



# Policy 321

Subject	
<b>EXPEDITED RESOLUTION OF MINOR POLICY VIOLATIONS</b>	
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## PURPOSE

**Commanding Officers** of the Baltimore Police Department (BPD) are required to maintain discipline in a timely and effective manner. **Commanding Officers** are afforded the opportunity to resolve certain **Minor Policy Violations** and disciplinary matters at the command level. The purpose of this policy is to define the use of the **Expedited Resolution of Minor Policy Violations** process (referred to throughout this policy as “**Expedited Resolution**” or “**ER**”) that allows for an efficient resolution of a **Minor Policy Violation** without a formal hearing and ensures that corrective actions are applied consistently.

**Minor Policy Violation** allegations do not require extensive investigation and adjudication when the **accused member** does not contest the allegations. In such cases, **Expedited Resolution** can provide a more efficient, timely resolution that uses minimal BPD resources. It is beneficial to all parties involved to resolve **Minor Policy Violations** as quickly as possible, without sacrificing the goals of the corrective action or the disciplinary process.

## DEFINITIONS

**Expedited Resolution of Minor Policy Violation (Expedited Resolution or ER)** – A formal process available to **Commanding Officers** to correct deficiencies and maintain discipline within their commands. **ER** is limited to **Minor Policy Violations**. **Expedited Resolutions** are expected to be completed within forty-five (45) days of the **ER** referral. If the **ER** process takes longer than forty-five (45) days, then PID may revoke **ER** eligibility and route the **Minor Policy Violation** for a PID investigation.

**Expedited Resolution of Minor Policy Violation Form (Expedited Resolution Form or ER Form)** – Official BPD form used to track the resolution process for **Minor Policy Violations** (Appendix B).

**Minor Policy Violation** – A violation of a BPD rule, policy, procedure, order, regulation, or verbal/written instructions that a supervisor reasonably believes requires minimal corrective action or discipline to correct the member’s behavior (e.g., tardiness, uniform requirement failure to appear in court, and cleanliness of vehicle). The misconduct must be sufficiently minor that it is correctable by minimal supervisory intervention, with the goal that the behavior does not repeat. For purposes of this policy, **Minor Policy Violations** that are eligible for **Expedited Resolution** are limited to those in Appendix A.

**Mitigating Factors** – Conditions or events that relate to the violation, but do not excuse or justify the violation, that are considered in deciding the degree of penalty. For example, if an offense carries a penalty range of one to three days’ suspension, a **Commanding Officer** may choose to impose a one-day suspension considering mitigating circumstances.

**Resolution Agreement** – An agreement between the **accused member** and BPD to resolve the **Minor Policy Violations** without the need for further investigation, encapsulated in the **ER Form**.

**Uniform State 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.

**INITIAL ELIGIBILITY****ER Eligible**

1. The only eligible allegations for **Expedited Resolutions (ER)** are **Minor Policy Violations**, as defined in Appendix A.

**ER Ineligible**

2. In a case where the **accused member** has already had two **Minor Policy Violations** within one-year, the third **Minor Policy Violation** of that category shall be investigated by PID.
3. **Minor Policy Violations** are not eligible for **ER** if it took place during an incident that also includes a serious misconduct violation. PID will investigate both minor and serious violations.
4. Police misconduct complaints initiated by members of the public are not eligible for **ER**.
5. Police misconduct complaints directly involving members of the public are not eligible for **ER**.

**Accused Member Requests a PID investigation**

6. The **accused member** has the right to request a PID investigation instead of an **ER** at any point prior to the **Commander of PID** signing off on the ER form indicating their final approval.
7. Once an **accused member** has elected a PID investigation, the election is final and the **accused member** may not return to the **ER** process

**Commanding Officer or PID initiates a PID investigation**

8. **Expedited Resolutions** are not a right or entitlement. At any point prior to the final approval by the **Commander of PID**, the offer of **ER** may be rescinded by PID Command.
9. At any point prior to the final approval by the **Commander of PID**, if the **accused member's Commanding Officer** believes the **Minor Policy Violation** requires formal investigation by PID, then that **Commanding Officer** shall refer the case back to PID via BlueTeam.
10. A formal investigation may be conducted if PID or the **accused member's Commanding Officer** receives any new information that impacts the **ER** eligibility of the case.
11. While the **Resolution Agreement** will not be undone, if new allegations become known after the conclusion of the **ER** process, PID may conduct a full investigation, which could carry additional penalties.
  - 11.1. If it is later discovered that any **ER** outcome was resolved through fraud or false information, the **ER** agreement will be null and void.
  - 11.2. If conduct that is the subject of an internally-generated **Minor Policy Violation** referral later becomes the subject of a publicly-generated complaint (e.g., member of the public complains of a BPD member appearing to be out of uniform after a supervisor initiates a **Minor Policy**

**Violation** referral regarding the same incident), then the **PID Classification Supervisor** shall notify the **accused member's Commanding Officer** that the case no longer qualifies for **ER** and it will be returned to PID for full investigation.

