



# MARYLAND STATE POLICE PERSONNEL DIRECTIVE



## Complaints Against Troopers

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### .01 Purpose

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To establish procedures for handling complaints against troopers.

### .02 Policy

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The MSP will investigate all complaints against troopers in a fair, impartial, and timely manner, consistent with the law and this policy. When discipline is appropriate, it will be administered in a fair and consistent manner, in accordance with the procedures outlined in [PER 19.11](#) (Disciplinary Matrix), in an effort to eliminate disparities and ensure employees who commit similar forms of misconduct receive similar penalties. This policy applies to all misconduct alleged to have occurred on or after July 1, 2022. Complaints received for misconduct that occurred prior to July 1, 2022 will be handled in accordance with the law and MSP policy in effect on June 30, 2022.

### .03 Definitions

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**ADMINISTRATIVE CHARGING COMMITTEE (ACC):** a statewide committee responsible for making a determination of the disciplinary action to be taken for all complaints involving a member of the public, regardless of whether the complaint originated from within the MSP or an external source.

**BLUETEAM:** a web-based application enabling users to document and monitor pre-determined incidents to include, but not limited to: citizen/external complaints, internal complaints, certain firearm discharges, use of force incidents, show of force incidents, vehicle pursuits, and departmental collisions.

**COMPLAINT:** an allegation of a violation of the law and/or MSP policy. Differences of opinion between a trooper and a citizen over enforcement actions are not complaints, unless the allegation involves misconduct.

**EXONERATED:** means the trooper acted in accordance with the law and MSP policy.

**MISCONDUCT:** a pattern, a practice, or conduct by a police officer or law enforcement agency that includes one or more of the following: depriving persons of rights protected by the Constitution or law of the State or the United States; a violation of a criminal statute; and a violation of law enforcement agency standards and policies.

**REPRESENTATIVE:** the term includes an attorney or any other representative the accused trooper chooses.

**SUSTAINED:** means the investigation disclosed sufficient information to substantiate the allegation.

**UNFOUNDED:** means that the allegations against a trooper are not supported by fact.

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### .04 CALEA Standards

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LE:	1.2.10	26.1.8	26.2.1	TA:	N/A	CM:	N/A
	26.2.2	26.2.4	26.3.1				
	26.3.3	26.3.4	26.3.5				
	26.3.6	26.3.8					

### .05 References

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[MD. CODE ANN., PUB. SAFETY § 3-101 ET SEQ.](#)

[COMAR 12.04.09](#)

[MSP BLUETEAM MANUAL](#)

### .06 Procedures

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#### A. Overview

##### 1. Time Limits

- a. Upon receiving a complaint, the MSP will immediately initiate a review of the allegation. To the extent feasible, all complaints will be investigated in a timely manner, and investigations will be completed within 120 days. If an investigator determines the investigation may extend beyond 120 days, they will email the Internal Affairs Division (IAD) Commander to request an extension be granted. If the IAD Commander grants an extension, they will author a memorandum outlining the approval of the extension to be included in the case file.
- b. In accordance with [PUB. SAFETY § 3-113](#), the MSP will forward its investigative findings to the ACC (for complaints involving a member of the public) within 334 days after the filing of the complaint. The disposition by the ACC will be completed within 395 days after the filing of the complaint.
- c. The issuance of charges by commanders (for complaints not involving a member of the public) will be completed within one year and one day after the IAD became aware of the incident that led to the investigation.
- d. If alleged misconduct is the subject of a criminal investigation, the ACC or the MSP will file any administrative charges within one year and one day after the following:
  - (1) the investigating law enforcement agency's determination that the matter is not related to criminal activity;
  - (2) the disposition of all criminal charges filed against the trooper; or
  - (3) the ACC's or MSP's receipt of notice that the appropriate prosecutorial authority has declined to file criminal charges.

##### 2. Documenting Complaints

- a. All complaints will be documented on a Form 176, Complaint Against Personnel. The external and internal complaint function within BlueTeam serves as an electronic version of the Form 176.

