



Policy 304

Subject	
SUSPENSION PROCEDURES	
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By Order of the Police Commissioner

POLICY

Maintain the Highest Standards. It is the policy of the Baltimore Police Department (BPD) to ensure that members maintain the highest level of physical, emotional, and ethical readiness to perform their duties.

DEFINITIONS

Disciplinary Suspension – The temporary removal of a member from duty, without pay, as a final disciplinary action.

Emergency Suspension – The temporary removal of a member's law enforcement authority in connection with an allegation of misconduct or the investigation of an incident that may lead to an allegation of misconduct. This action is taken when it is believed to be in the best interest of the public and the BPD.

Medical and/or Administrative Suspension – The temporary removal of a member's law enforcement authority for medical or other reasons (e.g., failure to meet annual Maryland Police Training and Standards Commission requirements) not related to a disciplinary investigation.

Medical Review Officer (MRO) – The Director of the Public Safety Infirmary (PSI) for the BPD charged with evaluating any member who has been referred by the Director, Human Resources Section (HRS) for an evaluation, and whose police powers have been suspended for any medical reason in order to determine the continuation of any related suspension already in place.

Suspension Hearing – An administrative hearing conducted to review the facts and circumstances leading to a member's Emergency Suspension. This hearing is conducted by a member of the command staff appointed by the Police Commissioner.

GENERAL

All permanent-rank sergeants and above are authorized to:

1. Consistent with this policy, suspend police powers of any member when the member is alleged to have engaged in serious or criminal misconduct.
2. Suspend the police powers of any member he or she reasonably believes has a medical or psychological condition that might be preventing the member from performing their job

functions in a safe and effective manner, or that the medical or psychological condition could pose a direct threat to the member's safety or the safety of others.

3. Suspend police powers of any member for administrative reasons when the member has failed to maintain proper certifications, training requirements or other non-disciplinary reasons.
4. Suspend the police powers of members due to administrative matters wherein the suspension of police powers is in the best interest of the BPD and/or the member.

Suspension for Misconduct or Criminal Activity "Emergency Suspension"

Permanent-rank Supervisor

1. Upon determining that a suspension is warranted based upon the criteria above, immediately:
 - 1.1. Contact OPR and request to transport the member to OPR, or have the OPR Duty Supervisor respond to initiate the formal suspension procedure.
 - 1.2. The suspending supervisor shall initiate a Blue Team entry detailing the circumstances which resulted in the suspension.

Office of Professional Responsibility (OPR)

1. Suspend the law enforcement authority of any sworn member and/or suspend from duty any member whose alleged actions are of such a serious nature that suspension appears to be in the best interest of the public and the BPD. Examples of reasons to suspend a member include, but ARE NOT limited to:
 - 1.1. Violations of criminal law;
 - 1.2. Serious traffic violations;
 - 1.3. A respondent in a protective order;
 - 1.4. Serious allegations of excessive force;
 - 1.5. Under the influence of alcohol or other substance while on-duty;
 - 1.6. Other disciplinary matters that may result in termination of employment; and
 - 1.7. When the Disciplinary Review Committee or Administrative Hearing Board has recommended the termination of the member's employment.
2. Complete and issue Form 154, Suspension of Police Powers (See Appendix A), to the suspended member.
3. Complete a Duty Status Change Form, 344 (See Appendix B), and forward it to HRS at: Dutystatuschange@BaltimorePolice.org.

4. Collect the following items from the suspended member:
 - 4.1. Departmentally-issued firearm(s), ammunition, magazines, accessories (e.g., issued weapon-mounted flashlights, etc.);
 - 4.2. Badge;
 - 4.3. Departmental identification card(s);
 - 4.4. Maryland Police Training and Standards Commission (MPTSC) Certification Card;
 - 4.5. Issued body armor;
 - 4.6. Body Worn Camera (BWC), if applicable;
 - 4.7. Conducted Electrical Weapon (CEW) and all cartridges, if applicable; and
 - 4.8. Portable radio, if applicable.
 5. If the suspended member has been issued a departmental electronic device (mobile phone), make a determination as to whether or not it best suits the interests of the Department to take custody of the device or allow the member to retain it.
 6. By the next business day, ensure that the items of police equipment and apparel listed above in items 4.1. – 4.7., inclusive, are secured in the Armory Unit, located in the Baltimore Police Department's Headquarters Building.
- NOTE:** If the Armory Unit is closed, these items shall instead be retained in a secure location at either OPR or the suspending entity's command until the Armory Unit reopens.
7. Submit all original reporting to the Chief, OPR.
 8. Forward a copy of all reporting to the affected member's commanding officer.

