



Policy 314

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| FRATERNIZATION AND NEPOTISM | |
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By Order of the Police Commissioner

POLICY

1. **Conflict of Interest.** It is the policy of the Baltimore Police Department (BPD) to ensure that members avoid any perceived or actual conflict of interest between their BPD responsibilities, and interests arising from familial, spousal and/or romantic relationships which a BPD member might have with another BPD member. The BPD will investigate and/or act upon said violations, as well as, violations of those specific prohibitions listed below in the section entitled "PROHIBITED ACTIONS."
2. **Gender Neutral.** The BPD recognizes that fraternization is gender-neutral, meaning there is no presumption that fraternization is limited to or defined by interactions between members of different genders.
3. **Limited Scope.** The policy and procedures described are strictly limited to addressing the actual or reasonably perceived adverse impact of familial, spousal and/or romantic relationships, not the actual relationships. Except for the limited circumstances described in the section entitled "PROHIBITED ACTIONS," nothing in this policy is intended to control or examine the relationships that may exist or develop between members of the department.

DEFINITIONS

Applicant — Any person who has initiated an application for employment (in any capacity) with the BPD.

Direct Report — A member of the BPD who reports to or takes orders directly from a higher ranking member of the BPD, without the intervention or involvement of another supervisor.

Fraternization — For the purposes of this policy, "fraternization" is defined as a romantic relationship between members of the BPD that results in an actual or reasonably perceived adverse impact on matters such as (but not limited to):

1. The chain of command;
2. The authority or objectivity of a supervisor;
3. The impartial participation in and application of departmental activities; or
4. The good order and morale of the BPD.

Materially Adverse Effect – An effect, including, but not limited to those which:

1. Appreciably or significantly compromise the BPD related work performance, objectivity, judgment, professionalism, business reputation or the business manner in which a member may conduct himself or herself, or
2. Causes the BPD to suffer significant public disdain and/or a loss of public esteem.

Member – For the purposes of this policy, the term “member” shall include all employees of the BPD, whether sworn, civilian or contractual.

Nepotism – Patronage bestowed or favoritism shown on the basis of family relationship, as in business and politics or favoritism (as in appointment to a job) based on kinship.

Police Officer Trainee – For the purposes of this policy, a “Police Officer Trainee” is considered to be any member who has been hired for the position of sworn police officer, but has not yet completed Entry Level Training, the Field Training and Evaluation Program (FTEP), and his/her entire probationary period.

Reasonable Perception – Within this policy, the phrases “reasonable perception”, “reasonably perceived”, and similar variations shall mean that an allegation of fraternization or nepotism may be investigated regardless of whether or not the accused members believe their conduct to be fraternization or nepotism; as long as the allegation is supported by a reasonable and impartial interpretation of relevant facts and circumstances.

Relative – Regardless of whether appearing in the singular or plural, a spouse, father, mother, son, daughter, uncle, aunt, first cousin, nephew, niece, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepsister, stepson, stepdaughter, half-brother, half-sister, and members who are the biological or adoptive parents of the same person.

Romantic Relationship – For the purposes of this policy, a “romantic relationship” shall be one characterized by a level of personal affection and familiarity not typically shared by coworkers in the work environment, and involving (but not limited to) dating, physical intimacy, sexual activity, or other similar behavior(s).

PROHIBITED ACTIONS

The prohibited actions described in this section are directed at circumstances involving BPD members as well as persons for whom employment (or continued employment) with the BPD is conditional and/or subject to some form of performance review: applicants; Police Officer Trainees; direct reports and civilian employees.

Because the likelihood of an adverse impact from fraternization and/or nepotism in any of these circumstances is clearly predictable, the BPD shall, in its efforts to provide a fair and impartial work environment, set a stricter standard of conduct.

1. No member of the BPD may enter into a personal, business, or romantic relationship with an applicant.
2. No member of the BPD may enter into a personal, business, or romantic relationship with a

Police Officer Trainee.

