

1.720 PUNITIVE DISCIPLINE (26.1.4.c)

- A. These directives implement the agency's practices as they relate to:
1. USM VII-8.00 Policy on Grievances for Exempt and Nonexempt Staff Employees;
 2. USM VII-9.01 Policy on Special Action Appeals for Classified Employees;
 3. TU 07-08.05 Policy on Grievances for Regular Exempt Employees;
 4. TU 07-08.10 Special Action Appeals for Regular Non-Exempt Employees; and
 5. The Memorandum of Understanding (MOU) with FOP Lodge #82,
- B. See also **1.422 Grievances**.

1.720.02 Punitive Discipline - Generally

- A. DISCIPLINE FOR SWORN MEMBERS WILL BE IMPOSED PURSUANT TO THE UNIFORM STATE DISCIPLINARY MATRIX AS A RESPONSIVE MEASURE TO VIOLATION OF AGENCY POLICY WHERE AN INVESTIGATION REVEALS SUFFICIENT EVIDENCE TO IMPOSE ADMINISTRATIVE CHARGES.
- B. Employees will not:
1. Be pressured, coerced, threatened, or intimidated into waiving any or all administrative due process rights;
 2. Deliberately or negligently engage in any activity that interferes with, hinders, or delays the initiation, documentation, or investigation of complaints; or
 3. File false or frivolous complaints.
- C. DISCIPLINE FOR SWORN MEMBERS WILL BE IN CONFORMANCE WITH MARYLAND LAW, THE CODE OF MARYLAND REGULATIONS (COMAR), AND AGENCY POLICY.
- D. DISCIPLINE FOR NON-SWORN MEMBERS WILL BE IN CONFORMANCE WITH AGENCY POLICY.

1.720.04 Receiving & Submitting Complaints (26.2.1, 26.2.4, 26.3.2, 26.3.4.a, 26.3.5)

- A. COMPLAINTS CAN BE DEFINED AS:
1. COMMUNITY COMPLAINTS: FORMAL ALLEGATIONS OF MISCONDUCT AGAINST THE DEPARTMENT OR A DEPARTMENT MEMBER INITIATED BY A NON-DEPARTMENT MEMBER.
 2. ADMINISTRATIVE COMPLAINTS: FORMAL ALLEGATIONS OF MISCONDUCT AGAINST THE DEPARTMENT OR A DEPARTMENT MEMBER INITIATED BY ANOTHER DEPARTMENT MEMBER.
 3. PUBLIC INQUIRIES: A CONCERN OR INFORMAL CRITICISM FROM A MEMBER OF THE PUBLIC RELATED TO POTENTIAL/ALLEGED MISCONDUCT BY THE DEPARTMENT OR A DEPARTMENT MEMBER.
- B. All complaints, including anonymous complaints, will be investigated. Employees receiving anonymous complaints will advise complainants of the complaint process and attempt to obtain their identities. Employees will obtain and submit as much information as possible if they are unsuccessful in obtaining complainants' identities.
- C. All employees are authorized to initially receive complaints.
1. Complaint information is confidential. However, the confidential nature of these documents does not keep supervisors from conducting appropriate preliminary inquiries or requesting administrative reports be completed by employees to help the agency determine the best way to handle the matter.
 2. Employees who receive complaints but are not otherwise responsible for investigating complaints, will not discuss complaints with personnel against whom complaints are made or anyone not initially authorized to have the information.
 3. Employees who receive complaints will cooperate with investigators during the course of investigations.

- D. It is preferred that **Confidential Statement of Incident / Employee Performance (UPO.022.D)** forms be used to record information pertaining to complaints against employees.
1. These forms, which are always available at Headquarters and on the agency's web site, contain instructions and procedures to be followed in submitting complaints.
 2. Forms will be given to anyone on request, regardless if they are unwilling to speak with appropriate employees about the matters.
 3. Although completed forms are preferable, any form of complaint documentation will be accepted.
 4. Complainants should complete the forms. However, if complainants cannot or will not complete the forms, officers will obtain and submit as much information as possible.
- E. Complaints may be submitted in person, by mail, e-mail, FAX, or telephone.
1. Handwritten complaints should be legible and written in ink.
 2. Complainants' signatures are not required;
 3. Additional sheets of paper may be used if required.
 4. Employees receiving in-person or telephone complaints:
 - a. Will make reasonable and thorough efforts to identify complainants;
 - b. Advise complainants of complaint procedures; and
 - c. Obtain as much information as possible.
- F. Citizens making complaints in person or by phone will be referred to a supervisor or commander who will attempt to completely understand the circumstances and resolve matters to the satisfaction of citizens.
1. Differences of opinion TO DETERMINE IF THE COMPLAINT IS A COMMUNITY COMPLAINT OR strictly over the legitimacy of enforcement actions, such as being issued traffic, criminal, civil, or parking citations, are not considered complaints within the scope of this directive. THESE WOULD BE PUBLIC INQUIRIES.
 2. Citizens should be advised of the procedures to formally file complaints in the event that matters cannot be resolved.
- G. All complaints, be they filed by employees or citizens, will be documented and distributed appropriately.
1. Complaints will be copied.
 - a. Originals will be sealed in an envelope, marked "IA - Confidential" and submitted to the commander responsible for the internal affairs function, hereafter referred to as the IA commander; and
 - b. Copies will be sealed in an envelope marked "Confidential" and submitted directly to the respective employee's commander.
 2. Complaints against the IA commander will be sealed and submitted directly to the Chief.
 3. The IA commander will be notified without unnecessary delay when complaints are related to the use of force or criminal misconduct of employees.
 - a. The IA commander will be contacted directly during regular business hours.
 - b. During non-business hours, Communications will be directed to notify the IA commander to contact the interviewing officer. Information pertinent to the complaint will not be divulged to Communications personnel.

1.720.06 COMMUNITY COMPLAINTS

A. MAY BE MADE:

1. ANONYMOUSLY; HOWEVER REASONABLE EFFORTS WILL BE MADE TO IDENTIFY A COMPLAINANT.

2. AT ANY TIME, AT ANY LOCATION, OR TO ANY OFFICE OF THIS AGENCY.

B. MAY BE INITIATED FOR ALL PUBLIC INQUIRIES THAT ARE:

1. VIOLATIONS OF CRIMINAL LAW (E.G., UNLAWFUL USE OF FORCE BY A LAW ENFORCEMENT OFFICER, THEFT, FRAUD, DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, FALSIFYING DOCUMENTS BY A DEPARTMENT MEMBER, ETC.).
2. VIOLATIONS OF POLICY THAT INVOLVED AN APPARENT RISK OF SERIOUS PHYSICAL INJURY OR DEATH TO A MEMBER OR ANOTHER PERSON.
3. INTEGRITY VIOLATIONS.
4. PATTERNS OF CONDUCT THAT INDICATE MISCONDUCT WILL BE REPEATED IN THE FUTURE.
5. VIOLATIONS OTHER THAN THOSE OUTLINED ABOVE WHERE A SUBJECT IS:
 - a. NOT SATISFIED AFTER MAKING A PUBLIC INQUIRY OR WISHES TO FILE A COMPLAINT. IF UNCERTAINTY EXISTS REGARDING A SUBJECT'S SATISFACTION, A COMMUNITY COMPLAINT WILL BE INITIATED.
 - b. SATISFIED, BUT THE ISSUE CANNOT BE RESOLVED BY NON-DISCIPLINARY CORRECTIVE ACTION.
6. PUBLIC INQUIRIES WHEN NO VIOLATIONS ARE IDENTIFIED BUT THE SUBJECT IS NOT SATISFIED.
7. MUST BE DOCUMENTED AND INCLUDE:
 - a. THE NAME OF THE MEMBER ACCUSED OF MISCONDUCT. IF THE NAME IS NOT KNOWN, AN INVESTIGATION WILL BE CONDUCTED TO DETERMINE THE IDENTITY OF THE MEMBER(S) INVOLVED.
 - b. A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT IS BASED, AND
 - c. THE CONTACT INFORMATION OF THE COMPLAINANT OR A PERSON FILING ON BEHALF OF THE COMPLAINANT.
8. REQUIRE THE INVESTIGATION TO BE COMPLETED THROUGH A RECOMMENDATION OF DISCIPLINE BY THE BALTIMORE COUNTY ADMINISTRATIVE CHARGING COMMITTEE (ACC) WITHIN ONE YEAR AND ONE DAY OF THE DATE THE COMPLAINT WAS RECEIVED BY THE DEPARTMENT OR BY THE BALTIMORE COUNTY POLICE ACCOUNTABILITY BOARD.

