



Policy 308

Subject		GENERAL DISCIPLINARY PROCESS
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By Order of the Police Commissioner

Special Note: This policy addresses the disciplinary process for misconduct complaints received on or after July 1, 2022. Recommended discipline for cases received on or after July 1, 2022 shall comport with the [Maryland Statewide Police Disciplinary Matrix](#).¹

Policy 308, General Disciplinary Process

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¹ <https://public.powerdms.com/BALTIMOREMD/documents/1403440>

POLICY

A robust and well-functioning accountability system in which officers are held to the highest standards of integrity is critical to the Baltimore Police Department's (BPD's) legitimacy and is a priority of the Department. A well-functioning accountability system is one in which BPD: openly and readily receives complaints reported by civilians and officers; fully, fairly, and efficiently investigates complaints; supports all investigative findings by the appropriate Standard of Proof and documents them in writing; holds accountable all members who commit misconduct pursuant to a disciplinary system that is fair, consistent, and provides due process; and treats all individuals who participate in BPD's internal disciplinary process — including complainants, BPD members, and witnesses — with respect and dignity.

This policy serves to set forth procedures for discipline determinations for sworn officers of the Fraternal Order of Police (FOP) Units I and II, in compliance with state law and MOUs. The procedures below, and all related disciplinary procedures, comport with the Maryland Police Accountability Act of 2021 linked [here](#), and Article 15 of the MOUs with the FOP, on the Labor Commissioner's page [here](#).

Allegations of misconduct against all sworn and civilian members of the BPD are investigated by the Public Integrity Bureau (PIB). Nevertheless, disciplinary decisions for those who serve at the pleasure of the Police Commissioner, civilian employees, cadets, and police officer trainees are governed by the Baltimore City Public Local Law, appropriate MOUs, and are ultimately at the discretion of the Police Commissioner.

DEFINITIONS

Administrative Charging Committee (ACC) – Five-person civilian committee mandated by Maryland Police Accountability Act of 2021. The ACC makes charging determinations and discipline recommendations for complaints of police misconduct involving a member of the public. The ACC serves a similar role to that of the Disciplinary Review Committee (DRC), but for ACC-Eligible Complaints.

- **ACC-Eligible Complaint** – A complaint of police misconduct **involving** a member of the public received on or after July 1, 2022 originating from within BPD or from an external source.

Administrative Charging Committee (ACC) Outcomes – The possible outcomes that ACC may arrive at through their review process are the following:

- **Administratively Charged** – A police officer has been formally accused of misconduct in an administrative proceeding.
- **Not Administratively Charged** – A determination has been made to not administratively charge a police officer in connection with alleged misconduct.

Baltimore City Office of Equity and Civil Rights (OECR) – OECR is a city agency devoted to advancing equity and upholding the federal and local civil rights laws, the local living and prevailing wage laws ensuring access and equal opportunities for persons with disabilities and providing oversight of local law enforcement. OECR's Police Accountability Division is responsible for assisting the PAB and ACC in performing their respective responsibilities.

Disciplinary Matrix – A formal pre-established set of disciplinary outcomes which stipulates the minimum and maximum allowed disciplinary action for officer misconduct based on the totality of

circumstances, the officer's disciplinary and performance history, and any mitigating or aggravating factors.

- **Maryland Statewide Police Disciplinary Matrix** – Statewide framework to determine the appropriate discipline recommendation for ALL Complaints of Police Misconduct received on or after July 1, 2022. The [Maryland Statewide Police Disciplinary Matrix](#) was developed by the Maryland Police Training and Standards Commission and is mandated by the Maryland Police Accountability Act of 2021 to be used in each law enforcement agency in Maryland.²

Command members – Members holding the rank of Captain, Major, Police Lieutenant Colonel, Police Colonel, Deputy Director (Civilian), Director (Civilian), or Chief (Civilian).

Disciplinary Review Committee (DRC) – The Disciplinary Review Committee (DRC) is selected and appointed by the Police Commissioner and consists of sworn Command members (voting members) and civilian Command members (non-voting members) of the BPD and BPD Legal Affairs Section. Its purpose is to review the factual findings of Sustained administrative investigations for DRC-Eligible Complaints conducted by the Public Integrity Bureau (PIB) and make a recommendation for discipline in accordance with the Statewide Police Disciplinary Matrix.

