



**TAKOMA PARK POLICE DEPARTMENT
GENERAL ORDERS**

Title: Complaints-Internal Affairs

Number: GO 635

New Amend Rescinds Reviewed

Effective Date: March 16, 2026

Authority: Chief Antonio DeVaul

Review Date: March 16, 2028

I. Purpose

To describe the complaint/internal affairs function and officers’ roles and responsibilities within the process.

II. Policy:

The policy of the Takoma Park Police is to create and maintain a system that assures objectivity, fairness and justice by the prompt, impartial investigation and review of all allegations, including anonymous complaints, of officer or Police Department misconduct.

III. General

A. Definitions

1. **Additional Corrective Measures:** Notwithstanding the penalties in the Statewide Police Disciplinary Matrix, an officer may be offered counseling, an employee assistance program, training, restitution and/or a demotion. Demotions can be considered for Category D and E violations. Additionally, suspension or removal from a take-home car program and suspension or removal from secondary employment are also options for an Administrative Charging Committee (ACC) to consider. These options may also be imposed by the agency or Administrative Charging Committee consistent with management rights and/or agency policy.
2. **Administrative Charging Committee (ACC):** an external statewide committee responsible for reviewing the findings of a law enforcement agency’s internal investigations into complaints involving a member of the public (regardless of whether the complaint originated from within the agency or an external source) in accordance with the Maryland Police Accountability Act. The ACC is responsible for deciding whether a respondent officer will be administratively charged and, if so, what the charges should be and the disciplinary action to be taken.
3. **Administratively Charged:** A police officer has been formally accused of misconduct in an administrative proceeding.
4. **Administratively Closed:** A disposition used when the complaint has been withdrawn by the complainant, the complainant could not be contacted, or the respondent officer is no longer employed by the Department.
5. **Administrative Review –** A formal assessment of the facts and circumstances surrounding a complaint to determine if a violation of policy or procedure exists. It will be conducted when the allegation of a violation is not clear or



unsubstantiated, minor in nature, and does not involve serious officer misconduct or violations of criminal law.

6. **Brutality:** Brutality is the use of excessive or unjustified physical force by an officer in the exercise of official duties.
7. **Complaint:** An allegation that, if proven factual, would constitute a violation of the law and/or agency policy. Differences of opinion between an officer and a citizen over enforcement actions are not complaints unless the allegation involves misconduct.
8. **Complainant:** Person(s) filing a complaint or on whose behalf a complaint is filed.
9. **Disciplinary Matrix:** A written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct. The Department is required under the Maryland Police Accountability Act (MPAA) to use Disciplinary Matrix created by the law.
10. **Emergency Suspension:** An immediate, but temporary suspension of an officer facing allegations of misconduct when, in the Chief's determination, such a suspension is in the best interest of the public. During an emergency suspension, the suspended officer is removed of all police powers and may be ordered to return any and all Department-issued equipment. The duration of the emergency suspension may extend to the completion of the administrative investigation and/or the closure of the administrative proceedings. The Chief may impose an emergency suspension with or without pay within the confines of the Maryland Police Accountability Act.
11. **Exonerated:** A finding after an investigation that the actions of the respondent officer were in accordance with the law and Department policy.
12. **Formal Written Counseling:** A form of counseling given to employees who have violated an agency's policy. The Statewide Police Disciplinary Matrix defines this as the least severe form of disciplinary action, serving as a warning for violations. Further violations of the same or similar conduct may result in more severe discipline. A copy of the formal written counseling will be placed in the officer's disciplinary file.
13. **Internal Investigation:** A formal investigation into allegations of misconduct, which if sustained, may result in discipline through the imposition of punishment.
14. **Letter of Reprimand:** A formal letter to an officer from the agency which details the officer's wrongful actions and states their actions have been deemed inappropriate or unacceptable. Further violations of the same or similar conduct may result in more severe discipline. A copy of this letter will be placed in the officer's disciplinary file.