1.720.08 ADMINISTRATIVE COMPLAINTS

A. MUST BE INITIATED FOR ALL:

1. VIOLATIONS OF CRIMINAL LAW (E.G., UNLAWFUL USE OF FORCE BY A LAW ENFORCEMENT OFFICER; THEFT; FRAUD; DISCRIMINATION; HARASSMENT; SEXUAL HARASSMENT; FALSIFYING DOCUMENTS BY A DEPARTMENT MEMBER, ETC.);
2. VIOLATIONS OF POLICY THAT INVOLVED AN APPARENT RISK OF SERIOUS PHYSICAL INJURY OR DEATH TO A MEMBER OR ANOTHER PERSON;
3. INTEGRITY VIOLATIONS; AND
4. PATTERNS OF CONDUCT THAT INDICATE MISCONDUCT WILL BE REPEATED IN THE FUTURE.

B. MAY BE INITIATED FOR ANY OTHER:

1. VIOLATIONS OF THE DEPARTMENT'S RULES REGULATIONS, OR PROCEDURES.
2. CONDUCT DETRIMENTAL TO THE GOOD ORDER, EFFICIENCY, OR DISCIPLINE OF THE DEPARTMENT.
3. VIOLATIONS OF LAW.
4. VIOLATIONS OF THE BALTIMORE COUNTY RULES, REGULATIONS, AND PROCEDURES.

1.720.10 PUBLIC INQUIRIES

A. WILL BE ADDRESSED AS SOON AS IT IS SAFE AND PRACTICAL TO DO SO.

B. REGARDING POTENTIAL/ALLEGED MISCONDUCT, WILL BE TREATED AS COMMUNITY COMPLAINTS.

C. WILL BE ADDRESSED BY A SUPERVISOR.

D. WHERE NO ALLEGATIONS OF MISCONDUCT HAVE OCCURRED, THE SUPERVISOR WILL EXPLAIN THE DEPARTMENT'S POLICY AND PROCEDURES, LAW, AND/OR OTHER REASONS FOR A MEMBER'S ACTION, WHEN APPROPRIATE.

E. THE COMPLAINANT WILL BE ASKED IF THEY ARE SATISFIED WITH THE RESPONSE.

F. IF THE COMPLAINANT IS STILL NOT SATISFIED, OR WISHES TO FILE A COMPLAINT, THE COMPLAINT WILL BE TREATED AS A COMMUNITY COMPLAINT.

G. DOCUMENTATION OF PUBLIC INQUIRIES MAY BE REMOVED FROM A MEMBER'S FILE AFTER A PERIOD OF 48 MONTHS AND ARE NOT TO BE CONSIDERED AS PART OF A MEMBER'S DISCIPLINARY HISTORY.

1.720.12 Alternative Punitive Disciplinary Process (APDP)

- A. The agency's APDP may be used when employees elect to forgo formal investigations and accept recommended punitive discipline in minor cases. In order to use the APDP the:
 - 1. Allegations must be relatively minor, but serious enough for formal punitive disciplinary actions;
 - 2. Employees' commanders and the IA commander must agree to use the APDP and punitive disciplinary actions to be offered; and
 - 3. Accused employees do not dispute allegations and agree to accept recommended sanctions.
- B. Agreed upon sanctions will be offered by employees' commanders or specifically designated superiors permanently ranked sergeant or above within the employees' command.
 - 1. Respondent employees may have counsel present.
- C. If employees agree to accept APDP sanctions, the IA commander is responsible for ensuring documentation is prepared containing:
 - 1. Allegation specifications;
 - 2. Sanctions to be imposed;
 - 3. Explanations that:
 - a. Accepted sanctions apply only to those specifications contained therein;
 - b. Additional investigations and sanctions may result if other allegations or information comes to light; and
 - c. Employees may be questioned at later dates to supply information pertaining to the involvement of others in related allegations.
- D. If employees do not agree to accept APDP sanctions, the allegations will be handled consistent with their corresponding administrative due process coverages.

1.720.08 Roles & Authority (26.1.5, 26.3.1, 26.3.2, 26.3.7)

- A. The ADMINISTRATIVE CHARGING COMMITTEE is ultimately responsible for the administration of punitive discipline, but has delegated certain authority to others.
- B. The accompanying chart is intended to describe some, but not all roles and authority of the listed employee designations.
 - 1. Each employee is also assigned the authority of all subordinate employee designations.
 - 2. Some of these roles and authority are more fully explained elsewhere in this directive.
- C. POLICE MISCONDUCT COMPLAINT PROCESS FOR COMPLAINTS INVOLVING A MEMBER OF THE PUBLIC.
 - 1. INTERNAL AFFAIRS DETERMINES WHERE THE INVESTIGATION WILL OCCUR:
 - a. COMMAND LEVEL INVESTIGATION.
 - 1) IF THE INVESTIGATION INVOLVES A SERIOUS VIOLATION, INTERNAL AFFAIRS WILL ASSUME THE INVESTIGATION AND CONSULT WITH THE CHIEF WITH RECOMMENDATIONS ON CHARGES AND DISCIPLINE.

- 2) IF THE INVESTIGATION DOES NOT INVOLVE A SERIOUS VIOLATION, THE MEMBER'S COMMANDER WILL MAKE INITIAL RECOMMENDATIONS ON CHARGES AND DISCIPLINE TO INTERNAL AFFAIRS.
- b. INTERNAL AFFAIRS INVESTIGATION.
 - 1) INTERNAL AFFAIRS WILL ASSUME THE INVESTIGATION AND CONSULT WITH THE CHIEF WITH RECOMMENDATIONS ON CHARGES AND DISCIPLINE.
2. INTERNAL AFFAIRS PROVIDES RECOMMENDATIONS ON CHARGES AND DISCIPLINE TO THE ADMINISTRATIVE CHARGING COMMITTEE.
3. THE ADMINISTRATIVE CHARGING COMMITTEE RETURNS RECOMMENDATIONS ON CHARGES AND DISCIPLINE TO THE CHIEF.
 - a. IF THE CHIEF AGREES WITH THE RECOMMENDATION, THE OFFER IS PROVIDED TO THE MEMBER.
 - b. IF THE CHIEF DOES NOT AGREE WITH THE RECOMMENDATION, THE CHIEF MAY RAISE DISCIPLINE.
4. THE OFFER IS PRESENTED TO THE MEMBER.
 - a. IF THE OFFER IS ACCEPTED, THE PROCESS IS COMPLETE.
 - b. IF THE OFFER IS NOT ACCEPTED, THE PROCESS MOVES TO A TRAIL BOARD.

Chief

- Can place an employee on emergency suspension with or without pay depending on the allegation.
- Can reassign an officer to administrative duties with or without police powers.
- Will appoint a suspension hearing officer for any officer placed on emergency suspension.
- Will appoint a hearing board to adjudicate charges against an officer when requested by the officer.
- Will issue a written, final endorsement for every punitive disciplinary action.

Commander: Responsible for the Internal Affairs Function

- Can place an employee on emergency suspension with or without pay when acting as the Chief's designee. Requires immediate written notification to the employee.
- Can reassign an officer to administrative duties with or without police powers.
- Can impose or authorize summary punishment.
- Completes final endorsement (conclusion of fact) for employees within the command.
- May recommend and administer approved punitive discipline for the command.
- Assigns investigations to the command or departmental level.
- Reviews all complaints and IA investigation reports.
- Reviews all punitive discipline recommendations with respondent employees' commanders.
- Ensures written notifications are made to complainants and respondents.
- Briefs the Chief and others as necessary not later than the first business day after complaints are filed.

Commander: Captain or Lieutenant

- Can place an employee on emergency suspension with or without pay when acting as the Chief's designee. Requires immediate written notification to the employee.
- Can reassign an officer to administrative duties.
- Completes final endorsement (conclusion of fact) for employees within the command.
- Conducts and documents IA investigations as assigned. Identifies any violations.
- May recommend and administer approved punitive discipline for their subordinates.

Supervisor: Sergeant or Officer Acting as OIC

- Receives and documents complaints against employees.
- Can place an employee on emergency suspension with pay when acting as the designee of the Chief or a commander. Requires immediate written notification to the employee.
- Conducts and documents IA investigations as assigned. Identifies any violations.
- May recommend punitive discipline for their subordinates.