- **DRC-Eligible Complaint** – A complaint of police misconduct **not involving** a member of the public received on or after July 1, 2022 or any complaint of police misconduct received before July 1, 2022..

Investigative Outcomes for PIB Investigations – PIB shall determine, based on its investigation, that one of the following four outcomes applies to a given investigation:

- **Exonerated** – Where the investigation determines, by a Preponderance of the Evidence, that the alleged conduct did occur, but did not violate BPD policies, procedures, or training.
- **Not Sustained** - Where the investigation is unable to determine, by a Preponderance of the Evidence, whether the alleged misconduct occurred.
- **Sustained** – Where the investigation determines, by a Preponderance of the Evidence, that the alleged misconduct did occur.
- **Unfounded** – Where the investigation determines, by Clear and Convincing Evidence, that the alleged misconduct did not occur or did not involve the employee under investigation.

Police Accountability Board (PAB) – Civilian oversight Board that receives complaints, appoints required civilian members to the ACC and Trial Boards, reviews outcomes of disciplinary matters considered by the local ACC, publishes an annual report, holds quarterly meetings with heads of law enforcement agencies, and otherwise works with BPD and Baltimore City government to improve matters of policing.

Standard of Proof – The level of certainty and degree of evidence necessary to establish the disposition of a misconduct allegation.

- **Preponderance of the Evidence** – Evidence that establishes it was more likely than not (50.1% / 49.9%) that the alleged misconduct occurred (in which case the allegation will be Sustained),

² **Policy 310, Disciplinary/Failure to Appear and Traffic Matrix** – Date Published: October 25, 2017 – Departmental framework to determine appropriate discipline recommendation and/or imposed for Complaints of Police Misconduct received on or before June 30, 2022.

the alleged conduct occurred but did not violate BPD policies, procedures, or training (in which case the allegation will be Exonerated), or that the investigation was unable to determine whether the alleged misconduct occurred (in which case the allegation will be Not Sustained). Preponderance of the Evidence is a lower Standard of Proof than the Clear and Convincing Evidence standard that applies to an Unfounded determination or the Beyond a Reasonable Doubt standard used in criminal trials. Preponderance of the Evidence is the standard of proof used during Trial Boards.

- **Clear and Convincing Evidence** – Evidence that establishes a high probability that the alleged misconduct did not occur (in which case the allegation will be Unfounded). Clear and Convincing Evidence is a higher Standard of Proof than the Preponderance of the Evidence standard that applies to Sustained, Exonerated, or Not Sustained determinations, but lower than the Beyond a Reasonable Doubt standard used in criminal trials.
- **Beyond a Reasonable Doubt** – The trier of fact must have no doubt, founded in reason, that the defendant committed the alleged crime. This is the highest Standard of Proof, used only in criminal trials.

Trial Board³ – A three-member panel responsible for determining the outcome of a Sustained complaint of police misconduct in cases where the accused member rejects the disciplinary offer. The composition of the membership on the Trial Board is as follows:

- One actively serving or retired administrative law judge or a retired judge of the District Court or a Circuit Court appointed by the Mayor of Baltimore (Serves as the chair of the Trial Board).
- One BPD member of equal rank of the accused appointed by the BPD Police Commissioner.
- One civilian appointed by the Police Accountability Board (PAB)

GENERAL

1. The Department will initiate and conduct investigations in accordance with the PIB Internal Operations and Training Manual (“PIB Manual”), Departmental policies, and state and local law.
2. For Complaints of police misconduct that involve a member of the public made against members on or after July 1, 2022, the Public Integrity Bureau (PIB) shall forward appropriate investigative materials to the Administrative Charging Committee (ACC) upon completion of a PIB misconduct investigation.
3. For ACC-Eligible Complaints made by a member of the public, state law requires the ACC to issue a determination on the complaint within one year and one day after the filing of the complaint by a member of the public.
4. Complaints from the public that meet the eligibility requirements for the mediation process may, subject to the agreement of the complainant, be handled outside of the formal ACC complaint process.⁴
5. BPD shall ensure that discipline for Sustained allegations of misconduct comports with due process and is consistently applied, fair, based on the nature of the allegations and the evidence,

³ Trial Boards for Sustained complaints of police misconduct received before July 1, 2022 have either five members (three sworn and two civilians) for major disciplinary matters or one member (sworn) for minor disciplinary matters.