15. Non-Punitive Transfer: A non-punitive reassignment, where the Chief determines that such action is in the best interests of internal management/operational efficiency of the agency. This is a non-disciplinary personnel action.
16. Non-Sustained: A finding after an investigation that there was insufficient evidence to confirm or disprove the alleged violation.
17. Not Administratively Charged: A determination has been made not to administratively charge a police officer in connection with alleged misconduct.
18. Non-Disciplinary Performance Corrective Action: Verbal counseling or a written non-punitive critique, guidance, training, or other action taken to assist a subordinate in correcting a performance deficiency.
19. Police Accountability Board: A county-wide board established by the local governing body to:
 - a. hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing.
 - b. appoint civilian members to charging committees and trial boards.
 - c. receive complaints of police misconduct filed by members of the public; and
 - d. on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and
 - e. or before December 31 each year, submit a report to the governing body of the county that:
 - f. identifies any trends in the disciplinary process of police officers in the county; and
 - g. makes recommendations on changes to policy that would improve police accountability in the county.

B. Miscellaneous

1. To a large degree, the public image of the Department is determined by the quality of the internal affairs function in responding to allegations of misconduct.
2. Under the general direction of the Chief, the Internal Affairs Section (IAS) Manager supervises and is responsible for the internal affairs investigative function. In that capacity, the IAS Manager has the authority to report



directly to the Chief of Police and will promptly prepare and forward to the Chief a synopsis of all initial complaints. Information to be recorded through this process shall include complaints of officer misconduct, complaints of policy or procedure, complaints of unfair treatment, disciplinary actions, and any grievance complaints. It shall not include requests for police service, which are handled and documented through other means.

3. **In all cases involving alleged discrimination, sexual harassment, or retaliation, the investigation will be conducted by an outside independent entity. The investigation will be overseen by the City’s Human Resource Manager/EEO Representative in coordination with the Police Department’s Internal Affairs Manager.**
4. When there is an EEO complaint, HR will work with the Department’s investigators in the preparation of a Complaint Investigation Plan and advise during the course of the investigation as well as during the determination and remedial phases of the process.
5. Any investigation, findings, and disciplinary recommendations will respect the requirements of the Maryland Police Accountability Act of 2021 in the Maryland Annotated Code (§3-101 to §3-114).
6. Information regarding procedures about how to make complaints and how they will be processed will be widely available to the public and Department members through this General Order, City website, and other mechanisms.
7. A supply of complaint forms will be maintained by Administrative Services in convenient locations throughout the Department, including the lobby, Communications Center and the Squad Room.

IV. Responsibilities of the Internal Affairs Function:

- A. IAS Staff is responsible for receiving, recording, and assigning for investigation all complaints as set out in paragraphs to follow,
- B. IAS Manager is responsible for supervising and controlling the internal investigation of alleged or suspected misconduct within the Department, and
- C. Will maintain the confidentiality of investigations and records.
- D. Will ensure that the process for filing complaints and a timeframe for outcomes will be posted in a public area of the agency and on the agency’s website.
- E. Will maintain the agency database (public facing portal) that enables a complainant to enter the complainant’s last name, case number, and pin to follow the status of the case as it proceeds through the investigation, charging, offer of discipline, trial board, final decision, and appeal.



- F. IAS Manager will provide a case summary to the complainant within 30 days after the final disposition of the case.
 - G. Will ensure that the process for filing complaints and a timeframe for outcomes will be posted in a public area of the agency and on the agency's website.
 - H. IAS Manager will ensure that when a written complaint is received, the complainant receives verification that the complaint was received and is being processed.
- V. Complaints in General
- A. Anyone may make a complaint in person, by telephone, via email, or by U.S. mail.
 - B. A complaint need not be notarized and will include:
 - 1. the name of the police officer accused of misconduct, if known.
 - 2. a description of the facts on which the complaint is based; and
 - 3. contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
 - C. The Police Accountability Board (PAB) may receive complaints of police misconduct filed by members of the public. Complaints received by the PAB are required to be forwarded to the agency within 3 days of their receipt.
 - D. An individual may file a complaint of police misconduct with the law enforcement agency that employs the police officer who is the subject of the complaint.
 - E. Any employee who interferes with, or discourages and/or delays a complaint, is subject to disciplinary action.
- VI. Receiving Complainants
- A. If a walk-in or telephone complainant wishes to speak to a police officer about the complaint, the first senior-ranking officer who is currently present and available will speak with the complainant.
 - 1. If no police officer is available to speak with the complainant, the agency employee who is speaking with the complainant will offer to accept the complaint.
 - 2. If a walk-in or telephone complainant does not wish to speak with a police officer, the complaint will be accepted by any agency employee.
 - B. Regardless of which agency employee accepts the complaint, (whether a police officer or other employee) the employee will not attempt to influence the complainant in any manner.