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- b. The BlueTeam Manual, posted on the PowerDMS, contains detailed instructions on how incidents are entered and routed in BlueTeam.
  - c. Sworn employees will promptly document and forward complaints, via BlueTeam, to the accused employee's commander.
  - d. Employees desiring to file a complaint against another trooper may choose to complete a paper Form 176 and forward it directly to the IAD.
  - e. Prior to the incident being assigned for investigation, the accused employee's commander, with concurrence from the IAD Commander, will determine whether the complaint will be categorized as a complaint involving a member of the public.
  - f. Employees will notify a supervisor if they observe, or become aware of another employee or person associated with the MDSP engage in any unauthorized use of force, violation of policy, State/federal law, regulation, or local ordinance. This is in addition to the duty to intervene in certain use of force incidents as outlined in [OPS 10.03](#).
3. Confidentiality
- a. All IAD files and records are confidential and will NOT be disseminated to other persons or platforms without authorization.
  - b. All investigative documents may only be discussed and/or released to those who are authorized, subject to a right and need-to-know basis.
  - c. Only those employees who are authorized to do so may discuss the complaint with the involved trooper(s) or other involved person(s).
  - d. Except in conjunction with trial board proceedings, as outlined in [MD. CODE ANN., PUB. SAFETY § 3-105](#), investigative files will not be available for review by the trooper who is the subject of the investigation prior to the case disposition.
4. Criminal Allegations
- a. A trooper accused of a criminal act will be subjected to a criminal investigation conducted by the MSP or the law enforcement agency with jurisdiction over the case.
  - b. Once notified of a criminal allegation against a trooper, the IAD Commander will consult with the Criminal Enforcement Division (CED) Commander, who will determine what investigative resources are necessary. To the extent practical, the administrative investigation will be conducted in coordination and conjunction with the criminal investigation.
  - c. The IAD Commander, with assistance from the Department Prosecutor and the Office of Legal Counsel, if necessary, will perform an initial screening of each complaint to identify possible criminal aspects. If criminal allegations are possible, the IAD Commander will confer with the CED Commander to determine the investigative strategy.
  - d. The IAD Commander will notify the Office of the Superintendent of any criminal allegations against a trooper.
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**B. Complaints Not Involving Members of the Public**

1. When violations of MSP policy not involving members of the public cannot be adequately addressed through the employee's Job Observation Material, the Performance Appraisal System, or counseling, supervisors and/or commanders will document the incident(s) in BlueTeam.
2. Disposition of complaints not involving members of the public will be resolved based on the circumstances of each incident as outlined in E-1, below.

**C. Complaints Involving Members of the Public**

1. Complaints may be filed with the MSP in person, by telephone, email, U.S. mail, or via electronic submission using the MSP website.
2. A complaint need not be notarized and will include:
  - a. the name of the accused trooper, if known;
  - b. a description of the facts on which the complaint is based; and
  - c. contact information of the complainant or a person filing a complaint on behalf of the complainant, for investigative follow-up. Complaints received anonymously will be carefully reviewed to determine if an investigation is warranted.
3. Complaints received via the MSP website or a Form 225, Citizen Information Brochure, will be forwarded to the IAD for entry into BlueTeam and appropriate assignment of investigation.
4. If a walk-in or telephone complainant wishes to speak with a supervisor regarding their complaint, the senior-ranking member who is currently available will speak with the complainant.
5. Processing Complaints
  - a. MSP employees receiving a complaint will treat the complainant with respect, courtesy and understanding and will make every effort to identify the complainant.
  - b. A complaint may be received by any employee (trooper or civilian) at any time; however, only a sworn employee may enter the complaint into BlueTeam. Complaints received by civilian employees will be documented on a paper Form 176 and forwarded to the commander of the trooper against whom the complaint is made.
  - c. If a complainant insists on documenting their complaint in writing, they will be given a paper Form 176 and a copy will be uploaded into BlueTeam.
  - d. If the trooper, who is the subject of the complaint, is not assigned to the unit receiving the complaint, the complaint will still be accepted. The complainant will not be directed or referred to the trooper's work assignment in order for the complaint to be filed.
6. Contact with the Complainant/Victims' Right Advocate
  - a. After receipt of a complaint, the Victims' Right Advocate will contact the complainant within 72 hours and advise the complainant that the complaint has been received. As appropriate, the Victims' Right Advocate will also inform the complainant of:
    - (1) the role and contact information for the Victims' Right Advocate;
    - (2) the complaint, investigation, ACC, and trial board processes;
    - (3) any decision to terminate an investigation;