### **INTAKE**

12. All **Minor Policy Violations** shall be sent to PID by a supervisor via BlueTeam unless the **Minor Policy Violation** qualify for alternative corrective action (see Policy 211, *Supervisor Feedback Log*).
13. The **PID Intake Member** shall intake the allegation(s) and forward the case to the **PID Classification Supervisor** for classification.
14. The **PID Classification Supervisor** shall determine if the alleged violation is ER eligible.
15. If the allegation is **ER** eligible, the **PID Classification Supervisor shall:**
  - 15.1. **Complete Part 1** of the **ER Form** and attach it to the BlueTeam entry, and, if applicable, the **accused member's** disciplinary history;
  - 15.2. Assign a PID case number;
  - 15.3. Ensure a copy of the **ER Form** is uploaded into IAPro under the PID case number, along with all documents and data; and
  - 15.4. Track progress of all **ER referrals**.
16. Upon approval of **Part 1** of the **ER Form** by a **PID Commander** or a designee, PID shall route the **ER Form** to the **accused member's Commanding Officer** via BlueTeam, along with the BlueTeam entry, any supporting documentation, and the **accused member's** PID discipline summary.

### **REFERRAL TO COMMAND**

17. After receiving the **ER Form** from PID, the **Commanding Officer** shall complete **Part 2 Section A** of the **ER Form** indicating what level of discipline is being offered to the member.
18. The **Commanding Officer**, or designee, shall notify the **accused member** about the allegation within seven (7) working days of receiving the **ER referral**. The notification shall include:
  - 18.1. A copy of the BlueTeam entry,
  - 18.2. A copy of the **ER Form** received from PID,
  - 18.3. Any other documentation (including BPD's rules, policies, and procedures) regarding the alleged violation and penalty as categorized within the **Uniform State Disciplinary Matrix**,

- 18.4. Informing the **accused member** of their options to either have the allegation investigated by PID or to engage in the **ER** process.
19. The **accused member** has seven (7) days to complete the **ER Form** by accepting or rejecting the **ER** offer.
- 19.1. During the seven (7) day window, the **accused member** may negotiate a negotiated discipline if there are notable **Mitigating Factors** related to the member's failure to comply with policy and procedures.
- 19.2. These negotiations would not be admissible in subsequent proceedings. Nevertheless, any information or evidence discovered during the course of the **ER Process** that leads to additional misconduct could be used for future disciplinary purposes and would be admissible.
- 19.3. Negotiated discipline shall still conform to the **Uniform State Disciplinary Matrix**. Negotiated discipline shall not go below the minimum range of potential discipline stated by PID in **PART 1 SECTION C** of the **ER Form**.
20. The **accused member** makes their official and final selection when they complete the **ER Form** indicating whether they accept or reject the **ER** offer.
- 20.1. The **accused member's** signature is required on the **ER Form** in order to complete the process. The member does have the right to note any disagreements and attach a separate statement on a Form 95 if they wish to do so.
21. The **Commanding Officer**, or designee, shall ensure that the **ER Form** is completed and signed by the **Commanding Officer** and **accused member**.
22. If a disciplinary resolution is reached, the **Commanding Officer** may also document whether the incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures, and whether the incident suggests that BPD should revise its policies, tactics, or training.
23. If the process takes longer than 30 days, the **Commanding Officer** shall inform PID about any extenuating circumstances that require the **ER Process** to be extended (e.g. **accused member** out on medical leave, **accused member's** counsel is unavailable, and so on). PID has discretion on whether to approve or disapprove the extension.

### **Public Integrity Division (PID)**

24. **PID** is responsible for tracking **ER** outcomes; including the timeline from when a **Commanding Officer** receives an eligible allegation to complete resolution.
- 24.1. If a **Resolution Agreement** is not reached within thirty (30) days of the **ER referral**, PID shall follow up with the **accused member's Commanding Officer**.