3. No member of the BPD may work as a direct report to a higher-ranking member of the BPD to whom he/she is related, married, or with whom he/she is engaged in a romantic relationship.
4. Members may not select or apply for assignments which will place them under the supervision or management of a higher-ranking member of the department to whom he/she is related, married, or with whom he/she is engaged in a romantic relationship. This will include extra-duty employment.
5. No member shall participate in any way with the appointment, assignment, employment, promotion or advancement of a member of the department to whom he/she is related, married, or with whom he/she is engaged in a romantic relationship.
6. During the selection process for promotion and assignment (including, but not limited to that occurring as members request assignments to specific work shifts) all members are required to disclose to their supervisors the identity of any relative, spouse and/or romantic partner employed by the department who meaningfully participated, in any way, in the selection process.
7. Members upon discovery shall notify their immediate supervisor that they are working in substantial direct contact with a relative, spouse and/or romantic partner.

REQUIRED ACTION

All Members

1. Do not enter into a personal, business, or romantic relationship with an applicant.
2. Do not enter into a personal, business, or romantic relationship with a Police Officer Trainee.
3. If you are related to, married to, or maintain a romantic relationship with, a higher-ranking member of the Department, do not:
 - 3.1. Use that relationship to seek special treatment or consideration for yourself or another member;
 - 3.2. Accept or pursue any assignment that would make you a direct report to that member; or
 - 3.3. Conduct yourself in a manner that, in any public or on-duty setting, diminishes that member's authority or rank.
4. Allegations of fraternization and/or nepotism may be reported:
 - 4.1. To your commanding officer, via "Official Channels"; or
 - 4.2. Directly to the Office of Professional Responsibility.

Administrators/Supervisors/Civilian Supervisors/Instructor Responsibilities

1. BPD supervisors will not knowingly make a job assignment of a member that will foreseeably foster or likely results in the creation of a “materially adverse effect” on the BPD due to the nature of a relationship that exists between members who are relatives, romantically and/or personally involved or to whom have a business relationship. Circumstances that will foreseeably foster or probably cause a “materially adverse effect” on the BPD include, but are not limited to the following:
 - 1.1. A member, who is a relative, spouse or romantically involved, serves as the supervisor, Field Training Officer, program administrator, or
 - 1.2. A member who is related to or romantically involved with another member, while both serve on the same squad or in the same unit,
 - 1.3. A member, who serves as a supervisor, program administrator, director, or responsible party over the care, custody or activity of volunteers or nonmember program participants (e.g., Explorers) while a relative or in a romantic relationship with a non-member volunteer or program participant, and
 - 1.4. A member, who is related to or in a romantic relationship with another member, while serving together in a stakeout, undercover or tactical operation.
2. A member, who is a relative of another member, may be assigned to the same squad, division or bureau as long as substantial direct contact and a “materially adverse effect” in the BPD is avoided. “substantial direct contact” does not necessarily include working portions of the same shift with overlapping supervision, working separate districts or extra-duty employment where members are assigned separate posts.
3. Upon learning of a job assignment that causes one member to work with another member in a violation of this written directive, supervisors shall disclose the relationship in writing, via official channels, to their Bureau Deputy Commissioner or Chief depending on their assignment. The Bureau Deputy Commissioner or designee shall prepare and forward a written memorandum to the Police Commissioner in which all relevant facts are articulated. The Police Commissioner or designee will review the relevant facts and/or memorandum for the purposes of determining whether the circumstance appears to violate this written directive or other policies of the department, and resolving member assignment to avoid/eliminate potential and existing conflicts of interest and assignments that appear to have a “materially adverse effect” on the BPD, supervision, safety, or member morale.
4. In any relationship with a subordinate, the higher-ranking member:
 - 4.1. Bears primary responsibility for ensuring that appropriate standards of mutual conduct and respect are observed; and
 - 4.2. Must avoid even the reasonable perception that fraternization and/or nepotism is occurring.
5. Do not allow, or arrange for, a subordinate to whom you are related, married, or with whom you are engaged in a romantic relationship, to become your direct report.

6. Any complaint brought to your attention alleging fraternization and nepotism shall be documented and investigated:
 - 6.1. In the same fashion as any other complaint of misconduct or wrongdoing; and
 - 6.2. In accordance with Policy 308, *General Disciplinary Process*.