⁴ Eligibility for mediation process is established by Public Safety Article §3-207(d), Annotated Code of Maryland

and that mitigating and aggravating factors are identified and consistently applied and documented.

- 5.1. The member's race, religion, gender, gender identity, sexual orientation, national origin, age, ethnicity, or familial relationships shall not be a consideration in the imposition of discipline.
- 5.2. The high or low profile nature of the incident shall not be a consideration in the imposition of discipline.
6. After PIB conducts a misconduct investigation and a member's actions are found to violate policy, BPD shall ensure appropriate charges are brought in a timely manner.
 - 6.1. BPD shall not take only non-disciplinary corrective action for sustained misconduct investigations where the Statewide Police Disciplinary Matrix calls for the imposition of discipline.
 - 6.2. Any supervisor in the member's chain-of-command or the PRB may recommend Non-Disciplinary Corrective Action (NDCA) for the member in addition, if appropriate, to any discipline that is otherwise imposed through the Department's disciplinary process.

DIRECTIVES

DRC-Eligible Complaints

7. The DRC handles all DRC-Eligible cases of all sworn members, excluding sworn Deputy Commissioners.
 - 7.1. A civilian DRC process handles all DRC-eligible complaints for civilian BPD members.
8. Of the members appointed to the DRC by the Police Commissioner, one serves as the DRC Chairperson. This Chairperson may, when necessary, act unilaterally to carry out the function of the entire DRC, or, when exigent circumstances exist and rescheduling of the DRC's duties will not be in the best interests of the BPD, may designate another member of the DRC to act in their place. The DRC Chairperson, in conjunction with PIB Command, determines the mechanism by which DRC members review the investigative case file and findings. At the discretion of the DRC Chairperson, DRC members may review investigative materials individually and then submit a written recommendation, meet as a full group, or communicate via any alternative means in order to carry out the function and purpose of the DRC.
9. In the event that a member of the DRC cannot perform the duties to which they have been appointed, the member must inform the Police Commissioner, in writing, of their inability to perform or continue as a member of the DRC.
10. Where there is a conflict of interest of the members of the DRC, the Police Commissioner, or their designee, shall designate an alternative Commander or DRC to hear the case.
 - 10.1. If an appointed DRC member perceives an actual or potential conflict of interest, the DRC member shall bring the conflict of interest to the attention of the DRC Chairperson and the

Chief of PIB and Public Integrity Commander.

- 10.2. Actual or potential conflicts of interests for DRC members include, but are not limited to, the member being involved or a witness to the incident, the member having an external business relationship with the accused officer(s) or witnessing officer(s), the member having a close personal relationship with the accused officer(s) or witnessing officer(s).
11. Upon receipt of an investigative file from the Office of Administrative Hearings (OAH), the DRC shall review the factual findings from PIB along with all Sustained charges.
12. The DRC shall determine a disciplinary recommendation member in accordance with the [Maryland Statewide Police Disciplinary Matrix](#), so as to ensure discipline is consistent, progressive (i.e., considers the sworn member's prior violations), follows the matrix's specified ranges based on the descriptions of violation categories, and takes into account any aggravating and mitigating factors.
 - 12.1. When determining the appropriate violation category, the DRC may use the example category violations in the Statewide Police Disciplinary Matrix as a guide.
 - 12.2. The DRC shall document in writing any aggravating and mitigating factors that it considered in reaching its disciplinary recommendation.
13. Formal charges are considered filed on the date the Police Commissioner's designee signs the charging document.
14. The DRC may deviate from the Uniform State Disciplinary Matrix only when required by court order, consent decree, or other superseding legal authority, and any deviation shall be justified in writing.
15. Upon completion of the DRC review process, the member shall be served the charging document. There shall be a 30-day period during which the accused member, or their counsel, may negotiate the charge(s) included in the charging document, in accordance with the Statewide Police Disciplinary Matrix. These negotiations shall be sent directly to BPD Legal Affairs. BPD Legal Affairs shall then communicate with the Police Commissioner's designee and obtain either an approval, a denial, or a counteroffer.
 - 15.1. If the Police Commissioner's designee has a conflict of interest, is a witness, or is otherwise directly involved in the case being negotiated, then BPD Legal Affairs shall communicate with the Police Commissioner, or another designee, in order to obtain either an approval, a denial, or a counteroffer.
16. Upon completion of the DRC's review of a particular case, the DRC shall return the investigative file, charging document, and disciplinary recommendation to OAH for service upon the employee under investigation by way of the employee's counsel or the employee directly if the employee is unrepresented.