Supervisor: Non-Sworn Unit Supervisor

- Receives and documents complaints against assigned NON-SWORN staff.
- Investigates and documents complaints against assigned NON-SWORN staff. Identifies violations.
- May recommend punitive discipline for their subordinates.
- Implements approved punitive discipline.

Any Employee

- Initial point of contact with complainant.
- Ensures complainant is advised of the complaint process.
- Ensures complainant is referred to supervisor or commander.
- Obtains as much information as possible and submits complaint forms.

1.720.10 Internal Investigations – Generally {Revised: 12/21/16}

(26.1.8, 26.2.2, 26.2.3, 26.2.5, 26.3.1, 26.3.2, 26.3.3, 26.3.4, 26.3.5, 26.3.6, 26.3.8)

- A. The IA commander reports directly to the Chief for IA matters and has related duties that include, but are not limited to:
1. Recording, registering, coordinating, controlling, and supervising the conduct of all internal investigations;
 2. Ensuring IA records are securely and confidentially maintained in a centralized record keeping system;
 3. Personally briefing the Chief and others as necessary about complaints no later than the first business day after complaints are filed;
 4. In consultation with respondent employees' commanders, assigning complaint investigations to the unit or departmental level;
 - a. Unit level investigations usually involve minor allegations against employees assigned to a single unit. These investigations will usually be assigned to the supervisors of respondent employees, but may also be assigned to the Professional Standards Officer.
 - b. Departmental level investigations usually involve allegations against supervisors, commanders, or major allegations against any agency personnel. These investigations will be assigned to the IA commander, another commander, or the Professional Standards Officer as authorized by the Chief.
 5. Serving as liaison with the Office of the State's Attorney (OSA) for cases with criminal investigation implications;
 6. Ensuring written notifications are made to complainants and respondents.
 - a. Known complainants will receive verifications that complaints have been received, any appropriate investigation status updates, final dispositions of complaints, and any discipline imposed as a result.
 - b. Notifications to respondent employees contain statements of allegations and their rights and responsibilities relative to investigations.
 7. Reviewing internal investigation reports and determining if investigative findings are supported by the reports;
 8. Informing appropriate legal counsel if:
 - a. There are any testimonial or evidentiary implications consistent with **Giglio v. US - 405 US 150 (1972)**; or
 - b. Complainants or their counsel attempt to use the complaint process as plea bargaining leverage or for the filing of civil actions against the agency, the university, or the state;
 9. Ensuring an annual statistical summary based on internal investigations is compiled, documented and submitted to the chief for dissemination to the agency and the public;
- B. Employees assigned to conduct internal investigations will:
1. Conduct thorough investigations consistent with ~~LEOBR~~, USM directives, and the agency's Internal Affairs SOP as applicable;
 2. Attempt to complete internal investigations within 90 days after investigations are assigned.
 - a. Extensions beyond 90 days may be approved by the IA Commander.
 - b. Investigators will update the IA Commander through the chain of command when investigations extend beyond 90 days or at the IA Commander's request;

3. Provide complainants with periodic status reports providing the notifications do not compromise investigation integrity. The degree of update specificity is left to investigator discretion, subject to the IA commander's approval; and
 4. Submit completed investigative reports as directed. Investigative reports will include:
 - a. Pertinent statements or summaries of statements from all concerned parties;
 - b. Summaries of incidents being investigated;
 - c. Accountings of related evidence;
 - d. Findings as to the legitimacy of allegations; and
 - e. Investigative findings and recommendations.
- C. Officers may be ordered to:
1. Disclose certain property and/or fiscal information (**PS § 3-103(c)**);
 2. 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 (**PS § 3-104**); and
 3. Submit to polygraph examinations with the results not being used as evidence in administrative hearings unless the agency and the officers agree to the admission of the results (**PS § 3-104(m)**). Polygraph examinations are the only truth verification examinations that are permitted under **PS § 3-104(m)**.
- D. Any employee may be required to be photographed, participate in line-ups, submit to medical or laboratory examinations, or submit financial disclosure statements pursuant to applicable statutory or procedural requirements during the course of internal investigations.
- E. Employees may be prohibited from wearing or possessing weapons during interviews for administrative or criminal violations. Investigators should notify employees in advance of this condition. This restriction does not apply to officers conducting these interviews.
- F. Interviews and interrogations will be conducted and documented as appropriate by investigators and consistent with the "*Garrity*" and "*Miranda*" decisions for all employees.
- G. For cases with uncooperative complainants or witnesses, investigators will:
1. Set reasonable deadlines for complainants or witnesses to cooperate with investigations;
 2. Make reasonable attempts to contact complainants and witnesses personally and/or by certified, return receipt letters that contain deadlines for cooperation; and
 3. Recommend that cases be administratively closed if investigations cannot be completed because of uncooperative complainants or witnesses.
- H. When investigations are completed, investigating officers will report on and classify all allegations as:
1. **Sustained:** Evidence sufficient to prove allegations AND IS ADMINISTRATIVELY CHARGED;
 2. **Not Sustained:** Insufficient evidence to either prove or disprove allegations;
 3. **Exonerated:** Incident did occur, but was not in violation of directives;
 4. **Unfounded:** Allegation was false, not factual, or accused employee was not involved in the incident; or
 5. **Administratively Closed AS A PUBLIC INQUIRY:**
 - a. Complaints concerned matters of law or departmental policy and did not concern the employee's actions;
 - b. Complainants do not want formal actions taken or pursued and no other investigative leads are available;
 - c. Expiration of prosecution statutory limits;
 - d. Agency's legal counsel declines to prosecute; or
 - e. Incidents did occur and employees' performance was consistent with agency directives, but the directives need to be revised, changed, or corrected.

- I. The IA commander will, in consultation with appropriate commanders or supervisors and based on investigation outcomes and allegation classifications, make recommendations whether or not to impose punitive discipline, and/or modify agency directives, training, equipment, or business practices. See also **1.720.50 Disciplinary Action Recommendation Guide**.
- J. People who knowingly make false statements, reports, or complaints in the course of proceedings are subject to the same penalties as provided in **CR § 9-501 False Statement to Law Enforcement Officer**.

1.720.12 Emergency Suspensions (26.1.5, 26.3.7)

- A. Any employee may be suspended on an emergency basis when it appears the action is in the best interest of the employee, agency, university, or public.
 - 1. Emergency suspensions of police officers will be with pay unless they are charged with felonies.
 - 2. Emergency suspensions of non-sworn employees will be with pay unless otherwise authorized by the Chief.
- B. Officers holding the rank of sergeant or above, or who are serving in a patrol OIC capacity are authorized to initiate emergency suspensions with pay upon consultation with a commander.
- C. Officers initiating suspensions will, upon consultation with a commander, order respondent officers to be placed on emergency administrative leave with pay with their police powers suspended.
- D. The need for emergency suspensions with pay will be determined by weighing the gravity of allegations against the effect on employees' continued duty status pending investigations.

1.720.14 Emergency Suspension & Hearing Procedures —LEOBR (26.1.5, 26.3.7)

- A. Officers carrying out emergency suspensions will:
 - 1. Contact and inform the IA commander of suspensions and obtain names of suspension hearing officers;
 - 2. Take possession of suspended officer's issued firearms, badges, ID cards, and MPCTC certification cards if police powers are to be suspended;
 - 3. Complete reports with all relevant facts and documents supporting the suspensions; and
 - 4. Provide suspended officers and their unit supervisors with correspondence containing:
 - a. Reasons for suspensions;
 - b. Dates and times of suspension hearings; and
 - c. Notifications that suspension hearings will be held promptly.
 - B. Suspension hearings will be conducted, when practical, on the first business day following emergency suspensions.
 - C. Suspension hearings will be audio recorded with recordings being forwarded to the IA commander.
 - D. Suspended officers need not be present, but may attend and present testimony on their behalf.
 - E. Hearing officers:
 - 1. Will be a commander appointed by the Chief;
 - 2. May request university legal staff, or the Office of the Attorney General (OAG) to be present or provide assistance;
 - 3. Will exclude the public and the news media from hearings unless called to testify;
 - 4. Will determine whether continued suspensions are in the best interest of the public or the agency;
 - 5. Will determine and order:
 - a. Officers to return to full duty;
 - b. Officers to retain their police powers, but reassigned to other duties pending disposition of related administrative and/or criminal matters;
 - c. Officers to remain on administrative suspension with police powers suspended and with or without pay.
- (1) A felony charge may result in an officer being suspended without pay.