Suspended Member

1. Immediately relinquish the above items to the designated permanent-rank supervisor or member of OPR.
2. If directed to do so, relinquish any departmentally-issued electronic device.
3. When subject to Emergency Suspension or Medical/Administrative Suspension:
 - 3.1. Do not take any police/enforcement action. If you encounter any conditions that require police action, immediately notify the appropriate on-duty law enforcement authority.
 - 3.2. Do not carry any departmentally-issued firearm.
 - 3.3. Do not enter a police facility with any firearm.

- 3.4. Adhere to all policies and procedures of the Baltimore Police Department, with the exception of those pertaining to police powers and the authority to carry a firearm.
- 3.5. Report to your commanding officer.
4. Obtain an Employee Identification "A" Card from the Identification Card Office. Wear/carry this temporary identification card until the Suspension from Duty has been resolved.
5. Respond to your suspension hearing when/if ordered to do so.

Commanding Officer, Suspended Member's Assignment

1. Upon learning of circumstances which may warrant the imposition of an Emergency Suspension, immediately notify OPR.
2. Ensure the suspended member is escorted to the Identification Card Office as soon as practical so that the member may be issued an Employee Identification "A" Card.

Office of Administrative Hearings

1. Convene the necessary Suspension Hearing when notified by OPR.
2. Based on the outcome of the Suspension Hearing, document if a suspension will be continued, and if it is to continue, whether it will be with or without full pay and benefits.
3. At the conclusion of the Suspension Hearing, forward copies of all necessary records and reports to the Director, HRS, so that the appropriate Human Resource Order(s) may be prepared.

Suspension of Police Powers for Medical/Administrative Reasons

Permanent-rank Supervisor – Suspended Member's Assignment

1. Upon determining that a Medical/Administrative Suspension is warranted immediately:
 - 1.1. Advise the member that their police powers are being suspended;
 - 1.2. Complete an Administrative Report, Form 95, detailing the circumstances which resulted in the suspension, and complete and issue Form 154, Suspension of Police Powers (See Appendix A), to the suspended member;
 - 1.3. Complete a Duty Status Change Form, 344 (See Appendix B); and forward it to HRS at: Dutystatuschange@BaltimorePolice.org;
 - 1.4. Forward a copy of the Administrative Report and Suspension of Police Powers to HRS and the member's commanding officer; and
 - 1.5. Follow procedures of Policy 1733, *Fitness for Duty Evaluations*.

Medical Review Officer (MRO), Public Safety Infirmary

Evaluate members referred for fitness for duty evaluations by the Director, HRS, pursuant to Policy 1733, *Fitness for Duty Evaluations*. If necessary, refer members to the designated psychological services provider for further evaluation or counseling.

Disciplinary SuspensionPermanent-rank Supervisor

1. Upon determining that a Disciplinary Suspension is warranted based on a final disciplinary finding, immediately:
 - 1.1. Advise the member that their police powers are being suspended;
 - 1.2. The suspending supervisor shall complete an Administrative Report, Form 95, detailing the circumstances which resulted in the suspension, and complete and issue Form 154, Suspension of Police Powers (See Appendix A), to the suspended member.
 - 1.3. Complete a Duty Status Change Form, 344 (See Appendix B), and forward it to HRS at: Dutystatuschange@BaltimorePolice.org.
 - 1.4. Forward a copy of the Administrative Report and Suspension of Police Powers to the member's commanding officer.

NOTE: This section only applies if a member is not already suspended for misconduct in an "Emergency Suspension" status.

Commanding Officer, Suspended Member's Assignment

1. Upon receipt of an order to take disciplinary action involving a member of your command, ensure discipline is enacted expeditiously and/or in coordination with deadlines from the Office of Administrative Hearings.
2. Track the discipline and provide reporting to the Office of Administrative Hearings as soon as completed.

Office of Administrative Hearings

Upon receipt of an order to take disciplinary action, notify the member's command and set reasonable deadlines for completion.

Restoration of Police Powers – Administrative Suspensions

1. Members subject to Administrative Suspension (e.g., failure to qualify with a handgun or failure to maintain MPTSC certification, etc.) may have their police powers and duty status restored by their commanding officer after the conditions that caused the suspension have been resolved.
2. The restoring entity must complete a Duty Status Change Form, 344 (See Appendix B), and forward it to HRS at: Dutystatuschange@BaltimorePolice.org.