ACC-Eligible Complaints

17. BPD shall process misconduct cases that involve a member of the public in accordance with state

and local laws.

18. BPD shall adhere to the following requirements for ACC-Eligible Complaints:
 - 18.1. Upon completion of an investigation into an ACC-Eligible Complaint, BPD shall ensure that the complete investigative files are provided to the Baltimore City Office of Equity and Civil Rights (OECR), or any successor office that is responsible for assisting the ACC in performing its responsibilities.
 - 18.2. The Police Commissioner, or designee, may provide a written recommendation regarding the matter under investigation when the investigative files are provided to OECR. The written recommendation may include, but is not limited to, the following:
 - 18.2.1. Opinion regarding whether the BPD member should be disciplined;
 - 18.2.2. Explanation of aggravating or mitigating factors or circumstances;
 - 18.2.3. Recommendation for remedial, non-disciplinary measures;
 - 18.2.4. Non-Disciplinary Corrective Action (NDCA) provided to the member regarding the matter under investigation; or
 - 18.2.5. A specific recommendation for discipline in accordance with the Statewide Police Disciplinary Matrix.
 - 18.3. Upon receipt of an ACC charging document and written opinion to Administratively Charge, the Police Commissioner shall offer the ACC recommended discipline to the BPD member who has been administratively charged within 15 days.
 - 18.3.1. The Police Commissioner may offer a higher degree of discipline within the applicable range of the Statewide Police Disciplinary Matrix, but may not deviate below the discipline recommended by the ACC.
 - 18.3.2. The Police Commissioner may deviate from the Uniform State Disciplinary Matrix only when required by court order, consent decree, or other superseding legal authority, and any deviation shall be justified in writing.

REQUIRED ACTION

Employee Charged After Investigation

19. When served with a charging document (regardless of if it is an ACC-Eligible or DRC-Eligible Complaint), members shall take one of the following actions:
 - 19.1. Accept the disciplinary recommendation, sign and check the appropriate box on the charging document indicating their acceptance, and sign the Acceptance of Disciplinary Action, Form 402 (see Appendix B); or
 - 19.2. Reject the disciplinary recommendation, sign and check the appropriate box on the

charging document requesting a Trial Board.

Detectives, Investigators, and Supervisors, Public Integrity Bureau

20. Conduct fair, thorough and timely investigations, and make recommended findings, per the procedures outlined in the PIB Manual.

Member and Supervisors, PIB Administrative Section

21. Act as a liaison between BPD and the ACC for completed investigations of ACC-Eligible Complaints.

Deputy Commissioner, Public Integrity Bureau

22. Review PIB cases that include a Command member.
23. For ACC-Eligible Cases involving a Command member, if the case is viable for charges:
 - 23.1. Review recommended findings and determine which violation(s) should be sustained; and
 - 23.2. Direct the PIB Administrative Section to submit the investigative file and disciplinary recommendation to the ACC.
24. Ensure expungements of investigative files are not conducted, in compliance with MD State law.