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- (4) the ACC's decision of administratively charged, not administratively charged, unfounded, or exonerated; and
  - (5) a trial board's decision, if applicable.
- b. As the investigation progresses, the Victim's Right Advocate will also:
- (1) notify the complainant of the status of the case at every stage in the process;
  - (2) ensure the complainant has access to regular case status updates via the complaint status web portal;
  - (3) provide the complainant with an opportunity to review the trooper's statement, if any, before completion of the investigation; and
  - (4) provide a case summary to the complainant within 30 days after final disposition of the case.

**D. Investigation Overview**

1. When determining who will conduct an administrative investigation, the employee's commander will consult with the IAD Commander to determine whether the case will be investigated locally or by the IAD. The IAD Commander has final authority on case assignments.
  2. The commander or supervisor conducting the investigation should:
    - a. attempt to determine the relevant facts;
    - b. obtain pertinent records (e.g., MVR recordings, reports, citations, etc.) that could be used to corroborate or refute the allegations;
    - c. unless impractical, record victim/witness/trooper statements;
    - d. preserve all statements as part of the investigative case file;
    - e. when appropriate, determine any relationships between the complainant, witnesses and the trooper(s);
    - f. when appropriate, photograph the complainant and the scene; and
    - g. handle all evidence in accordance with established MSP policy.
  3. Interrogations of Involved Trooper(s)
    - a. If an interrogation occurs, it will be recorded.
    - b. As a general rule, the interrogation of a trooper will occur after all evidence has been examined and after the complainant and witnesses have been interviewed.
    - c. Prior to every interrogation that may be used as evidence against a trooper in an administrative investigation, the supervisor ordering the interrogation will:
      - (1) provide the trooper with a completed Form 178, Notification of Complaint;
      - (2) provide the trooper with a completed Form 178A, Order to Submit to Interrogation;
      - (3) provide the trooper with a completed Form 235, Do Not Discuss - Written Order; and
      - (4) allow up to five business days for the trooper to consult with counsel or a representative of their choosing prior to submitting to the interrogation or report.
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- d. The original Form 178, Form 178A, and Form 235 will be scanned and uploaded to BlueTeam and a copy will be provided to the accused trooper.
  - e. The investigator will verbally announce the date and time on the recorded interrogation, including the start/end times, and all breaks/moments of recess.
4. Compelled Tests, Examinations and Interrogations
- a. The law states that in connection with a disciplinary matter, a trooper may be required to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.
  - b. Only testing/evidence gathering permitted by law is allowed during the course of an administrative investigation, absent consent.
  - c. If a trooper is required to submit to a test, examination or interrogation and the trooper refuses to do so, the MSP may take disciplinary action, up to and including termination as outlined in [PER 19.07](#).
  - d. If a trooper is required to submit to a test, examination, or interrogation in Section 4-a above, the results of the test, examination or interrogation are not admissible or discoverable in a criminal proceeding against the trooper. Additionally, if a trooper is required to submit to a polygraph examination, the results are not admissible or discoverable in a criminal or civil proceeding against the trooper.
5. Recommendations for Investigative Findings
- a. The investigator will author a Report of Investigation (ROI) to document all evidence and facts that are gathered, upload all documentation to BlueTeam, and forward the incident to the accused employee's commander. Recommended findings (sustained, unfounded, exonerated) will not be included in the ROI.
  - b. The accused employee's commander will review the investigation and associated documents to ensure a full and appropriate investigation was completed. The commander will then forward the BlueTeam incident to their troop/division commander.
  - c. Unless otherwise determined by the IAD Commander, the accused employee's troop/division commander will review the entirety of the investigation and will:
    - (1) coordinate the convening of an internal investigation review panel, which will meet to discuss the details of the case and suggested findings for each allegation that was investigated. The review panel will consist of:
      - (a) a member of IAD command staff (chairman);
      - (b) a representative from the Office of the Department Prosecutor;
      - (c) the accused trooper's commander; and
      - (d) the investigator (if requested);
    - (2) act as the presenter of facts during the internal investigation review panel meeting;
    - (3) with consideration of the review panel's discussions, prepare a written summary outlining their recommended findings of sustained, unfounded, or exonerated for each allegation, based upon a preponderance of evidence. The summary must

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be in detailed report format and uploaded as an attachment to the BlueTeam incident; and

(4) forward the BlueTeam incident to IAD.

d. The IAD commander has final authority on the recommended findings.