- 24.2. If an **Resolution Agreement** is not reached within forty-five (45) days of the **ER** referral, PID shall inform the **Commanding Officer** that the **Minor Policy Violation** is no longer eligible for the **ER Process** and assign the case for a PID investigation.
- 24.3. If the **accused member** of an **ER** is transferred to another assignment prior to a resolution and the forty-five (45) day **ER Process** timeline is not exhausted, the **Commanding Officer** shall refer the case back to PID, along with all relevant records for reassignment to the members new assignment.
25. Upon completion of the **ER Process** at the Division/District level (with or without a disciplinary agreement), the **ER Form** shall be returned to PID for approval and processing via BlueTeam.
26. The **Commander of PID**, or their designee, shall review any **ER** agreements received and shall approve or disapprove the **ER Form**.
- 26.1. If the **Commander of PID** disapproves, they will confer with the District/Division Commander to determine a resolution.
27. Once the **ER Form** has been approved by the **Commander of PID**, or designee, the **PID Classification Supervisor** shall review all materials to ensure the disciplinary file is complete.
28. The **PID Classification Supervisor** shall ensure that disciplinary outcomes and dispositions are recorded in IAPro.
29. The **PID Classification Supervisor** shall ensure the **ER Form** is routed to the Discipline and Adjudication Section (DAS) to complete recommended approved discipline.

#### APPENDICES

- A. List Of Eligible **Minor Policy Violations** for **Expedited Resolution Process**
- B. Form 249, **Expediated Resolution Form**

#### 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 - List of Eligible Minor Policy Violations**

Any of the following violations are **Minor Policy Violations** eligible for the **ER Process**, provided that the level of discipline is within Category A through D of the **Uniform State Disciplinary Matrix** and the complaint of police misconduct does not involve a member of the public:

1. Neglect of Duty - Loss or damage of equipment (not to include firearms).
2. Neglect of Duty - Improper uniform or appearance.
3. Neglect of Duty - Allowing unauthorized persons to use departmental equipment (not to include firearms).
4. Neglect of Duty - Improper maintenance of firearms.
5. Neglect of Duty - Improper inspection of service vehicle.
6. Neglect of Duty - Off post or leaving assignment without permission.
7. Neglect of Duty - Lateness for duty or assignment.
8. Neglect of Duty - Failure to Appear in Court (FTA).
9. Neglect of Duty - Failure to Attend and Complete Required Training.
10. Neglect of Duty - Failure to Attend PSI Medical Appointment.
11. Absence without Leave (AWOL).
12. Discourtesy - (Not to include any allegation involving any member of the public).
13. Neglect of Duty – Overtime Related (exceeding limit set by policy/MOU).
14. Body Worn Camera – Improper or incomplete titling or tagging.
15. Body Worn Camera – Failure to record, except for failing to record a member of the public.<sup>1</sup>
16. Neglect of Duty – Failure to submit required documents within policy dictated timeframes, Improper or incomplete paperwork (not to include paperwork being given to a member of the public, i.e. lethality form, contact card, failing to write an incident report).
17. Body Worn Camera – Failure to upload.
18. Body Worn Camera – Late Upload.
19. Body Worn Camera – Maintaining battery life (33% or higher).
20. Medical Violation – Failure to make notifications.

**If any supervisor is determined to have minimized the facts in a BlueTeam entry that qualifies an allegation for ER that would otherwise not qualify, that supervisor may be subject to discipline.**

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<sup>1</sup> For example, if a member responds to a Call For Service and the call ends up being an Edward No and the member forgot to press record on their BWC it would be a minor violation. But not if a member forgot to record during a car stop.