BPD's Office of Administrative Hearings (OAH) ResponsibilitiesDRC-Eligible Complaints

25. Upon notification of a completed investigation with Sustained findings, OAH shall:
 - 25.1. Ensure that all necessary documentation is presented to the DRC, as applicable;
 - 25.2. Act as a liaison between the Legal Affairs Section, counsel for the accused, Human Resources Section, District/Unit Commanders, and the Police Commissioner and/or their designee for matters of discipline and Trial Boards;
 - 25.3. Administratively track the case; and
 - 25.4. Serve the employee under investigation with the charging document;
26. If the employee under investigation wishes to review the investigative file before accepting or rejecting the DRC disciplinary offer, OAH shall forward a copy of the investigative file to the employee under investigation and the attorney representing the employee under investigation.
27. If the DRC disciplinary offer is accepted by the employee under investigation, OAH shall:
 - 27.1. Forward the investigative file to the Police Commissioner or their designee for approval.
 - 27.1.1. Once approved by the Police Commissioner or their designee, contact HRS to

ensure the appropriate Human Resource Order (HRO) is issued for the member reflecting the discipline imposed (e.g., loss of leave, loss of pay, transfer, demotion, etc.).

27.1.2. Verify that the discipline has been administered and complete Form 155, Certification of Completion of Disciplinary Action (See Appendix C) and forward it to HRS.

28. If the DRC disciplinary offer is rejected by the employee under investigation, OAH shall:

- 28.1. Forward a copy of the investigative file to the employee under investigation and the counsel representing the employee under investigation.
- 28.2. Once a Trial Board is scheduled, provide notice to the employee under investigation and, if applicable, the employee under investigation's counsel. The notice shall include the Trial Board's scheduled date, time, and location.
- 28.3. Ensure the appropriate personnel are available to serve on a Trial Board.
- 28.4. Serve subpoenas on witnesses for Trial Boards, as required.
- 28.5. Use its best efforts to ensure that Trial Boards are conducted within 120 days of a member's election to have a Trial Board.
- 28.6. If there is a postponement before a Trial Board is empaneled, inform the employee under investigation, the counsel of the employee under investigation, the Legal Affairs Section, and PIB Command of the postponement.

ACC-Eligible Complaints

29. Upon notification that the Police Commissioner finalized the disciplinary offer for an Administratively Charged ACC-Eligible Complaint, OAH shall:

- 29.1. Act as a liaison between the Legal Affairs Section, counsel for the accused, Human Resources Section, District/Unit Commanders, and the Police Commissioner and/or their designee for matters of discipline and Trial Boards;
- 29.2. Administratively track the case; and
- 29.3. Serve the employee under investigation with the charging document.

30. If the Police Commissioner's disciplinary offer is accepted by the employee under investigation, OAH shall:

- 30.1. Contact HRS to ensure the appropriate Human Resource Order (HRO) is issued for the member reflecting the discipline imposed (e.g., loss of leave, loss of pay, transfer, demotion, etc.);
- 30.2. Verify that the discipline has been administered and complete Form 155, Certification of

Completion of Disciplinary Action (See Appendix C) and forward it to HRS.

31. If the Police Commissioner's disciplinary offer is rejected by the employee under investigation, OAH shall:
 - 31.1. Forward a copy of the investigative file to the employee under investigation and the counsel representing the employee under investigation.
 - 31.2. Once a Trial Board is scheduled, provide notice to the employee under investigation and, if applicable, the employee under investigation's counsel. The notice shall include the Trial Board's scheduled date, time, and location.
 - 31.3. Ensure the appropriate personnel are available to serve on a Trial Board.
 - 31.4. Serve subpoenas on witnesses for Trial Boards, as required.
 - 31.5. Use its best efforts to ensure that Trial Boards are conducted within 120 days of member's election to have a Trial Board.
 - 31.6. If there is a postponement before a Trial Board is empaneled, inform the employee under investigation, the counsel of the employee under investigation, the Legal Affairs Section, and PIB Command of the postponement.

Additional Responsibilities

32. OAH shall ensure that the Trial Board schedule is posted online and updated in a timely manner if necessary.
33. OAH shall ensure that the aggregate data for DRC recommendations and Trial Board dispositions are posted online annually.