6. Prior to discipline being imposed, the Department Prosecutor will comply with the procedures outlined in PER 19.11 (Disciplinary Matrix). For category D, E, and F offenses, the Prosecutor will discuss the investigation, the internal investigative review panel dialog, and the troop/division commander's endorsement with the accused employee's bureau chief and obtain their concurrence. Instances of non-concurrence will be brought to the attention of the Superintendent's Chief of Staff, whose decision is final.
7. The Department Prosecutor will draft the applicable Form 181(s), Notification of Charges. When the Form 181(s) is finalized and the appropriate offer of discipline is determined, the Department Prosecutor will forward the Form 181(s) to the accused trooper's commander, who will present the Form 181(s) to the accused trooper for signature.
8. An administrative investigation is considered complete when the final disposition has been determined for all allegations.

#### E. Disposition of Complaints

##### 1. Complaints Not Involving Members of the Public

- a. For Category A, B, or C offenses involving misconduct where the facts are not in dispute and an investigation would offer no further value, the trooper's commander, with concurrence from the IAD commander, may offer the trooper discipline through the Alternative Disciplinary Process (ADP) as outlined in [PER 19.05](#). Incidents disposed of through ADP will not require an investigation and therefore, will not be reviewed by an internal investigative review panel as outlined in section D-5, above.
- b. For complaints involving alleged misconduct when it is determined an investigation is necessary including all Category D, E, and F offenses, an investigation will be conducted. After the investigation is completed, an internal investigative review panel will be convened as outlined in section D-5, above.

##### 2. Complaints Involving Members of the Public

- a. Disposition of complaints involving members of the public will be forwarded to the ACC for resolution.
  - (1) Upon completion of an investigation of a complaint involving a member of the public, regardless of whether the complaint originated from within the MSP or an external source, the Department Prosecutor or IAD Commander will forward, to the ACC, the investigatory files and the Agency's written recommendation.
  - (2) The investigatory file and written recommendation will be forwarded within three business days of the date the Office of the Department Prosecutor or IAD Commander reviews the completed investigation and issues a written recommendation.
  - (3) Within five business days of the completed deliberations and vote, the ACC will forward a written opinion that describes in detail its findings, determinations,

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and recommendations to the MDSP, the accused trooper, and the complainant.

- (4) Within 15 days after the ACC issues a determination for administrative charge(s) against a trooper, the Department Prosecutor or IAD Commander will offer discipline to the trooper in accordance with the statewide disciplinary matrix.
- (5) The MDSP may offer the same discipline that was recommended by the ACC or a higher degree of discipline within the applicable range of the disciplinary matrix, but may not deviate below the discipline recommended by the ACC.
- (6) If the trooper accepts the offer of discipline, the discipline will be imposed. If the trooper does not accept the offer of discipline within five business days, the matter will be referred to a trial board in accordance with [PER 19.06](#).

**F. Records**

1. All original reports and records related to internal investigations are maintained by the IAD through the IAPro Database.
2. Effective July 1, 2022, expungements of IAD records previously allowed under [Md. CODE ANN., PUB. SAFETY §3-110](#) and [PER 16.05](#) are no longer permitted.

**G. Mandatory Reporting to the MPTSC**

1. Annually, the IAD Commander will report to MPTSC the number of serious trooper-involved incidents which occurred during the year, the number of troopers disciplined each year, and the type of discipline administered.
2. The definition of “serious incidents,” the specific data to be reported, and the means of submission is determined by MPTSC.

**H. Annual Review**

1. Annually, the IAD Commander, in coordination with the Department Prosecutor, will prepare a summary report of all complaints handled by the Department. At a minimum, the report will contain the allegation(s), the dispositions, demographic and rank information, and any other data elements related to complaints required by the Superintendent.
2. The report will be forwarded to the Office of the Superintendent no later than March 1<sup>st</sup>.

Approved:

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Colonel Michael A. Jackson  
Superintendent 05/07/2026