



Policy 1729

Subject	
WHISTLEBLOWER PROTECTION	
Date Published	Page
26 August 2017	1 of 3

By Order of the Police Commissioner

POLICY

It is the policy of the Baltimore Police Department (BPD) to complement departmental integrity and to avoid hostile working conditions by requiring the mandatory reporting of serious violations of law and/or departmental policy, procedure or rules and by prohibiting purposeful retaliation against members who make such reports.

This policy strictly prohibits purposeful retaliation against or interference with a member who reports, assists the reporter, or seeks to report violations of law and/or Department policy, procedures or rules. This policy does not apply to claims of discrimination and harassment, including retaliation, against an employee who is a member of a protected class of individuals, as defined by local, State and federal law. The BPD's policies and procedures concerning employment discrimination are detailed separately in Policy 1701, *Equal Employment Opportunity Policy*.

DEFINITIONS

Affirmative Duty — The personal responsibility and obligation of a member to report wrongdoing — rather than to provide such information only when requested.

False Report — A report that is not made in good faith, based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or made with the purpose of harassing or wrongly incriminating another member.

Good Faith — A report that provides allegations, concerning members, who are reasonably believed to have purposely committed a violation of departmental policy, procedures, rules, or laws.

Retaliatory Conduct — In the context of this policy, retaliatory conduct includes any deliberate, purposeful actions or failures to act, directed against members that cause, or that could reasonably be expected to cause, physical harm, property damage, significant emotional stress, or otherwise negatively affect another member's terms or conditions of employment or that could seriously impair the efficiency, safety or effectiveness of that member, this Department, or both. Such adverse actions may take many forms, including but not limited to, bullying, persistent offensive comments, threats, intimidation, false accusations, isolating, ostracizing, or acts that malign or disparage an individual's reputation.

Serious Acts of Misconduct — Deliberate acts or failures to act that could reasonably form the basis for significant disciplinary action against a member. Such disciplinary action would be reasonably likely to adversely affect that member's terms or conditions of employment up to and including termination of service.

Whistleblower — A person who exposes misconduct, alleged dishonest or illegal activity occurring in an organization. The alleged misconduct may be classified in many ways; for example, a violation of a law, rule, regulation and/or a direct threat to public interest, such as fraud, health and safety violations, and corruption. Whistleblowers may make their allegations internally for example, to a Supervisor, Commander, or the Equal Opportunity and Diversity Section (EODS).

PROCEDURES

Duty to Report

1. All members of the BPD have an affirmative duty to report violations of law and serious acts of misconduct or failures to perform actions, defined in departmental policy, procedures, and rules. Failure to report shall result in corrective or disciplinary action.
2. Acts of retaliation against members, who make good faith complaints or disclosures of misconduct against another member, are strictly forbidden. Such acts will form the basis for charges of misconduct, resulting in serious disciplinary action.
3. All members have an affirmative duty under this policy to cooperate fully during the investigation of any allegation of member misconduct whether conducted by this Department or another authorized entity. Protection from retaliation is extended under this policy to all members who cooperate in good faith.
4. Members who have been subjected to retaliation by fellow members are encouraged to seek assistance through personal counseling or other services, as available from this Department's member assistance program or Human Resources Section.

Reporting Procedures

1. Complaints of retaliation shall be brought to any member of Command or directly to EODS. If a member of Command is the subject of, or otherwise involved in the complaint, the member may submit the complaint to the next higher ranking member in the chain of command or directly to EODS. All complaints that fall within the scope of this policy shall be forwarded to EODS for investigation.
2. In uncommon situations involving highly egregious offenses or illegality that may have departmental or governmental implications, a complaint may be made directly to the Police Commissioner. Examples include, but are not limited to, broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.
3. This policy does not limit an employee's right to make public disclosures that are deemed to be of public concern and that might be protected speech under law. Employees enjoy limited First Amendment rights and are encouraged to consult with Policy 601, *Member Confidentiality Obligations and Media Releases*.

4. This policy in no way limits the right of employees to file complaints or grievances with outside governmental authorities or to initiate legal action, when done so in good faith. Individuals taking such actions are afforded the same protections against retaliation as other employees.
5. Supervisor or Commander, upon learning of any action in violation of this policy, immediately notify EODS and document the information into the BlueTeam database. If EODS is unavailable, notify the Communications Section to call the on-duty EODS supervisor.

Prevention of Misconduct

1. Prevention of serious employee misconduct and promotion of a principled and effective work environment requires that all employees abide by this policy.
2. First-line supervisors bear a responsibility to ensure that all employees under their supervision fully understand the importance of adherence to the BPD's policies, procedures, and rules and that they understand the BPD's commitment to ensuring employee compliance.

All Baltimore Police Department Members

Upon learning of any action in violation of this policy, immediately notify EODS, which will document the information into the BlueTeam database. If EODS is unavailable, notify the Communications Section to call the on-duty EODS supervisor.

ASSOCIATED POLICIES

Policy 302, *Rules and Regulations*
Policy 303, *Departmental Administrative Disciplinary*
Policy 601, *Member Confidentiality Obligations and Media Releases*
Policy 604, *Social Media*

RESCISSION

Remove and destroy/recycle Policy 1729, *Whistleblower Protection* dated 1 July 2016.

COMMUNICATION OF POLICY

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