Restoration of Police Powers – Medical Suspensions

1. Members subject to Medical Suspension may have their police powers and duty status restored by their commanding officer after the fitness for duty evaluation procedures have been completed, pursuant to Policy 1733, *Fitness for Duty Evaluations*.
2. The restoring entity must complete a Duty Status Change Form, 344 (See Appendix B), and forward it to HRS at: Dutystatuschange@BaltimorePolice.org.

Restoration of Police Powers – Emergency Suspensions

1. Members subject to Emergency Suspension may only have their police powers reinstated by OPR.
2. OPR must complete a Duty Status Change Form, 344 (See Appendix B), and forward it to HRS at: Dutystatuschange@BaltimorePolice.org.

Restoration of Police Powers – Disciplinary Suspensions

1. Members subject to Disciplinary Suspension (the temporary removal of a member from duty, without pay, as a final disciplinary action) may have their police powers and duty status restored by their commanding officer after the conditions that caused the suspension have been resolved.

NOTE: The member's commanding officer can only restore police powers if the member was suspended by the command as part of the final disciplinary action. If the member was suspended in an Emergency Suspension status then only OPR can restore police powers.

2. The restoring entity must complete a Duty Status Change Form, 344 (See Appendix B) and forward it to HRS at: Dutystatuschange@BaltimorePolice.org.

ADDITIONAL RESPONSIBILITIES**Director, Human Resources Section**

1. Receive Duty Status Change, Form 344 and create a Notice of Personnel Action whenever a member is suspended or restored.
2. Ensure there is an indication as to whether the suspension is to be with or without full pay and benefits.
3. Notify PTSC of the Notice of Personnel Action.
4. Ensure compliance with Policy 1733, *Fitness for Duty Evaluations*, for all members whose police powers are suspended for medical reasons.
5. Maintain a hard copy of the Notice of Personnel Action and the Form 344 in the member's personnel jacket.

Director, Professional Development and Training Academy

Ensure that appropriate procedures are in place within the Armory Unit for the receipt and secure storage of the police equipment that will be submitted upon a member's suspension from duty.

APPENDICES

- A. Suspension of Police Powers, Form 154
- B. Duty Status Change, Form 344

ASSOCIATED POLICIES

Policy 409, *Firearms Regulations*
Policy 711, *Domestic Violence*
Policy 1719, *Police Officer Certification*
Policy 1733, *Fitness For Duty Evaluations*
Baltimore City Administrative Manual – "Workplace Violence Policy", Section 227-1

RESCISSION

Remove from files and destroy/recycle General Order C-4, *Suspension Procedures*, dated 11 July 2011.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

APPENDIX A

Suspension of Police Powers, Form 154

Suspension of Police Powers
Form 154

**POLICE DEPARTMENT
BALTIMORE, MARYLAND**

SUSPENSION OF POLICE POWERS

MEMBER TO BE SUSPENDED		
Name	Rank / Title	
Sequence Number	E.O.D.	Locator Number
Current Assignment	Primary Phone Number	Alternate Phone Number

PERMANENT RANK SUPERVISOR CONDUCTING SUSPENSION		
Name	Rank / Title	
Sequence Number	Current Assignment	Primary Phone Number

ORDER OF SUSPENSION	
PART 1	<p>Effective IMMEDIATELY, your authority and police powers as a sworn member of the Baltimore Police Department are SUSPENDED due to:</p> <p style="text-align: center;"><i>Check the appropriate box</i></p> <p><input type="checkbox"/> An allegation of misconduct or criminal activity.</p> <p><input type="checkbox"/> An administrative or medical matter (such as failing to qualify with a firearm, extended illness, etc.).</p> <p><input type="checkbox"/> A formal recommendation has been made to the Police Commissioner by a Departmental Disciplinary Hearing Board that your employment with the Baltimore Police Department be terminated.</p> <p>This suspension constitutes a REVOCATION OF YOUR AUTHORITY to exercise the duties and powers of a sworn police officer.</p>
PART 2	<p>This suspension shall be: <i>Check One</i>..... <input type="checkbox"/> WITH full pay and benefits. <input type="checkbox"/> WITHOUT pay and benefits.</p> <p>NOTE: A Suspension Without Pay may ONLY occur by direction of the Suspension Hearing Officer and ONLY at the conclusion of a Suspension Hearing.</p>
PART 3	<ol style="list-style-type: none"> 1. You are prohibited from taking any police action. 2. If you encounter circumstances requiring police action, regardless of time or location, you are required to notify the appropriate on-duty law enforcement authorities. 3. You MAY NOT carry any departmental firearm until this Order of Suspension is lifted and your police powers have been restored by your Commanding Officer. 4. If you possess any permit to carry a concealed, privately-owned firearm, you MAY NOT carry or transport that firearm into any Departmental facility, building, vehicle, etc. 5. You MUST abide by all remaining General Orders, policies, procedures, and directives of the Baltimore Police Department EXCEPT those governing the exercise of police powers and the ability to carry a firearm. 6. You MUST immediately surrender the following items to the Permanent-Rank Supervisor conducting this Suspension: (1) All departmental firearm(s), ammunition, magazines, and firearm accessories; (2) Badge; (3) Departmental ID card; (4) MPCTC certification card; (5) Issued body armor; (6) If issued, any Conducted Electrical Weapon, with cartridge(s); (7) BWC if issued, (8) Your police radio; and (9) If directed to do so, any departmental cell phone, smartphone, SidePartner, etc. 7. You MUST report for your next scheduled tour of duty in an administrative capacity, or at a time and place as may be determined by the Permanent Rank Supervisor conducting this Suspension, unless directed to do otherwise by your Commanding Officer. This Order of Suspension DOES NOT, in and of itself, grant or authorize any form of leave.