- (2) Allegations that constitute administrative violations or misdemeanor criminal charges may result in suspensions continuing with pay;
- 6. Will inform officers of their decisions and promptly submit written reports to the Chief with copies to:
 - a. The IA commander;
 - b. Respondent officers; and
 - c. Respondent officers' commanders.
- F. The Chief will review suspension hearing recommendations and render written final decisions with copies to:
 - 1. The IA commander;
 - 2. Respondent officers; and
 - 3. Respondent officers' commanders.
- G. Suspended officers will not access agency facilities that are restricted to the public unless their activities are authorized by a commander and are continuously escorted by employees designated by a commander.
- H. Officers suspended without pay may seek other employment.

1.720.16 Employee Status During Investigations (4.2.3, 26.3.7)

- A. Any employee whose actions or use of force in an official capacity causes death or serious physical injuries to others, will be removed from line-duty assignments pending administrative reviews to determine if they are to be placed on suspension, on paid administrative leave, in administrative assignments, or returned to full-duty status.
- B. Reviews will be consistent with:
 - 1. For police officers: **Emergency Suspension & Hearing Procedures;**
 - 2. For non-sworn employees: **TU 07-08.10 – Special Action Appeals for Regular Non-Exempt Employees;** or **TU 07-08.05 – Policy on Grievances for Regular Exempt Employees.**
- C. Officers may be placed on paid, administrative leave when:
 - 1. Their actions result in deaths or serious injuries;
 - 2. Preliminary investigations reveal significant possibilities of serious misconduct by employees; or
 - 3. It is in the best interest of the public, officers, or the agency.
- D. Employees may be assigned to administrative duties as alternatives to suspensions thereby enabling them to work while awaiting investigation or disciplinary dispositions. Officers working in administrative assignments may or may not retain police powers and will, unless otherwise ordered:
 - 1. Attend job related training;
 - 2. Attend court; and
 - 3. Take police actions in emergency circumstances if still retaining police powers.

1.720.18 Investigation of Serious Injury or Death Inflicted by Employees (4.2.3) {Revised 10/1/21}

- A. On-duty patrol supervisors will ensure the IA commander and the investigations commander are notified whenever persons are seriously injured or die as the result of injuries sustained during incidents involving agency employees.
- B. Unless otherwise controlled by a Memorandum of Understanding, this agency's criminal investigations component, in consultation with the IA commander, will assume initial responsibilities for investigating those incidents occurring within this agency's primary jurisdiction.
- C. The IA commander will respond to those locations and establish liaison with allied agencies when:
 - 1. Incidents occur outside this agency's jurisdiction that involve criminal allegations against agency employees; or
 - 2. Persons are seriously injured or die as the result of injuries sustained during incidents involving agency employees.
- D. PLEASE REFER TO MGD 2.426 FOR OFFICER-INVOLVED DEATHS.

1.720.20 TRIAL BOARDS

- A. THE TRIAL BOARD IS AN INDEPENDENT PROCESS AND IS NOT BOUND BY PREVIOUS RECOMMENDATIONS FOR DISCIPLINARY ACTION. THE ONLY REQUIREMENT IS THE TRIAL BOARD USE THE UNIFORM STATE DISCIPLINARY MATRIX.**
- B. IF AN INVESTIGATION OR INTERROGATION OF A MEMBER RESULTS IN A RECOMMENDATION OF DEMOTION, DISMISSAL, TRANSFER, LOSS OF LEAVE, LOSS OF PAY, REASSIGNMENT, OR SIMILAR ACTION THAT IS CONSIDERED PUNITIVE, THE MEMBER IS ENTITLED TO A HEARING ON THE ISSUES BY A TRIAL BOARD BEFORE THE DEPARTMENT TAKES ACTION.**
- C. PROCEEDINGS OF A TRIAL BOARD ARE 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.**
- D. THE CHAIRPERSON OF THE TRIAL BOARD WILL CLOSE A TRIAL BOARD AS DETERMINED NECESSARY FOR THE AFOREMENTIONED REASONS. THE CHIEF OF POLICE, THE ATTORNEY GENERAL'S OR THE MEMBER'S REPRESENTATIVE MAY REQUEST THE CHAIRPERSON OF THE TRIAL BOARD CONSIDER CLOSING A TRIAL BOARD FOR THE AFOREMENTIONED REASONS.**
- E. COMPLAINANTS HAVE THE RIGHT TO BE NOTIFIED OF TRIAL BOARD HEARINGS, AND EXCEPT WHEN THE MEETING IS CLOSED TO THE PUBLIC FOR REASONS OUTLINED ABOVE, HAS THE RIGHT TO ATTEND THE TRIAL BOARD HEARING.**
- F. NO TRIAL BOARD WILL BE HELD ON ANY CHARGES THAT RELATE TO CONDUCT WHICH IS ALSO THE SUBJECT OF A CRIMINAL PROCEEDING, UNTIL SUCH TIME AS ALL CRIMINAL CHARGES HAVE BEEN ADJUDICATED.**
- G. TRIAL BOARDS ARE NOT JUDICIAL PROCEEDINGS.**
- H. THE DEPARTMENT HAS THE BURDEN OF PROOF BY A PREPONDERANCE OF THE EVIDENCE.**
- I. MEMBERS MAY ONLY BE DISCIPLINED FOR CAUSE. FINDINGS OF DISCIPLINE BY A TRIAL BOARD WILL BE IN ACCORDANCE WITH THE UNIFORM STATE DISCIPLINARY MATRIX.**
- J. TRIAL BOARDS WILL BE SCHEDULED NO SOONER THAN THIRTY DAYS FROM THE DATE THAT THE CHARGED MEMBER RECEIVES THE INVESTIGATORY FILE AND THE CHARGES, UNLESS MUTUALLY AGREED UPON BY THE DEPARTMENT AND THE CHARGED MEMBER/MEMBER'S REPRESENTATIVE.**
- K. MEMBERS SUBPEONAED TO APPEAR BEFORE A TRIAL BOARD WILL APPEAR.**

L. IF A MEMBER HAS BEEN CHARGED AND IS NOTIFIED THAT A TRIAL BOARD WILL TAKE PLACE, AND SUBSEQUENTLY REFUSES TO APPEAR, RESIGNS, OR OTHERWISE FAILS TO APPEAR, THE TRIAL BOARD MAY PROCEED IN THE MEMBER'S ABSENCE. THE RESULTS OF THE TRIAL BOARD WILL BE PLACED IN THE MEMBER'S DISCIPLINARY RECORD.

1.720.22 TRIAL BOARD MEMBERSHIP

- A. SUMMONSES FOR EMPLOYEES TO APPEAR BEFORE TRIAL BOARDS ARE ORDERS. UN-EXCUSED FAILURE TO APPEAR AS SUMMONSED IS INSUBORDINATION.
- B. TRIAL BOARD MEMBERSHIP WILL CONSIST OF A:
1. CHAIRPERSON: AN ACTIVELY SERVING OR RETIRED ADMINISTRATIVE LAW JUDGE OR A RETIRED JUDGE OF THE DISTRICT COURT OR A CIRCUIT COURT WHO CONDUCTS THE HEARING. THIS POSITION WILL BE APPOINTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS.
 2. CIVILIAN WHO IS NOT A MEMBER OF THE BALTIMORE COUNTY ADMINISTRATIVE CHARGING COMMITTEE. THIS POSITION WILL BE APPOINTED BY THE BALTIMORE COUNTY POLICE ACCOUNTABILITY BOARD.
 3. OFFICER OF EQUAL RANK TO THE CHARGED MEMBER. THIS OFFICER WILL BE APPOINTED BY THE CHIEF OF POLICE.
- C. THE MEMBER ACCUSED OF MISCONDUCT AND THE CHIEF OF POLICE WILL EACH BE ENTITLED TO ONE OPPORTUNITY TO EXCUSE ONE MEMBER OF THE TRIAL BOARD FOR CAUSE, EXCLUDING THE CHAIRPERSON, WITHIN THE FIRST FIVE WORKING DAYS OF THE ACCUSED POLICE OFFICER AND THE CHIEF OF POLICE BEING ADVISED IN WRITING OF THE BOARD'S APPOINTMENT.
- D. A REPLACEMENT TRIAL BOARD MEMBER WILL BE APPOINTED IN THE SAME MANNER AS THE ORIGINAL MEMBER.
- E. NO DEPARTMENT MEMBER APPOINTED TO A BOARD WILL BE IN A PROBATIONARY STATUS.
- F. NO MEMBER OF THE BOARD WILL HAVE HAD PART IN THE INVESTIGATION OR INTERROGATION OF THE MEMBER.
- G. NO MEMBER OF A BOARD SHOULD HAVE A CURRENT OR PAST RELATIONSHIP WITH THE ACCUSED MEMBER THAT WOULD IMPACT OBJECTIVITY IN VIEWING OF THE EVIDENCE.
- H. NO DEPARTMENT MEMBER APPOINTED TO A BOARD SHOULD BE THE SUBJECT OF AN ONGOING INTERNAL AFFAIRS SECTION (IAS) INVESTIGATION OR HAVE AN EXTENSIVE IAS HISTORY OF DISCIPLINARY VIOLATIONS.