Member, Human Resources Section (HRS)

1. Every interaction between a member of HRS and an applicant shall be of a strictly professional nature.
2. If you are assigned to conduct any portion of a background investigation on an applicant with whom you have a familial, personal, business or romantic relationship:
 - 2.1. Submit an Administrative Report, via "Official Channels", to the Director, Human Resources Section, describing the nature of your relationship with the applicant.

Member, Professional Development and Training Academy (PDTA)

1. Every interaction between a member of PDTA and a Police Officer Trainee shall be of a strictly professional nature.
2. Unless specifically approved by the Director, PDTA, off-duty, social interaction with any Police Officer Trainee(s) is prohibited. The only exception is if the member and Police Officer Trainee are related.
3. One-on-one training sessions (i.e., one in which only a police instructor and a Police Officer Trainee participate) must be pre-approved by the Director, PDTA.
4. If a Police Officer Trainee with whom you have an familial, personal, business or romantic relationship is assigned to the Police Academy for any reason:
 - 4.1. Submit an Administrative Report, via "Official Channels", to the Director, PDTA, describing the nature of your relationship with the Police Officer Trainee.

Field Training Officer (FTO)

1. Every interaction between an FTO and his/her assigned Police Officer Trainee shall be of a strictly professional nature.
2. Off-duty, social interaction with any Police Officer Trainee(s) is prohibited unless the Police Officer Trainee and FTO are related.

District FTO Coordinator

No Police Officer Trainee shall be assigned to an FTO with whom the Police Officer Trainee has a familial and/or romantic relationship.

Commanding Officer / Director

Any allegation of fraternization and/or nepotism reported by a subordinate shall be forwarded for investigation to the Office of Professional Responsibility.

Director, Human Resources Section (HRS)

1. If it becomes necessary to assign an applicant's background investigation to a member of HRS with whom the applicant has an familial and/or romantic relationship:
 - 1.1. Ensure the current member has submitted an Administrative Report documenting the nature of his/her relationship with the applicant;
 - 1.2. Notify the Office of Professional Responsibility; and
 - 1.3. Provide your recommendation as to the current member's ability to carry out the investigation in a fair and impartial fashion.

Director, Professional Development and Training Academy (PDTA)

1. When notified by a current member of PDTA that a Police Officer Trainee with whom he/she has an familial and/or romantic relationship has been assigned to the Police Academy:
 - 1.1. Ensure the current member has submitted an Administrative Report documenting the nature of his/her relationship with the Police Officer Trainee;
 - 1.2. Notify the Office of Professional Responsibility; and
 - 1.3. Provide your recommendation as to the current member's ability to carry out his/her duties as an instructor in a fair and impartial fashion.

Chief, Office of Professional Responsibility (OPR)

1. Allegations of fraternization and/or nepotism shall be:
 - 1.1. Investigated in the same fashion as any other complaint of misconduct or wrongdoing; and
 - 1.2. Based on the actual or reasonably perceived adverse impact(s) created by the alleged fraternization and/or act of nepotism, not the existence of any particular relationship in and of itself (unless the relationship is of a type described in the section entitled "PROHIBITED ACTIONS").
2. Prepare and forward a written memorandum to the Police Commissioner in which all relevant facts are articulated upon learning of a job assignment that causes one member to work with another member.
3. When designated by the Police Commissioner:

- 3.1. The exercise of discretion in the applicability of the “PROHIBITED ACTIONS” section shall:
 - 3.1.1. Occur on a case-by-case basis;
 - 3.1.2. Include an analysis of the facts and circumstances surrounding the relationship in question; and
 - 3.1.3. Give consideration to the recommendation made by the current member’s Commanding Officer/Director.

EXCEPTIONS

Only the Police Commissioner or designee may make exceptions to the directives in this policy such that members may be assigned or reassigned to best serve the City of Baltimore, fulfill and support the mission of the department, promote safety and welfare, avoid the creation or continuation of conflicts of interest, and enhance the quality and efficiency of member service.

RESCISSION

Remove and destroy/recycle Policy 314, *Fraternization and Nepotism* dated 24 February 2014.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.