



MARYLAND STATE POLICE PERSONNEL DIRECTIVE



Complaints Against Troopers

Distribution: All Employees	Index: PER 19.01
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.01 Purpose

To establish procedures for handling complaints against troopers.

.02 Policy

The MSP will investigate all complaints against troopers in a fair and timely manner, consistent with the law and this policy, including complaints received anonymously. When discipline is appropriate, discipline will be administered in a fair and consistent manner, consistent 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

ADMINISTRATIVE CHARGING COMMITTEE: 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. The Committee is composed of three civilian members appointed by the Governor; one civilian member appointed by the President of the Senate; and one civilian member appointed by the Speaker of the House.

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, firearm discharges, use of force incidents, show of force incidents, vehicle pursuits and departmental collisions.

COMPLAINT: an allegation that, if proven factual, would constitute 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.

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 References

MD. CODE ANN., PUB. SAFETY, 3-101 *et seq.*

COMAR 12.04.09

MARYLAND POLICE TRAINING AND STANDARDS COMMISSION (MPTSC) Uniform Complaint Process

.05 CALEA Standards

LE:	1.2.10	26.1.5	26.2.1	TA:	N/A	CM:	N/A
	26.2.4	26.3.1	26.3.3				
	26.3.4	26.3.5	26.3.6				
	26.3.8						

.06 Procedures

A. Overview

1. Time Limits

- a. Upon receiving a complaint, the MSP will immediately begin a review of the allegation. To the extent feasible, all complaints will be investigated in a timely manner, generally with the goal of completing investigations within 90 days. Extensions may be granted by the Internal Affairs Division (IAD) commander.
- b. The disposition by the Administrative Charging Committee (for complaints involving a member of the public) or 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 filing of a complaint.
- c. Under no circumstances, will an investigation be submitted to the Administrative Charging Committee with less than 60 days prior to the deadline referred to in Section A-1-b.

2. Documenting Complaints

- a. All complaints, including anonymous 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.
- 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 their commander.
- d. Employees will notify a supervisor if they observe another employee engage in any violation of policy, state/federal law or local ordinance. This is in addition to the duty to intervene in certain use of force incidents as outlined in [OPS 10.03](#).
- e. Employees desiring to file an anonymous complaint against another trooper may complete a paper Form 176 and forward it directly to the IAD.

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3. Confidentiality - Prior to Disposition

- a. Only those employees who are authorized to do so may discuss the complaint with the involved trooper(s) or other involved person(s).
- b. All investigative documents may only be discussed and/or released to those who are authorized.

4. Criminal Allegations

- a. A trooper accused of a criminal act will be subjected to a criminal investigation conducted by the MSP or the police department 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 criminal investigation will be conducted in coordination and conjunction with the administrative investigation.

B. Investigation Overview

1. When determining who will conduct the administrative investigation, the employee's commander will consult 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 will:
 - a. attempt to determine the relevant facts;
 - b. obtain the pertinent records (e.g., MVR recordings, reports, citations, etc.) that could be used to corroborate or refute the allegations;
 - c. unless impractical, audibly record all statements;
 - d. preserve all statements as part of the investigative case file;
 - e. 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. Detailed Reports and Interrogations of Involved Trooper(s)
 - a. Generally, a recorded interrogation is preferred; however, troopers may be required to submit reports detailing the facts concerning their involvement in an incident.
 - 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 or if a detailed report is likely to contain information that may be used as evidence against a trooper in an administrative investigation, the supervisor ordering the interrogation or report 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;

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- 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 his choice prior to submitting to the interrogation or report.
 - d. The original Form 178, Form 178A and Form 235 will be placed in the case file and a copy will be provided to the trooper.
 - e. The investigator will include the date and time of the audibly-recorded interrogation, including the start time, all interruptions and the time the questioning concludes.
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. Refer to [PER 19.07](#) regarding Emergency Suspensions of Police Powers.
 - d. 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 document all investigative findings in BlueTeam.
 - b. The investigator will recommend, for each allegation, based upon a preponderance of evidence, a finding of sustained, unfounded or exonerated.
 - c. Upon receipt of the investigation, the accused trooper's commander will prepare an endorsement in BlueTeam. The endorsement will include whether the commander agrees with the investigative steps taken and the findings along with supporting reason(s).
 - d. Upon completing his endorsement, the accused trooper's commander will route the investigation through the troop/division commander who will also prepare an endorsement prior to forwarding it to the IAD.
 - e. Within 72 hours of the completion of the investigation, the accused trooper's commander will notify the trooper in writing of the investigation's findings.
6. An administrative investigation is complete when:
- a. all witnesses and the complainant have been interviewed;
 - b. all involved employee(s) have been interviewed/interrogated;
 - c. all relevant evidence has been examined;
 - d. all leads have been explored; and
 - e. the case has been endorsed by the commander and the troop/division commander.
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C. Complaints Not Involving Members of the Public (Internal)

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 Internal Complaints - Complaints not involving members of the public will be resolved by the accused trooper's commander.

a. Category A, B or C Offenses

- 1) For complaints involving misconduct where the facts are not in dispute and an investigation would offer no further value, the trooper's commander may offer the trooper discipline through the Alternative Disciplinary Process (ADP) for Category A, B and C violations. Refer to [PER 19.05](#) for more information on the ADP process.
- 2) For complaints involving alleged misconduct when it is determined an investigation is necessary, an investigation will be conducted and if the complaint is sustained, the trooper may be offered Summary Punishment as outlined in [PER 19.05](#).