NOTE: DEPARTMENTAL VEHICLE ACCIDENTS DO NOT COUNT AS EXTENSIVE VIOLATIONS.

- I. AN EFFORT WILL BE MADE TO ENSURE A MEMBER OF A BOARD IS THE SAME RACE AND GENDER AS THE ACCUSED MEMBER.

- J. BEFORE SERVING AS A MEMBER OF THE TRIAL BOARD, EACH BOARD MEMBER WILL RECEIVE TRAINING RELATED TO POLICE PROCEDURES FROM THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION (MPTSC).

1.720.24 PRE-TRIAL BOARD PROCESS

- A. MEMBERS HAVE THE RIGHT TO A REPRESENTATIVE OF THEIR CHOICE.
- B. THE TRIAL BOARDS COMMANDER WILL COORDINATE AND DIRECT ALL TRIAL BOARDS, AS DIRECTED BY THE CHIEF OF POLICE.
- C. THE DEPARTMENT WILL GIVE NOTICE TO THE MEMBER OF THE RIGHT TO A HEARING BY A TRIAL BOARD, INCLUDING THE TIME AND PLACE OF THE HEARING AND THE ISSUES INVOLVED.
- D. TRIAL BOARD MEMBERS WILL BE NOTIFIED OF A TRIAL BOARD HEARING BY MEMORANDUM FROM THE TRIAL BOARDS COMMANDER.
- E. AT LEAST 30 DAYS BEFORE A TRIAL BOARD HEARING BEGINS, THE MEMBER UNDER INVESTIGATION WILL BE:
1. PROVIDED WITH A COPY OF THE INVESTIGATORY RECORD;
 2. NOTIFIED OF THE CHARGES; AND
 3. NOTIFIED OF THE DISCIPLINARY ACTION BEING RECOMMENDED.
- F. THE DEPARTMENT WILL PROVIDE THE INVESTIGATORY RECORD TO THE OFFICE OF THE ATTORNEY GENERAL (OAG) OR DESIGNEE FOR PRESENTATION TO THE MEMBER OR HIS/HER LEGAL REPRESENTATIVE AS DIRECTED.
- G. THE TRIAL BOARD HEARING DATE WILL BE SCHEDULED NO SOONER THAN 30 DAYS FROM THE DATE THE CHARGED MEMBER RECEIVES THE INVESTIGATORY RECORD AND THE CHARGES, UNLESS MUTUALLY AGREED UPON BY THE DEPARTMENT AND THE CHARGED MEMBER.
- H. THE TRIAL BOARD CHAIRPERSON WILL:
1. ENSURE SUBPOENAS ARE SENT, VIA U.S. MAIL, IN REFERENCE TO WITNESSES OR DOCUMENTS TO BE PROVIDED BY NON-DEPARTMENT MEMBERS, THE TRIAL BOARDS COMMANDER WILL ENSURE THE REQUESTED SUBPOENAS ARE SENT AT LEAST 10 DAYS PRIOR TO THE HEARING DATE.
 2. PROVIDE THE TRIAL BOARDS COMMANDER WITH ANY SUBPEONAS IN REFERENCE TO WITNESSES THAT ARE DEPARTMENT MEMBERS OR DOCUMENTATION TO BE PROVIDED BY THE DEPARTMENT. THE TRIAL BOARDS COMMANDER WILL ENSURE THE REQUESTED SUBPOENAS ARE SERVED AT LEAST 10 DAYS PRIOR TO THE HEARING DATE. THEY WILL BE SERVED NO LESS THAN 10 DAYS PRIOR TO THE START OF THE APPLICABLE SCHEDULING PERIOD, WHEN PRACTICABLE.
- I. THE TRIAL BOARD COMMANDER WILL WORK WITH OAG OR DESIGNEE AND THE MEMBER'S REPRESENTATION TO DETERMINE A TRIAL BOARD DATE.
- J. THE TRIAL BOARD COMMANDER WILL FORWARD THE INVESTIGATORY FINDINGS TO THE TRIAL BOARD CHAIRPERSON WITHOUT RECOMMENDATIONS FOR DISCIPLINE.

1.720.26 ROLES OF TRIAL BOARD MEMBERS

A. CHAIRPERSON

1. ISSUES SUBPOENAS REQUESTING DOCUMENTS TO BE PRODUCED AND/OR WITNESSES TO APPEAR.
2. GRANTS POSTPONEMENTS REQUESTED BY EITHER PARTY, ONLY FOR GOOD CAUSE.
3. PRESIDES OVER THE HEARING.
4. RESPONSIBLE FOR RULING ON ALL MOTIONS AND OBJECTIONS BEFORE THE TRIAL BOARD.
5. WILL PREPARE THE WRITTEN DECISION OF THE TRIAL BOARD INCLUDING THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE BOARD WITHIN 45 DAYS AFTER THE FINAL HEARING.
6. RESOLVES ISSUES AS TO THE ADMISSIBILITY OF ANY EVIDENCE. ONLY EVIDENCE LEGITIMATELY OBTAINED BY THE DEPARTMENT WILL BE USED AGAINST AN EMPLOYEE IN ANY INVESTIGATION OR TRIAL BOARD.
7. ENSURES THAT THE OFFICIAL RECORDING IS THE ONLY RECORDING OF THE PROCEEDINGS, AND NO OTHER RECORDINGS, INCLUDING THOSE MADE BY MEMBERS OF THE PUBLIC, ARE ALLOWED.
8. SEQUESTERS WITNESSES IF REQUESTED BY REPRESENTATION/COUNSEL. THE INTERNAL AFFAIRS SECTION WITNESSES ARE NOT SUBJECT TO SEQUESTRATION.

B. CIVILIAN

1. SWEARS IN WITNESSES AND REMINDS THEM OF THEIR CONFIDENTIALITY REQUIREMENTS.

C. MEMBER OF EQUAL RANK

1. MANAGES THE TRIAL BOARD'S EVIDENCE.

1.720.28 TRIAL BOARD PROCEDURES

A. THE TRIAL BOARD MAY ADMINISTER OATHS AND ISSUES SUBPEONAS AS NECESSARY TO COMPLETE ITS WORK.

B. THE DECISION OF THE TRIAL BOARD AS TO FINDINGS OF FACT AND ANY PENALTY WILL BE FINAL IN ACCORDANCE WITH THE PROVISIONS OF PUBLIC SAFETY ARTICLE §3-106 UNLESS APPEALED TO THE CIRCUIT COURT BY THE MEMBER WITHIN 30 DAYS AFTER THE DATE OF ISSUANCE OF A DECISION OF A TRIAL BOARD.

C. AN ASSISTANT ATTORNEY GENERAL, OR A PERSON DESIGNATED BY OAG WILL PRESENT CIRCUMSTANCES OF THE ALLEGED OFFENSE TO THE TRIAL BOARD.

D. ALL WEAPONS WILL BE SECURED OUTSIDE THE HEARING ROOM EXCEPT:

1. THE SWORN MEMBER OF THE TRIAL BOARD, INTERNAL AFFAIRS SECTION INVESTIGATORS, AND THE TRIAL BOARD COMMANDER.
2. OTHER LAW ENFORCEMENT OFFICERS WHO MAY BE PERMITTED TO CARRY AUTHORIZED WEAPONS UPON PERMISSION OF THE TRIAL BOARD COMMANDER.