Director, Human Resources Section (HRS)

34. The Director of the Human Resources Section shall:
 - 34.1. Whenever an employee under investigation has accepted and completed a disciplinary recommendation, ensure that a copy of the related Form 155, Certification of Completion of Disciplinary Action (See Appendix C), is added to the member's personnel file upon receipt.
 - 34.2. Ensure that the Human Resources Section notifies the Maryland Police and Correctional Training Commission of any personnel actions involving sworn members, including when a sworn members resigns while a misconduct investigation or disciplinary charges are pending.
 - 34.3. Ensure that the Human Resources Section maintains internal affairs administrative or criminal investigative reports and files as a personnel record by BPD Human Resources Division after a member leaves BPD employment.

- 34.4. Once completed investigative files for civilian employees are received from PIB, ensure that the Human Resources Section takes appropriate disciplinary action pursuant to the Baltimore City Administrative and Personnel Manuals and the employee's relevant MOU. If termination is recommended by the Human Resources Section, it must obtain approval from the Police Commissioner.

RESCISSION

Rescind Policy 308, *General Disciplinary Process*, dated 13 September 2017.

APPENDIX

- A. General Trial Board Process
- B. Acceptance of Disciplinary Action
- C. Certification of Completion of Disciplinary Action, Form 155
- D. Stages of a Misconduct Investigation (DRC-Eligible Complaints)
- E. Stages of a Misconduct Investigation (ACC-Eligible Complaints)
- F. Statewide Police Disciplinary Matrix

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: General Trial Board Process

What is a Trial Board?

A Trial Board hearing is a quasi-judicial administrative proceeding where law enforcement officers can elect to appeal disciplinary decisions stemming from a sustained police misconduct charge. Trial Board proceedings are open to the public, except to protect a victim's identity, the personal privacy of an individual, a child/youth witness, medical records, the identity of a confidential source, an investigative technique or procedure, or the life or physical safety of an individual.

The degree of proof necessary for a Trial Board to make a finding of guilt is the "preponderance of the evidence," meaning that evidence established it was more likely than not that the alleged police misconduct occurred.

If BPD proves any conduct alleged in the charges and the proven conduct violates any BPD policy, rule, or regulation identified in the charges by a preponderance of the evidence, then the Board **shall** find the law enforcement officer guilty of the charges.

When does a Trial Board hearing occur?

Per Maryland Law, officers may request a Trial Board after receiving a disciplinary charge from the Police Commissioner following a misconduct investigation. When an officer is served with a disciplinary charging document, officer's may either accept the disciplinary recommendation or reject the disciplinary recommendation. If an officer rejects the disciplinary recommendation, Trial Board hearings are initiated. Trial Board hearings are the officer's option to appeal the sustained investigative finding and disciplinary recommendation.

Trial Board Stages

Generally, Trial Boards consist of the following stages:

1. Preliminary Matters
2. Reading of Charges and Plea of the Defendant (accused officer)
3. Opening Statements
4. Department's Presentation
5. Defendant's Presentation
6. Closing Statements
7. Trial Board Deliberations
8. Trial Board Verdict on Guilt or Innocence
9. Department's Recommendation of Discipline (if guilty)
10. Trial Board's Written Decision

Appendix B: Acceptance of Disciplinary Action**Acceptance of Disciplinary Action
Form 98/402**

September 10, 2020

To: Major
Commanding Officer
Southern District

Via: Official Channels

From: Brian Nadeau
Deputy Commissioner, Public Integrity Bureau

Subject: **Disciplinary Action**
2018-0000
Police Officer John Doe
E.O.D. 1/1/2010
Seq. # Z000

Summary of Facts: (Attached copy of charging documents).