- C. The employee who accepts the initial notice of complaint will make a concerted effort to determine and understand the nature of the complaint and the identity of the officer(s) involved.
- D. Staff with a supervisory rank will avoid redirecting the complainant to speak to another supervisory employee unless there is a potential for a conflict of interest.
- E. Staff may request the complainant to provide a written statement or fill out a complaint form. However, the complainant will not be required to submit a written statement or fill out a complaint form but may choose to verbally express their complaint to the employee while the employee documents the complaint.
- F. A complainant may choose to remain anonymous. However, if they wish to receive notifications, they will be required to provide a name, mailing address, and phone number or email. If there are any concerns for privacy, the employee can request the use of a room on the second or third floor to conduct the interview.
- G. If it appears that a complainant is under the influence of any substance or is apparently suffering from mental illness; the employee will make a note to that effect on the reverse of the Complaint Form. Marks, injuries, or any other pertinent information related to the complaint shall also be noted and photographed as appropriate.
- H. Notification of the complaint will be made to the Chief of Police and/or the Deputy Chief of Police as soon as practical. The Chief will make a determination of whether the complaint will be handled as an Administrative Review or an Internal Affairs Investigation depending on the nature of the allegation.
- I. All complaints and accompanying documents will be treated confidentially and will be forwarded to the Internal Affairs Section Captain or designee without unnecessary delay.
- J. If requested, the employee accepting the complaint will provide the complainant a photocopy of the completed complaint form.
- K. The complaint form will be sealed in an envelope and placed in the Internal Affairs Manager's mailbox.
- L. If the complaint is against the supervisor on duty, any officer may be designated to accept the complaint; following the guidelines outlined above.
- M. The agency will provide the name and email address of the Victim's Rights Advocate as the point of contact to whom the complainant may direct their questions regarding the investigation.

VII. The Victim Rights Advocate:



- A. Will within 72 hours, contact the complainant to confirm that the complaint was received. The Victim’s Rights Advocate will remain the point of contact unless another designee has been assigned.
- B. Will provide the complainant with the pin and website information to a portal where they can check the status of their complaint ([Maryland Police Accountability Act – Case Search | City of Takoma Park \(takomaparkmd.gov\)](#)).
- C. Will inform the complainant of the processes for the complaint, investigation, Administrative Charging Committee (ACC), and trial board process.
- D. Will notify the complainant of any decision to terminate the investigation
- E. Will notify and explain to the complainant of an ACC’s finding or trial board’s decision (i.e. to administratively charge, not administratively charge, complaint unfounded, or officer exonerated.)
- F. Will unless otherwise agreed upon, will attempt to contact the complainant monthly to provide an update and document each attempt to contact the complainant.

VIII. Emergency Suspension and Termination

- A. The authority to suspend employees in emergency situations is delegated by the Chief to officers of the rank of sergeant or above, when the action is in the best interest of the public and the agency.
- B. Pending an investigation, administrative charging committee determination, and/or trial board process, the Chief may impose an emergency suspension with or without pay if the Chief determines that such a suspension is in the best interest of the public.
- C. An emergency suspension without pay under this subsection may not exceed thirty (30) days.
- D. A police officer who is suspended without pay under this subsection is entitled to receive back pay if an administrative charging committee determines not to administratively charge the police officer in connection with the matter on which the suspension is based.
- E. A Chief or designee may suspend a police officer without pay and suspend the police officer’s police powers on an emergency basis if the police officer is charged with:
 - 1. a disqualifying crime, as defined in Maryland Public Safety Code §5-101.
 - 2. a misdemeanor committed in the performance of duties as a police officer
 - 3. a misdemeanor involving dishonesty, fraud, theft, or misrepresentation
- F. A police officer who was suspended without pay under this subsection is entitled to receive back pay if the criminal charge or charges against the police officer result in:



1. an acquittal or finding of not guilty;
 2. a dismissal; or
 3. a nolle prosequi.
- G. The Chief may terminate the employment of a police officer who is convicted of a felony.
- H. The Chief may terminate the employment of a police officer who:
1. receives probation before judgement for a felony; or
 2. is convicted of:
 - a. a misdemeanor committed in the performance of duties as a police officer;
 - b. misdemeanor second degree assault; or
 - c. a misdemeanor involving dishonesty, fraud, theft, or misrepresentation
- I. In connection with a disciplinary matter under this subtitle, a police officer may be required to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph or CVSA examinations, or interrogations that specifically relate to the subject matter of the investigation.
- J. If a police officer is required to submit to a test, examination, or interrogation under this subsection and the officer refuses to do so, the department can commence an action that may lead to a punitive measure as a result of the refusal.
- K. Compelled statements, tests, interrogations, and polygraph or CVSA results are not admissible or discoverable in any criminal proceeding against the police officer
- L. Staff initiating suspensions will prepare and complete a “Notice of Emergency Suspension” that provides the reason for the suspension.
- M. Staff conducting suspensions will take custodial possession of a suspended officer’s issued equipment as noted on the Suspension Checklist to include, but not limited to, service firearm, patrol rifle, shotguns, TASER, ASP baton, OC Spray, police badge, police credentials, police radio, issued cell phone, laptop/MDT, and vehicle keys etc.
- IX. Employee Generated Complaints
- A. A complaint or allegation made by an employee should reasonably be submitted in written form (memorandum or email) but may also be made verbally to any supervisor.



- B. Other means of receiving complaints include, but are not limited to, grievances, written or verbal information from City officials, or written correspondence from citizens. Whether the complaint is received by other means or will be handled by another means (such as with a grievance) its receipt and investigation will still be documented by the Internal Affairs Manager.
 - C. Private individuals and department employees may file EEO complaints with HR, the City Manager or designee, or any department supervisor. The individual accepting the complaint must immediately forward the complaint to HR and copy the Chief of Police
 - D. Applicability to Non-Sworn Employees: Any person, including another employee, may make a complaint about a non-sworn employee to the Chief. The Chief will be governed by Section 4.04.160 et seq. of the City Code. A complaint form may be used if desired; otherwise, a memorandum is adequate. The investigation of such a complaint will proceed in accordance with the City Code and any applicable collective bargaining agreement.
- X. Internal Investigations
- A. The Chief or designee will designate the investigating officer dependent on the nature of the offense or technical knowledge or unique experience needed to address the allegations. Complaints should be investigated at the lowest appropriate level for the offense and consistent with the totality of the circumstances.
 - B. Internal Investigations and/or related documents may only be discussed with and/or released to those who are authorized.
 - C. Normally, the IAS investigation will be placed on hold until the criminal investigation is completed. However, due to the stringent time frame for IAS investigation completion under the MPAA, a criminal investigation and an IAS investigation can occur simultaneously.
 - 1. The IAS investigator cannot share any information gained in their investigation with the criminal investigator to avoid a Garrity violation conflict. (See Garrity v. New Jersey).
 - 2. An employee accused of a criminal act will be subject to a criminal investigation conducted by the law enforcement authority with jurisdiction over the case. To the extent practical, the criminal investigation will be conducted in coordination and conjunction with the administrative investigation.
 - D. The Chief reserves the right to request another law enforcement agency to conduct an internal investigation (pro tempore). In these instances, the Internal Affairs Manager or designee will establish and maintain liaison with the assisting agency.
 - E. The investigating officer will:



1. attempt to determine the relevant facts
 2. obtain and review all pertinent records (e.g. body worn camera & in-car video recordings, reports, computer aided dispatch (cad) records, etc.) that could be used to corroborate or refute the allegations.
 3. identified and interview all known witnesses. Each interview shall be recorded and appropriately documented. unless impractical.
 4. preserve all statements as part of the investigative files.
 5. determine any relationship between the complainant, witnesses, and the officer(s).
 6. when appropriate, photograph the complainant and/or the scene; and
 7. handle all evidence in accordance with established agency policy.
- F. Before any interrogation, the respondent must be informed in writing of the allegations and their rights and responsibilities. In cases where the officer is under arrest or is likely to be placed under arrest as a result of the interrogation, the Internal Affairs Manager will establish and maintain liaison with the State’s Attorney’s Office for guidance.
- G. Interrogations of respondents shall be video, or audio recorded at the discretion of the investigating officer.
- H. Any physical or documentary evidence pertaining to the case shall be impounded using departmental procedures set forth for any other type of investigation, using a case number obtained from Communications and classifying the incident as “2938-Investigation/Police Information.” Photographs or photocopies may be retained in the internal investigation case file. Tapes or videos of interviews/interrogations shall remain in the investigative file.
- I. Investigators of Matrix Violation Category A through Category C complaints shall conclude their investigation and forward their investigative report and case file to the Internal Affairs Manager within 30 days of their assignment to the case. Matrix Violation Category D through Category complaints shall be concluded in 60 days. If at the end of the allotted time period, the investigation is not yet complete, a written status report will be submitted to the Professional Standards Manager with a brief synopsis of what has been completed and the reasons for requiring more time to complete the investigation. Subsequent status reports will be filed each 15 days thereafter unless otherwise directed by the Chief’s office.
- J. Required Interrogations and Tests –
1. Officers may be required to submit to certain tests pursuant to an investigation as cited in the Annotated Code of Maryland, Title 3, Public Safety: a) The law enforcement agency may order the law enforcement



officer under investigation 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.

2. If an agency officer is arrested for driving under the influence by another jurisdiction, the Internal Affairs staff or on-duty commander will respond to the jurisdiction of the arrest if feasible. The responding command staff member or designee will order the respondent officer to submit to a breath test for administrative investigatory purposes if appropriate. The compelled breath test may not be used for any other purpose than the agency's administrative internal investigation.
3. On completion of the investigation, and on request of the law enforcement officer under investigation or the law enforcement officer's counsel or representative, a copy of the record of the interrogation will be made available at least 30 days before a hearing.

XI. Completed Internal Investigations

- A. The agency recognizes four possible findings to any formal internal investigation:
 1. Unfounded
 2. Exonerated
 3. Sustained
 4. Administratively Closed
- B. The investigator will recommend a finding for each allegation based upon a preponderance of evidence and disciplinary action based upon the Maryland Disciplinary Matrix if appropriate.
- C. The ROI will be submitted to the Deputy Chief and the Chief for review and concurrence.
- D. In all cases where the allegation(s) involved a member of the public, the Chief or designee will forward completed investigations to the ACC using the portal for submissions. (All documents in the portal will be automatically transferred to the ACC by the evening and the agency will no longer have access to the documents once it is transferred.)
 1. The ACC will conclude their review with two possible findings:
 - a. Administratively Charge and include a disciplinary recommendation
 - b. Not Administratively Charge



2. The Chief or designee will forward to the respondent officer notice of the Administrative Charging Committee’s disposition within 15 days.
- E. In all cases where the allegation(s) of misconduct do not involve a member of the public, where the finding is unfounded, administratively closed, exonerated or non-sustained, the Chief or designee will forward to the respondent notice of the disposition within 10 days as appropriate. If it has been determined that a policy failure has occurred, the Chief will direct appropriate staff to review and modify the policy as necessary.
- F. **For cases involving complaints filed by nonmembers of the public that do not involve allegations of discrimination, sexual harassment or discrimination, the Chief or designee will notify the complainant of the results of the investigation in writing within 15 days of the completion of the investigation. Notifications involving allegations of discrimination, sexual harassment or discrimination will be handled in accordance to the notification policy in General Order 655, Discrimination, Harassment and Retaliation.**
- G. When disciplinary measures are to be imposed, the respondent must sign a receipt of the discipline. It must be returned to the issuing officer with the appropriate block checked indicating their choice of either acceptance or declination within 72 hours (three business days) of receipt.
- H. The Chief will execute the Administrative Disciplinary Charges notice to the respondent specifying the charges on the allegations and notifying the respondent of the intent to take disciplinary action. The Internal Affairs Section Commander or designee will present the respondent with the Administrative Disciplinary Charges notice containing a waiver to an administrative hearing.