E. EACH PARTY HAS THE RIGHT TO CROSS-EXAMINE WITNESSES WHO TESTIFY AND SUBMIT REBUTTAL EVIDENCE.

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- F. THE TRIAL BOARD CHAIRPERSON WILL FOLLOW FORM 368, TRIAL BOARD PROCEDURAL SCRIPT, TO CONDUCT THE HEARING.
- G. ALL ITEMS ACCEPTED INTO EVIDENCE WILL BE MARKED FOR IDENTIFICATION AND RETAINED AS PART OF THE RECORD.
- H. HEARING PROCEEDINGS ARE CONDUCTED IN ACCORDANCE WITH THE TOWSON UNIVERSITY TRIAL BOARD FLOWCHART.
- I. PRE-TRIAL MATTERS:
1. THE CHAIRPERSON WILL CALL THE HEARING TO ORDER AND ADVISE THE PARTIES THE PROCEEDINGS OF THE HEARING WILL BE RECORDED BUT NOT TRANSCRIBED UNLESS LATER DEEMED NECESSARY.
 2. THE CHAIRPERSON WILL INQUIRE OF THE ACCUSED MEMBER IF A COPY OF THE CHARGES AND SPECIFICATIONS TO BE HEARD HAVE BEEN RECEIVED.
- J. READING OF THE CHARGES AND DEFENDANT'S PLEA:
1. IF THE PROSECUTION AND DEFENSE ARE READY TO PROCEED, EACH CHARGE AND SPECIFICATION WILL BE READ, UNLESS WAIVED, AND THE ACCUSED WILL ENTER A PLEA TO EACH.
- K. DEFENDANT PLEADS GUILTY:
1. A MITIGATION STAGE IS HELD WHERE DELIBERATIONS ON PUNISHMENT OCCUR, AND A DETERMINATION OF PUNISHMENT IS PROVIDED.
- L. DEFENDANT PLEADS NOT GUILTY:
1. THE CHAIRPERSON WILL DIRECT THE PROSECUTION TO BEGIN ITS CASE AND WILL INSTRUCT ALL PRESENT THAT ALL TESTIMONY IS UNDER OATH OR AFFIRMATION AND SUBJECT TO THE PENALTIES OF PERJURY.
 2. ALL WITNESSES WILL BE SEQUESTERED, UPON REQUEST BY THE PROSECUTION OR THE DEFENSE. INTERNAL AFFAIRS SECTION INVESTIGATORS ARE NOT SUBJECT TO SEQUESTRATION.
 3. AFTER COMPLETION OF THE PROSECUTION'S CASE, THE CHAIRPERSON MAY DIRECT A VERDICT FOR THE ACCUSED OR WILL DIRECT THE DEFENSE TO PROCEED.
 4. EACH PARTY HAS A RIGHT TO CROSS-EXAMINE EACH WITNESS WHO TESTIFIES FOR THE OTHER PARTY. THE MEMBERS OF THE TRIAL BOARD MAY ALSO QUESTION EACH WITNESS AFTER THE PROSECUTION AND DEFENSE.
 5. CLOSING ARGUMENTS INCLUDE A SUMMATION BY BOTH THE PROSECUTOR AND DEFENSE; HOWEVER, A REBUTTAL MAY BE PRESENTED BY THE PROSECUTOR ONLY.
 6. UPON COMPLETION OF ARGUMENTS, THE HEARING ROOM WILL BE CLEARED AND THE TRIAL BOARD WILL MAKE AN OBJECTIVE REVIEW OF ALL EVIDENCE BROUGHT BEFORE THE MEMBERS, BEING CAREFUL NOT TO PREJUDICE THE CASE AS TO THE INNOCENCE OR GUILT OF THE ACCUSED.
- M. DELIBERATION ON VERDICT:
1. TRIAL BOARD MEMBERS WILL THEN MAKE A DETERMINATION OF INNOCENCE OR GUILT AS TO EACH CHARGE AND SPECIFICATION AND WILL INFORM THE OTHER BOARD MEMBERS OF THEIR DECISION WHEN REQUESTED BY THE CHAIRPERSON.

A MAJORITY WILL DECIDE THE VERDICT ON EACH CHARGE AND SPECIFICATION.
A FINDING OF GUILT MUST BE BASED ON A PREPONDERANCE OF THE EVIDENCE.

2. ALL INTERESTED PARTIES WILL THEN REENTER THE HEARING ROOM WHERE THE FINDINGS ON EACH CHARGE AND SPECIFICATION WILL BE ANNOUNCED. THE EXACT TIME OF THE CLEARING AND RECALLING OF ALL PARTIES WILL BE NOTED ON THE RECORD.
3. IF THE ACCUSED IS FOUND:
 - a. “NOT GUILTY” OF ALL CHARGES, THE CHAIRPERSON WILL ANNOUNCE THE CONCLUSION OF THE CASE AND ADJOURN THE HEARING.
 - b. “GUILTY” ON ANY CHARGE, THE CHAIRPERSON WILL ADVISE COUNSEL THAT MATTERS OF MITIGATION MAY BE PRESENTED.

N. DELIBERATION ON PUNISHMENT:

1. THE DISCIPLINARY DETERMINATION WILL BE MADE IN ACCORDANCE WITH THE UNIFORM STATE DISCIPLINARY MATRIX.
2. THE PROSECUTION AND DEFENSE MAY PRESENT TESTIMONY OR OTHER EVIDENCE IN SUPPORT OF OR AGAINST A POSSIBLE PENALTY.
3. AT THE COMPLETION OF ANY MATTERS IN MITIGATION, THE HEARING ROOM WILL BE CLEARED AND THE CHAIRPERSON WILL CAUSE ANOTHER VOTE TO BE TAKEN AS TO THE PUNISHMENT. VOTING WILL BE FINISHED WHEN A MAJORITY IS REACHED.
4. ALL INTERESTED PARTIES WILL THEN REENTER THE HEARING ROOM. THE EXACT TIME OF CLEARING AND RECALLING OF ALL PARTIES WILL BE NOTED IN THE RECORD.

O. WRITTEN FINDINGS:

1. THE CHAIRPERSON WILL INFORM THE PARTIES OF THE JUDGEMENT REACHED AND THAT IT WILL BE FORWARDED TO THE CHIEF OF POLICE.
2. A TRIAL BOARD CASE DISPOSITION SUMMARY WILL BE PREPARED BY THE TRIAL BOARD COMMANDER FOR THE CHIEF OF POLICE WITHIN ONE BUSINESS DAY BY THE TRIAL BOARD CHAIRPERSON.
3. THE TRIAL BOARD COMMANDER WILL ENSURE THAT A COPY OF THE FORM 273 IS FORWARDED TO THE CHIEF OF POLICE ON THE SAME DAY THAT IT IS RECEIVED FROM THE TRIAL BOARD CHAIRPERSON.
4. SHOULD DETERMINATION BE THE DETERMINATION OF THE TRIAL BOARD, THE CHAIRPERSON WILL CONTACT THE TRIAL BOARD COMMANDER, WHO WILL NOTIFY THE FOLLOWING THAT THE ACCUSED WILL BE IMMEDIATELY SUSPENDED WITH PAY UNTIL THE CHIEF OF POLICE SIGNS AND DISSEMINATES THE APPROPRIATE ORDERS:
 - a. CHIEF OF POLICE.
 - b. ACCUSED.
 - c. ACCUSED’S COMMANDER.
 - d. IAS COMMANDER.
 - e. VICTIM’S RIGHTS ADVOCATE.
5. MEMBERS WHO ARE CURRENTLY SUSPENDED WITHOUT PAY IN ACCORDANCE WITH LAW WILL CONTINUE TO BE SUSPENDED IN A NON-PAY STATUS.
6. THE CHIEF WILL ENSURE DISPOSITION NOTIFICATION LETTERS ARE SENT TO COMPLAINANTS AND RESPONDENTS.

7. IF THE CHIEF ORDERS EMPLOYEE TERMINATIONS, FINAL ORDERS MUST BE IN WRITING AND SENT BY THE OFFICE OF HUMAN RESOURCES. THE CHIEF IS RESPONSIBLE FOR ENSURING TERMINATION LETTERS CONTAIN:
 - a. STATEMENTS CITING REASONS FOR TERMINATION;
 - b. EFFECTIVE DATES OF TERMINATIONS; AND
 - c. STATUS OF FRINGE AND RETIREMENT BENEFITS AFTER TERMINATIONS.