**APPENDIX B - Form 249, Expedited Resolution Form**

BALTIMORE POLICE DEPARTMENT  
PUBLIC INTEGRITY DIVISION  
EXPEDITED RESOLUTION FORM

DEPARTMENT CASE NO: \_\_\_\_\_  
DATE FORM INITIATED: \_\_\_\_\_  
DUE DATE: \_\_\_\_\_

<b>Part 1 INFORMATION CONCERNING THE ACCUSED EMPLOYEE &amp; INCIDENT</b>			
<b>Section A This section to be completed by the Public Integrity Division</b>			
Employee's Name	Rank/ Classification	Sequ. #	
Assignment	Division / District Commander	Policy Violated	
<b>Section B This section to be completed by the Public Integrity Division</b>			
The employee is believed to have violated the following BPD rules and/or policies:			
<input type="checkbox"/> Neglect of Duty – Loss or damaged equipment (not including firearms)	<input type="checkbox"/> Neglect of Duty – Failure to attend and complete required training		
<input type="checkbox"/> Neglect of Duty – Improper uniform or appearance	<input type="checkbox"/> Neglect of Duty – Failure to attend PSI medical appointment		
<input type="checkbox"/> Neglect of Duty – Failure to appear in court (FTA)	<input type="checkbox"/> Absence without Leave (AWOL)		
<input type="checkbox"/> Neglect of Duty – Improper maintenance of firearms	<input type="checkbox"/> Inappropriate workplace conduct (not to include eligible EODS complaints)		
<input type="checkbox"/> Neglect of Duty – Improper inspection of service vehicle	<input type="checkbox"/> Neglect of Duty – Overtime Related (exceeding limit set by policy/MOU)		
<input type="checkbox"/> Neglect of Duty – Off post or leaving assignment without permission	<input type="checkbox"/> Body Worn Camera – Improper or incomplete titling or tagging		
<input type="checkbox"/> Neglect of Duty – Lateness for duty or assignment	<input type="checkbox"/> Body Worn Camera – Failure to record, except for failing to record a member of the public.		
<input type="checkbox"/> Neglect of Duty – Allowing unauthorized persons to use departmental equipment (not including firearms)	<input type="checkbox"/> Neglect of Duty – Failure to submit required documents within policy timeframes. Improper or incomplete paperwork (not to include paperwork being given to a member of the public, i.e. lethality form, contact card, failing to write an incident report).		
<input type="checkbox"/> Body Worn Camera – Failing to Upload	<input type="checkbox"/> Body Worn Camera – Late Upload		
<input type="checkbox"/> Body Worn Camera – Maintaining appropriate battery life (33% or higher)	<input type="checkbox"/> Medical Violation – Failure to make notifications		
<input type="checkbox"/> On Duty <input type="checkbox"/> Off Duty	Date	Time	
<b>Section C This section to be completed by the Public Integrity Division</b>			
Range of potential Discipline:	Minimum	Maximum	
Completed by (PID Personnel)	Date		
Commander of PID Approval	Date		

<b>PART 2 RECOMMENDED PENALTY</b>			
<b>Section A This section to be completed by Division/District level Commander</b>			
I, the accused member's Division/District Commander, respectfully recommend the following disciplinary action:			
<input type="checkbox"/> Letter of Reprimand	<input type="checkbox"/> Suspension for __ days	<input type="checkbox"/> Loss of leave for __ days	<input type="checkbox"/> Other (please explain)
Explain			
<b>Section B This section to be completed by the accused member</b>			
I, the accused member (check one of the below options):			
<input type="checkbox"/> <b>AGREE</b> with the disciplinary action recommended to resolve this complaint and waive my right to a hearing under MPAA Addendum I section 15 of the MOU.	<input type="checkbox"/> <b>*Professional Members*</b> <b>AGREE</b> with the disciplinary action recommended to resolve this complaint under the member's professional membership agreement.	<input type="checkbox"/> <b>AGREE TO NEGOTIATE</b> an agreement to resolve this complaint (Refer to section C)	
<input type="checkbox"/> <b>DO NOT WISH</b> to participate in the Expedited Resolution process and request a PID investigation.			
<i>By accepting this agreement, I, the accused member, am affirming that there is no additional misconduct related to this matter. I understand that if additional misconduct is discovered at a later time, the Department may take action to address the additional misconduct discovered. (see Policy 321)</i>			
<b>Section C This section to be signed by the accused member and Division/District level Commander</b>			
I, the accused member's Division/District Commander, respectfully recommend the following disciplinary action:			
<input type="checkbox"/> Letter of Reprimand	<input type="checkbox"/> Suspension for __ days	<input type="checkbox"/> Loss of leave for __ days	<input type="checkbox"/> Other (please explain)
Explain			
<b>Section D This section is to be signed by both the Division District level Commander and Accused member</b>			
Accused Members signature		Division/District Commander signature	
Date		Date	

<b>Part 3 PUBLIC INTEGRITY DIVISION REVIEW AND APPROVAL</b>	
<b>Section A This section to be completed by Commander of PID or Designee</b>	
I, A Commander of the Public Integrity Division (or designee), have reviewed the disciplinary action recommended and I hereby:	
<input type="checkbox"/> <b>CONCUR</b> with the disciplinary action recommended by the Division/District Commander and accepted by the accused member.	<input type="checkbox"/> <b>DO NOT CONCUR</b> with this disciplinary action recommended by the Division/District level Commander (assign to PID investigator)
Commander of PID's Signature (name and signature, if Designee)	Date