SUSPENDED MEMBER'S ACKNOWLEDGMENT			
<p>BY SIGNING BELOW, I CERTIFY THAT I HAVE READ, UNDERSTAND, AND WILL COMPLY WITH THE RESTRICTIONS LISTED IN THE ABOVE ORDER OF SUSPENSION, AND THAT I HAVE RECEIVED A COPY OF THIS ENTIRE DOCUMENT.</p>			
Printed Name	Signature	Sequence Number	Date

APPENDIX B

Duty Status Change, Form 344

Personnel Duty Status Change
Form 344

**POLICE DEPARTMENT
BALTIMORE, MARYLAND**

TO: DIRECTOR, HUMAN RESOURCES

VIA: OFFICIAL CHANNELS

FROM: _____

MEMBER: _____
Last Name First Name M Seq #

Rank Current Assignment EOD DOB Locator #

Date of Incident	Date of Initial Suspension	Date of Suspension Hearing
_____	_____	_____
EFFECTIVE DATE OF DUTY STATUS CHANGE: _____		

Check ALL that apply

FROM:

TO:

<input type="checkbox"/> Full Duty <input type="checkbox"/> Limited Duty: With Powers (medical reasons) <small><input type="checkbox"/> Temporary <input type="checkbox"/> Permanent</small> <input type="checkbox"/> Limited Duty: Without Powers (medical reasons) <small><input type="checkbox"/> Temporary <input type="checkbox"/> Permanent</small> <input type="checkbox"/> Limited Duty (other): <input type="checkbox"/> Powers Suspended <small><input type="checkbox"/> Administrative <input type="checkbox"/> Disciplinary <input type="checkbox"/> Firearms Failure <input type="checkbox"/> Medical <input type="checkbox"/> LOD <input type="checkbox"/> NLOD</small> <input type="checkbox"/> Suspended From Duty <small><input type="checkbox"/> Administrative <input type="checkbox"/> Disciplinary <input type="checkbox"/> Medical <input type="checkbox"/> LOD <input type="checkbox"/> NLOD</small>	<input type="checkbox"/> Full Duty <input type="checkbox"/> Limited Duty: With Powers (medical reasons) <small><input type="checkbox"/> Temporary <input type="checkbox"/> Permanent</small> <input type="checkbox"/> Limited Duty: Without Powers (medical reasons) <small><input type="checkbox"/> Temporary <input type="checkbox"/> Permanent</small> <input type="checkbox"/> Limited Duty (other): <input type="checkbox"/> Powers Suspended <small><input type="checkbox"/> Administrative <input type="checkbox"/> Disciplinary <input type="checkbox"/> Firearms Failure <input type="checkbox"/> Medical <input type="checkbox"/> LOD <input type="checkbox"/> NLOD</small> <input type="checkbox"/> Suspended From Duty <small><input type="checkbox"/> Administrative <input type="checkbox"/> Disciplinary <input type="checkbox"/> Medical <input type="checkbox"/> LOD <input type="checkbox"/> NLOD</small>
<input type="checkbox"/> Working <input type="checkbox"/> Not Working	<input type="checkbox"/> Working <input type="checkbox"/> Not Working
<input type="checkbox"/> With Pay <input type="checkbox"/> Without Pay	<input type="checkbox"/> With Pay <input type="checkbox"/> Without Pay
<input type="checkbox"/> Detailed:	<input type="checkbox"/> Detailed:
<input type="checkbox"/> Transferred:	<input type="checkbox"/> Transferred:

Comments:

<small>Suspending / Restoring Authority Printed Name</small>	<small>Assignment</small>	<small>Signature</small>	<small>Date</small>