XII. Trial Boards

- A. Should the respondent exercise the right to a trial board hearing, at least 30 days before a trial board proceeding begins, the police officer will be: a) provided a copy of the investigatory record; b) notified of the charges against the police officer; and c) notified of the disciplinary action being recommended.
- B. The trial board will be conducted in accordance with the guidelines established under the MPAA.
- C. A trial board will be composed of:
 1. an actively serving or retired administrative law judge
 2. a civilian who is not a member of an administrative charging committee, appointed by the county’s police accountability board; and
 3. a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.



- D. Before serving as a member of a trial board, an individual will receive training on matters relating to police procedures from the Maryland Police Training and Standards currently available online at:

https://mpctc.dpscs.maryland.gov/pdf/Trial_Board_LEO_Training_Binder.pdf

- E. Proceedings of the trial board will be open to the public, except to protect:

1. a victim's identity
2. the personal privacy of an individual
3. a child witness
4. medical records
5. the identity of a confidential source
6. an investigative technique or procedure; or
7. the life or physical safety of an individual

- F. A trial board may administer oaths and issue subpoenas as necessary to complete its work.

- G. A complainant has the right to notified of a trial board hearing and, except as indicated above, the right to attend a trial board hearing.

- H. Except as otherwise provided in the MPAA, a law enforcement agency has the burden of proof by a preponderance of the evidence in any trial board.

- I. A police officer may be disciplined only for cause.

- J. Within thirty (30) days after the date of issuance of a decision of a trial board, the decision may be appealed by the employee to the Circuit Court for Montgomery County.

- K. A trial board decision that is not appealed is final.

XIII. Disciplinary Recommendation Guide

All disciplinary action taken by the Division will be in accordance with the Statewide Police Disciplinary Matrix and can be found online at:

https://mdle.net/pdf/Commission_Approved_Uniform_Disciplinary_Matrix.pdf

XIV. Non-Disciplinary Performance Management

- A. The Department recognizes that in some instances when performance deficiencies are exhibited by an officer, it may be in the overall best interests of the employee,



Division, and/or the community to allow the officer's supervisor the opportunity to intervene and reactively attempt to correct the deficiency before it reaches a level that would merit formal punishment and/or progressive discipline. This corrective action or guidance falls under the category of non-disciplinary performance management measures. These may include, but are not limited to non-disciplinary performance correction counseling, remedial and/or additional training, referral to specialized counseling via the Employee Assistance Program (EAP), etc.

- B. Documentation of non-disciplinary corrective actions will be maintained by the officer's supervisor in their supervisory files. A copy will be forwarded to the HR business partner for inclusion in the officer's personnel files. Documentation of non-disciplinary corrective actions will not be forwarded to the Internal Affairs Section or logged in the officer's disciplinary history files.

XV. Automated Traffic Citations

- A. Automated traffic enforcement citations are considered civil violations in nature. It is the policy of this department that officers who receive automated traffic citations while operating an agency owned vehicle will satisfy the requirements of the citation through the offered court adjudication options. Absent the criteria listed in below in B, they are not subject to disciplinary action.
- B. The Chief of Police reserves the right to issue disciplinary actions pursuant to the Statewide Disciplinary Matrix, based on the totality of circumstances when there is a preponderance of evidence supporting one or more aggravating factors. Aggravating factors may include, but are not limited to, repeated speeding violations in excess of 20 MPH over the speed limit; dangerous red light or school bus monitoring camera violations; etc. Prior to issuance of disciplinary action under this category, the Chief of Police will allow the officer to submit written documentation with mitigating circumstances for consideration.

XVI. Administrative Procedures

- A. Annual Summary of Complaints: Annually, the Internal Affairs Manager will supply a statistical summary of complaints received in the previous year to the Chief for public dissemination. Additionally, the report may contain a list of all complaints received citing specific type of complaint, charges investigated, and the findings of fact for each charge as well as any open investigations by general nature of the complaint, the date received, and status of the investigation.
- B. All investigative files will be stored securely in the Internal Affairs Manager's office file cabinet or room designated for Internal Affairs Records and follow applicable lawful retention schedules.

