alabama Peace Officers Standards and Training Commission, who has authority to make arrests, and who is employed by the City as a permanent and regular employee with law enforcement duties, including police chiefs and deputy police chiefs. The term does not include any person elected by popular vote, any person who is serving a probationary period of employment, or any person whose term of office has expired.

3. **POLICY.** It is the policy of the City that it shall provide a pre-disciplinary hearing prior to the suspension or termination of any law enforcement officer, provided nothing herein shall preclude the City from placing a law enforcement officer on leave with pay until the City Council has made its decision in the matter.

4. **PROCEDURE.** Prior to any pre-disciplinary hearing pertaining to the suspension or termination of a law enforcement officer the officer shall be entitled to the following:

a. Notice. The law enforcement officer shall receive written notice of the reason or reasons for the suspension or termination of employment. This notice shall be issued by the person or persons with authority to suspend or terminate the law enforcement officer.

B. Request for Hearing. The notice shall inform the law enforcement officer that he or she has ten (10) days to request, in writing, a hearing before the City Council. It shall also inform the officer that if he or she fails to request the hearing within ten (10) days of receiving the notice, the right to any hearing shall be deemed waived.

c. Hearing before City Council. The City Council, at its discretion, may conduct the hearing at either a regularly scheduled council meeting or a specially called council meeting. The pre-disciplinary hearing shall be conducted by the City Council in an executive session as allowed by Section 11-43-230, *Ala. Code* (1975), 11-43-230, provided that any vote for or against suspension or termination shall occur in an open session.

d. Vote of Council. A quorum of the City Council shall be present for a pre-disciplinary hearing to be held. If for any reason a quorum is not present, the hearing shall be rescheduled to the next regularly scheduled City Council meeting in which a quorum is present. A roll call of the members of the City Council shall be held at the beginning of any such pre-disciplinary hearing at which time a City Council member shall state any conflicts of interest he or she has related to such City Council member voting on the disciplinary matter. If the City Council member has a conflict of interest he or she shall not be allowed to vote on the disciplinary matter. A conflict of interest shall include any matter that would prevent the City Council member from being an impartial decision maker at the hearing. Any vote for or against the suspension or termination shall be by a simple majority vote of the City Council members voting at the hearing.

e. Right to be Present at Hearing. The law enforcement officer has the right to appear at the hearing in person or be represented by legal counsel to address the charges against him or her. If the law enforcement officer is represented by legal counsel, the officer shall also be present at the hearing.

f. City not limited to the Requirements Herein. Nothing herein shall prevent or prohibit the City from allowing due process which exceeds the requirements of this resolution.

g. Rules of Evidence and Discovery. The rules of evidence and the rules of discovery generally applicable in the courts of Alabama shall not apply to any hearing held pursuant to this resolution.

5. **SEVERABILITY.** If any term or provision of this Resolution shall be to any extent held invalid or unenforceable, the remaining terms and provisions of this Resolution shall not be affected thereby, but each term and provision of this Resolution shall survive and be valid and be enforced to the fullest extent permitted by law.

6. **HEADINGS.** The headings in this Resolution are for convenience only and shall not be used to interpret or construe its provisions.

ADOPTED, this the 13th day of May, 2014.

Randy Stephens, Mayor

ATTEST: _____
Marcy Brown, City Clerk