Attached

Disciplinary Determination:

Severe Letter of Reprimand
Seven (7) Days Suspended without Pay
Training in Stop, Search and Arrest/Advisement of Miranda Rights

I acknowledge receipt of this disciplinary action._____
Respondent Officer_____
Date_____
Deputy Commissioner_____
Date

Appendix C: Certification of Completion of Disciplinary Action, Form 155

**POLICE DEPARTMENT
BALTIMORE, MARYLAND**

**Certificate of Completion of Disciplinary Action
Form 155**

TO: Director, Human Resources Section

VIA: Official Channels

FROM: Commanding Officer-

SUBJECT: Certification of Completion of Disciplinary Action, Case of

Rank/Classification First Name M.I. Last Name

Sequence Number Personnel Order

_____ Suspension from duty without pay (Subject Employee's payroll account has been appropriately marked from _____ to _____).

_____ Suspension from duty with (FSLA Exempt) (Subject Employee's payroll account has been appropriately marked from _____ to _____).

_____ Loss of leave in the amount of _____ days. (These days have been deducted from subject employee's record of allotted leave and an appropriate memorandum placed in the employee's District/Division personnel jacket – copy provided herewith.)

_____ Voluntary reimbursement for loss/damage to departmental equipment in the amount of _____. (Provide a copy of reimbursement agreement/authorization as attached.)

_____ Reimbursement in the amount of _____ for Departmental Accident on _____ Date _____.

_____ Reprimand: _____ Simple Letter _____ Middle Letter
 _____ Severe Letter

_____ Failure to Appear in Court. Fine of _____.

_____ Successfully completed Enhanced Driver's Training on department time.

_____ Non-punitive Counseling. (Form 98/164 must reflect date, summary of initial session, state of intended follow-up where appropriate, signature of counseling official). Non-punitive counseling form should be filed in the training section of member's personnel jacket in Human Resources Section.

_____ Other Non-disciplinary action. (Specify) _____

I hereby certify that the above disciplinary action was in fact carried out.

Respectfully,

Signature of Commanding Officer / Date

Appendix D: General Process for DRC-Eligible Complaints

Every misconduct complaint of police misconduct NOT involving a member of the public and an officer will eventually pass through the following stages:



Intake

1. PIB receives a complaint accusing a BPD member of misconduct.

2. This complaint forms the basis of a case, which is assigned a case number.

3. A PIB intake specialist creates a digital casebook in IAPro.



Classification

1. A PIB intake specialist examines the case to determine which allegations are contained within it based solely on the narrative of the complaint.

2. If, during the course of the course of the investigation, a PIB detective uncovers additional possible misconduct, then the PIB detective adds these allegations to the case and reclassifies the case, if necessary.



Assignment

1. PIB assigns the case to an investigator, who affirms they do not have any conflicts of interest.

2. If conflicts of interest emerge during the investigation, then a PIB supervisor reassigns the case to a different investigator.



Investigation

1. The investigation is completed when the investigator has collected enough evidence to determine a finding for each allegation in the case.

Investigative Findings

- **Sustained**
- **Not Sustained**
- **Unfounded.**
- **Exonerated**

2. An investigator's finding of "sustained," "not sustained," or "exonerated" must be justifiable based upon a "preponderance of the evidence" standard of proof, meaning that the investigator believes their finding is more likely true than not true. An investigator's finding of "unfounded" must be justifiable based on a "clear and convincing" standard of proof, meaning that the evidence is "certain, plain to the understanding, and unambiguous," and convincing.



Review

1. The supervisor reviews the case to determine if the investigation was thorough and met the required standards of proof. The supervisor forwards the investigation up the chain of command.

2. If PIB Command does not sustain any allegations in the case, then they issue a disposition for the case of not sustained, unfounded, or exonerated, and the case is closed.

3. If PIB Command sustains any allegations in the case, then they send the casebook to the Disciplinary Review Committee (DRC).



Discipline

1. The DRC reviews the findings for each case that includes a sustained allegation and determines a disciplinary action based on the Maryland Statewide Disciplinary Matrix.

2. The case is closed once:

- The member accepts the DRC discipline or the member appeals the decision of the DRC via a Trial Board and is found guilty; or
- The respondent appeals the decision of the DRC via a Trial Board and demonstrates their innocence.

Appendix E: General Process for ACC Eligible Complaints

Note: The flowchart below applies to all complaints of police misconduct involving a member of the public and an officer, regardless of whether the complaint originated from within BPD or from an external source.