P. TRIAL BOARD RULES OF EVIDENCE:

1. THE TRIAL BOARD MAY CONSIDER ONLY THE EVIDENCE PUT ON RECORD.
2. THE TRIAL BOARD MAY NOT CREATE OR SEARCH FOR ADDITIONAL EVIDENCE.
3. THE TRIAL BOARD MAY QUESTION EACH WITNESS AFTER THE PROSECUTION AND DEFENSE.
4. THE PRECISE COURT RULES OF EVIDENCE DO NOT APPLY.
5. CIRCUMSTANTIAL AND HEARSAY EVIDENCE MAY BE PERMITTED. DUE PROCESS AND FAIRNESS WILL BE GRANTED WHEN CONSIDERING WHETHER EVIDENCE WILL BE ACCEPTED.
6. THE CHAIRPERSON MAY ASK FOR THE RELEVANCE, IF UNCERTAINTY EXISTS ABOUT THE RELEVANCE OF AN ITEM OF EVIDENCE.
7. THE CHAIRPERSON MAY ASK AN ATTORNEY/REPRESENTATIVE TO EXPLAIN WHY THEY BELIEVE HEARSAY IS RELIABLE INFORMATION.
8. WHEN IN DOUBT, EVIDENCE WILL BE ACCEPTED AND THE BOARD WILL DETERMINE ITS VALUE DURING DELIBERATIONS.
9. OFFICIAL NOTICE CAN BE GIVEN WHEN A FACT IS CONSIDERED AS BE CONCLUSIVELY PROVEN.
10. IF AN ATTORNEY/REPRESENTATIVE OFFERS A PIECE OF EVIDENCE TO A WITNESS "FOR IDENTIFICATION PURPOSES ONLY," THE BOARD SHOULD NOT LOOK AT SUCH ITEMS UNLESS/UNTIL THEY ARE ACCEPTED/ENTERED INTO EVIDENCE.

Q. EVIDENTIARY EXCLUSIONS:

1. EVIDENCE THAT IS IRRELEVANT, IMMATERIAL, INCOMPETENT, OR UNDULY REPETITIOUS.
2. PRIVILEGES RECOGNIZED BY LAW THAT ARE NOT WAIVED:
 - a. MARITAL – FOR SPOUSAL COMMUNICATION THAT IS PRIVILEGED, A SPOUSE CANNOT BE COMPELLED TO TESTIFY.
 - b. ATTORNEY-CLIENT.
 - c. PATIENT – PSYCHIATRIST/CLINICAL SOCIAL WORKER.
 - d. ACCOUNTANT-CLIENT.
 - e. PRIEST – PENITENT.
 - f. NEWS MEDIA SOURCE.

R. EXHIBITS IN BINDER FORM:

1. BOTH ATTORNEYS/REPRESENTATIVES MAY PRESENT THE EVIDENCE IN A BINDER FORM, AND THE OTHER ATTORNEY/REPRESENTATIVE HAS THE RIGHT TO OBJECT.
2. THE DEFENSE IS PROVIDED WITH ALL OF THIS INFORMATION AS PART OF DISCOVERY, SO THERE WOULD BE NOTHING IN THE BINDER THAT HAS NOT BEEN SEEN BEFORE.
3. THE BOARD IS CAPABLE OF DISCERNING BETWEEN WHAT IS IN THE RECORD, AND WHAT IS NOT.
4. THE TRIAL BOARD WOULD NOT CONSIDER AN ITEM IN THE BINDER UNLESS/UNTIL IT HAS BEEN ACCEPTED AS EVIDENCE.

1.720.28 Findings (26.1.6, 26.1.7, 26.3.4.c)

- A. THE DEPARTMENT HAS ADOPTED THE UNIFORM STATE DISCIPLINARY MATRIX FOR ALL MATTERS THAT MAY RESULT IN THE DISCIPLINE OF A SWORN MEMBER. WHEN THE UNIFORM STATE DISCIPLINARY MATRIX IS APPLIED:
 - 1. THE LEVEL OF VIOLATION WILL BE DETERMINED BY THE NUMBER OF PREVIOUS VIOLATIONS THE MEMBER HAS HAD WHILE THE UNIFORM STATE DISCIPLINARY MATRIX WAS IN EFFECT. IT WILL NOT INCLUDE THE NUMBER OF PREVIOUS VIOLATIONS THAT WERE SUBJECT TO THE DEPARTMENT'S PRIOR DISCIPLINARY MATRIX.
 - 2. PREVIOUS VIOLATIONS SUBJECT TO THE DEPARTMENT'S DISCIPLINARY MATRIX WILL BE CONSIDERED AS AGGRAVATING FACTORS.
 - 3. NON-DISCIPLINARY CORRECTIVE ACTIONS MAY BE ISSUED IN ADDITION TO DISCIPLINE, IN ACCORDANCE WITH THE UNIFORM STATE DISCIPLINARY MATRIX AND DEPARTMENT POLICY.
- B. UPON COMPLETION OF THE ADMINISTRATIVE INVESTIGATION, AND UPON COMPLETION OF AN AGENCY REVIEW OF THE INVESTIGATORY FILE, WHEN AN AGENCY REVIEW IS REQUIRED, A DETERMINATION OF WHETHER A SWORN MEMBER WILL BE ADMINISTRATIVELY CHARGED WILL BE MADE BY:
 - 1. THE BALTIMORE COUNTY ADMINISTRATIVE CHARGING COMMITTEE (ACC), WHEN THE COMPLAINT INVOLVES A MEMBER OF THE PUBLIC AND A POLICE OFFICER. THIS APPLIES, REGARDLESS OF WHETHER THE COMPLAINT ORIGINATED FROM WITHIN THE DEPARTMENT OR FROM AN EXTERNAL SOURCE.
 - 2. THE DEPARTMENT, FOR ALL COMPLAINTS NOT INVOLVING A MEMBER OF THE PUBLIC.
- C. IF A MEMBER IS NOT ADMINISTRATIVELY CHARGED, A DETERMINATION MAY BE MADE THAT THE ALLEGATIONS AGAINST THE MEMBER ARE UNFOUNDED, OR THE MEMBER IS EXONERATED, OR OTHER NON-DISCIPLINARY REMEDIAL MEASURE MAY BE IMPLEMENTED.
- D. WHEN ADMINISTRATIVE CHARGES ARE PLACED, DETERMINATIONS OF DISCIPLINE WILL BE MADE IN ACCORDANCE WITH 1.720.30, WHEN THE CASE INVOLVES A MEMBER OF THE PUBLIC, OR 1.720.32, WHEN THE CASE DOES NOT INVOLVE A MEMBER OF THE PUBLIC. THE RANGE OF DISCIPLINARY PENALTIES INCLUDES FORMAL WRITTEN COUNSELING, A LETTER OR REPRIMAND, LOSS OF LEAVE, LOSS OF PAY, DEMOTION, AND TERMINATION.
- E. THE CHIEF OF POLICE, THE ACC, OR TRIAL BOARD, FOLLOWING A DETERMINATION TO IMPOSE ADMINISTRATIVE CHARGES, MAY:
 - 1. REFER A MEMBER TO COUNSELING, AN EMPLOYEE ASSISTANCE PROGRAM, REMEDIAL TRAINING, OR OTHER ASSISTANCE PROGRAMS IN ACCORDANCE WITH DEPARTMENT POLICY.
 - 2. SUSPEND OR REMOVE A MEMBER FROM OTHER EMPLOYMENT.
 - 3. TRANSFER A MEMBER.
- F. FINAL RECOMMENDATIONS OF DISCIPLINE WILL BE MADE BY THE CHIEF OF POLICE; HOWEVER, WHEN A COMPLAINT INVOLVES A MEMBER OF THE PUBLIC, THE CHIEF OF

POLICE MAY ONLY OFFER THAT DISCIPLINE WHICH IS RECOMMENDED BY THE BALTIMORE COUNTY ADMINISTRATIVE CHARGING COMMITTEE, OR A HIGHER DEGREE OF DISCIPLINE WITHIN THE APPLICABLE RANGE OF THE DISCIPLINARY MATRIX.

G. DISCIPLINE IS CONSIDERED FINAL WHEN:

1. THE MEMBER ACCEPTS THE DISCIPLINARY OFFER AS PART OF THE ALTERNATIVE DISCIPLINARY PROGRAM.
2. THE MEMBER ACCEPTS A FINAL DISCIPLINARY OFFER MADE BY THE CHIEF OF POLICE.
3. THE MEMBER ACCEPTS THE FINDINGS OF A TRIAL BOARD; OR
4. THE APPEAL PROCESS IS EXHAUSTED.

H. DISCIPLINE WILL BE IMPOSED WHEN A MEMBER ACCEPTS A DISCIPLINARY OFFER.

I. CASES ARE REFERRED TO A TRIAL BOARD WHEN A:

1. MEMBER REFUSES TO ACCEPT OFFERED DISCIPLINARY ACTION.
2. MEMBER FAILS TO ACKNOWLEDGE AN OFFER OF DISCIPLINARY ACTION WITHIN FIVE BUSINESS DAYS.