b. Category D, E and F Offenses

- 1) All complaints involving Category D, E and F Offenses will be investigated and if the complaint is sustained, the alleged trooper's commander will contact the Department Prosecutor to schedule a screening of the case. The screening will include a review of the applicable Form 181(s), Notification of Charges.
- 2) After the Department Prosecutor has screened the case, the commander will retain the original Form 181 and forward the investigative file and a copy of the Form 181(s) to the Office of Legal Counsel OLC for a legal sufficiency review. The commander will not sign any charging documents until the case has been reviewed by an attorney from the (OLC).
- 3) Prior to discipline being imposed for internal complaints involving Category D, E and F offenses, the Department Prosecutor will comply with the procedures outlined in [PER 19.11](#) (Disciplinary Matrix) and discuss the case with the involved employee's bureau chief and obtain their concurrence. Cases of non-concurrence will be brought to the attention of the Superintendent's Chief of Staff, whose decision is final.
- 4) For cases deemed legally sufficient, the trooper's commander will present the Form 181(s) to the accused trooper for signature.

D. Complaints Involving Members of the Public (Citizen/External)

1. Complaints may be filed with the MSP in person, by telephone, via email or by U.S. mail. These options will be posted on 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

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- c. contact information of the complainant or a person filing on behalf of the complaint, for investigative follow-up.
- 3. Complaints received via the MSP website will be routed to the IAD commander for entry into BlueTeam.
- 4. Complaints received via a Form 225, Citizen Information Brochure, will be forwarded by the Office of Equity and Inclusion (OEI) to the employee's commander and/or the IAD for entry into BlueTeam.
- 5. If a walk-in or telephone complainant wishes to speak to a supervisor about the complaint, the senior-ranking member who is currently available will speak with the complainant.
- 6. Processing Complaints
 - a. MSP employees receiving a complaint will treat the complainant with respect, courtesy and understanding. They will make every effort to identify the complainant and to record all anonymous complaints.
 - b. A complaint may be received by any employee (trooper or civilian) at any time; however, only a sworn member may enter the complaint into BlueTeam. Complaints received by civilian employees will be documented on a paper Form 176 and forwarded to a sworn supervisor.
 - c. Should a complainant insist on documenting a complaint in writing, he 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 referred to the trooper's work assignment in order for the complaint to be filed.
- 7. Contact with the Complainant/Victims' Right Advocate
 - a. When a member of the public files a complaint, the employee's commander will immediately begin a review of the complaint and gather any preliminary facts surrounding the incident. Commanders will coordinate with the Victims' Right Advocate assigned to the IAD who will follow the procedures outlined below.
 - b. The Victims' Right Advocate will contact the complainant within 72 hours and advise the complainant 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, Administrative Charging Committee and trial board processes;
 - 3) any decision to terminate an investigation;
 - 4) an Administrative Charging Committee's decision of administratively charged, not administratively charged, unfounded, or exonerated; and
 - 5) a trial board's decision.

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- c. As the investigation progresses, the Victim's Right Advocate will also:
 - 1) unless otherwise agreed upon with the complainant and until the investigation is resolved, attempt to contact the complainant at least monthly to provide an update and document each attempt to contact the complainant;
 - 2) provide the complainant with an opportunity to review the trooper's statement, if any, before completion of the investigation;
 - 3) notify the complainant of the status of the case at every stage in the process; and
 - 4) provide a case summary to the complainant within 30 days after final disposition of the case.
- 8. Disposition of External Complaints - Complaints involving members of the public will be forwarded to the Statewide Administrative Charging Committee for resolution.
 - a. On 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 will forward to the Administrative Charging Committee and the Administrative Hearing Section Commander the investigatory files and any written recommendation provided by the Department Prosecutor.
 - b. The investigatory files and written recommendation, if applicable, will be forwarded within three business days of the date the investigation is completed or of the date the Office of the Department Prosecutor issues a written recommendation.
 - c. The Administrative Charging Committee will establish a schedule for making determinations in all pending matters within 30 days of an investigation being completed and will:
 - (1) review the findings of the investigation;
 - (2) review any body camera footage that may be relevant to the matters covered in the complaint;
 - (3) authorize the trooper called to appear before the Administrative Charging Committee to be accompanied by a representative;
 - (4) be permitted by law to request information or action from the MSP, including requiring additional investigation and issuance of subpoenas;
 - (5) make a determination that the trooper who is subject to the investigation will be administratively charged or not administratively charged (if not administratively charged, make a determination that the allegation(s) against the trooper are unfounded or that the trooper is exonerated); and
 - (6) if it is determined the trooper will be administratively charged, recommend discipline in accordance with the statewide disciplinary matrix.
 - d. Within five business days of the completed deliberations and vote, the Administrative Charging Committee will forward a written opinion that describes in detail its findings, determinations and recommendations to the Department Prosecutor and the Administrative Hearing Section Commander, the trooper and the complainant.

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

E. Records

- 1. All original reports and records related to internal investigations are maintained by the IAD through the IAPro Database.
- 2. The records are available for review only to the involved trooper, the employee's commander, the Department Prosecutor, the IAD Commander, the Superintendent and the OLC.
- 3. Effective July 1, 2022, expungements of IAD records that was previously allowed under [MD. CODE ANN., PUB. SAFETY §3-110](#) and [PER 16.05](#) are no longer permitted.

F. 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.

G. 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 internal complaints required by the Chief of Staff.
- 2. The report will be forwarded to the Superintendent's Office and the Planning and Research Division no later than March 1.

Approved:

Colonel Woodrow W. Jones III
Superintendent 12/20/2022