1.720.30 CHARGES AND DISCIPLINE FOR COMPLAINTS INVOLVING A MEMBER OF THE PUBLIC

A. MARYLAND LAW REQUIRES THAT THE BALTIMORE COUNTY GOVERNMENT ESTABLISH AN ADMINISTRATIVE CHARGING COMMITTEE (ACC) TO SERVE COUNTYWIDE LAW ENFORCEMENT AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES WITHIN THE COUNTY.

B. THE BALTIMORE COUNTY ACC IS COMPRISED OF:

1. THE CHAIRPERSON OF THE BALTIMORE COUNTY POLICE ACCOUNTABILITY BOARD (PAB), OR ANOTHER MEMBER OF THE PAB DESIGNATED BY THE CHAIRPERSON OF THE PSB;
2. TWO CIVILIAN MEMBERS SELECTED BY THE PAB; AND
3. TWO CIVILIAN MEMBERS SELECTED BY THE COUNTY EXECUTIVE.

C. THE BALTIMORE COUNTY POLICE DEPARTMENT WILL CONDUCT BACKGROUND INVESTIGATIONS FOR APPLICANTS TO THE BALTIMORE COUNTY ADMINISTRATIVE CHARGING COMMITTEE (ACC), UPON THE REQUEST OF THE COUNTY ADMINISTRATION.

D. THE ACC WILL REVIEW ALL COMPLAINTS INVOLVING A MEMBER OF THE PUBLIC AND A POLICE OFFICER, AS DETERMINED BY THE INTERNAL AFFAIRS COMMANDER. COMMUNITY COMPLAINTS ARE REQUIRED TO BE COMPLETED THROUGH A RECOMMENDATION ON CHARGES AND DISCIPLINE BY THE ACC WITHIN ONE YEAR AND ONE DAY OF THE COMPLAINT WAS RECEIVED BY THE DEPARTMENT OR THE PAB.

E. MEMBERS SUBPOENAED TO APPEAR BEFORE THE ACC WILL APPEAR.

F. THE INTERNAL AFFAIRS COMMANDER WILL SERVE AS A LIAISON TO THE ACC AND COORDINATE ANY ADDITIONAL INVESTIGATION OR ACTIONS AS REQUESTED BY THE ACC.

G. THE IA COMMANDER WILL ENSURE THE FOLLOWING ARE INCLUDED IN THE INVESTIGATORY FILE, PRIOR TO FORWARDING TO THE ACC:

1. DEPARTMENT RECOMMENDATION OF WHETHER THE MEMBER SHOULD BE CHARGED;
2. DEPARTMENT RECOMMENDATION OF DISCIPLINE UNLESS EXCLUDED BY THE CHIEF OF POLICE.
3. AN EXPLANATION OF AGGRAVATING OR MITIGATING FACTORS OR CIRCUMSTANCES; AND
4. A RECOMMENDATION FOR REMEDIAL MEASURES IF THE ACC DETERMINES NOT TO IMPOSE ADMINISTRATIVE CHARGES.

H. THE IA COMMANDER WILL ALSO:

1. ENSURE A COPY OF THE INVESTIGATIVE FILE, INCLUDING ALL RELEVANT BODY WORN CAMERA SYSTEM DATA, IS FORWARDED TO THE ACC WITHIN THREE BUSINESS DAYS OF THE DATE THE DEPARTMENT COMPLETES ITS INVESTIGATION AND AGENCY REVIEW, INCLUDING ANY DEPARTMENT RECOMMENDATION ON CHARGES AND DISCIPLINE.
2. RECEIVE RECOMMENDATIONS OF DISCIPLINE FROM THE ACC, WHEN THE ACC HAS DETERMINED A MEMBER WILL BE CHARGED. THESE WILL BE REVIEWED BY THE CHIEF OF POLICE SO THAT A FINAL DISCIPLINARY OFFER CAN BE MADE.
3. REVIEW WRITTEN DOCUMENTATION FROM THE ACC REGARDING POTENTIAL FAILURES OF SUPERVISION THAT MAY HAVE CAUSED OR CONTRIBUTED TO MISCONDUCT BY A MEMBER.

I. THE ACC IS A PUBLIC BODY ESTABLISHED IN ACCORDANCE WITH MARYLAND AND BALTIMORE COUNTY LAW AND WILL ACT IN ACCORDANCE WITH THE REQUIREMENTS OF THE MARYLAND OPEN MEETINGS ACT. IT WILL ADHERE TO REQUIREMENTS FOR CLOSED SESSIONS IN ACCORDANCE WITH THE ACT TO MAINTAIN CONFIDENTIALITY.

J. THE CHIEF OF POLICE WILL OFFER DISCIPLINE TO A MEMBER WHO HAS BEEN ADMINISTRATIVELY CHARGED IN ACCORDANCE WITH THE UNIFORM STATE DISCIPLINARY MATRIX WITHIN 15 DAYS AFTER THE ACC ISSUES AN ADMINISTRATIVE CHARGE.

1.720.32 CHARGES AND DISCIPLINE FOR COMPLAINTS NOT INVOLVING A MEMBER OF THE PUBLIC

A. DETERMINATIONS OF CHARGING AND DISCIPLINE WILL BE MADE BY THE DEPARTMENT AND IMPLEMENTED BY THE CHIEF OF POLICE UPON COMPLETION OF AN ADMINISTRATIVE INVESTIGATION AND AN AGENCY REVIEW OF THE INVESTIGATORY FILE BY THE CHIEF OF POLICE.

B. THE CHARGED MEMBER'S COMMANDER WILL:

1. REVIEW ALL FACTS AND MATERIAL DEVELOPED DURING THE INVESTIGATION.
2. GATHER AND REVIEW ALL KNOWN AGGRAVATING AND MITIGATING FACTORS.
3. CONSULT WITH THE INTERNAL AFFAIRS COMMANDER TO:
 - a. DETERMINE IF THE ALTERNATIVE DISCIPLINARY PROCESS (ADP) WILL BE USED.
 - b. MAKE INITIAL RECOMMENDATIONS ON CHARGING AND DISCIPLINE FOR CASES HANDLED VIA THE ADP.
 - c. MAKE INITIAL RECOMMENDATIONS ON CHARGING AND DISCIPLINE FOR CASES HANDLED BY INTERNAL AFFAIRS.

C. THE INTERNAL AFFAIRS COMMANDER WILL:

1. CONSULT WITH THE MEMBER'S COMMANDER TO:

a. DETERMINE IF THE ADP WILL BE USED.

b. MAKE INITIAL RECOMMENDATIONS ON CHARGING AND DISCIPLINE.

2. ENSURE A REPORT IS COMPLETED DOCUMENTING THE FINAL DISCIPLINARY OFFER.

3. DETERMINE WHETHER A MEMBER WILL BE ADMINISTRATIVELY CHARGED, UPON COMPLETION OF A REVIEW OF THE INVESTIGATORY FILE.

D. THE CHIEF OF POLICE OFFERS DISCIPLINE TO A MEMBER WHO HAS BEEN ADMINISTRATIVELY CHARGED, IN ACCORDANCE WITH THE UNIFORM STATE DISCIPLINARY MATRIX.

1.720.34 ALTERNATIVE DISCIPLINARY PROCESS (ADP)

A. ADP USE CRITERIA:

1. COMPLAINT IS MINOR IN NATURE. ELIGIBLE VIOLATIONS ARE:

a. OMISSIONS OF ASSIGNED DUTIES.

b. INFRACTIONS OF DEPARTMENT REGULATIONS.

c. ERRORS IN JUDGMENT.

d. MATTERS OF DISCOURTESY.

e. MATTERS THAT CAN BE RESOLVED TO THE SATISFACTION OF THE COMMANDER.

2. THE FACTS OF THE VIOLATION ARE NOT IN DISPUTE.

3. COMPLAINT DOES NOT INVOLVE A MEMBER OF THE PUBLIC.

4. THE COMMANDER OF THE ACCUSED AND INTERNAL AFFAIRS COMMANDER MUST BE IN AGREEMENT WITH THE APPROPRIATENESS OF ADP FOR RESOLVING THE CASE AND THE DISCIPLINE TO BE OFFERED.

5. THE ACCUSED MUST AGREE TO THE RECOMMENDED DISCIPLINE.

B. WHEN THE ADP IS USED, THE MEMBER WAIVES THE RIGHT TO A TRIAL BOARD.

C. THE COMMANDER OF THE ACCUSED MUST CONTACT THE INTERNAL AFFAIRS COMMANDER TO DISCUSS THE:

1. MERITS OF THE CASE.

2. FEASIBILITY OF HANDLING THE CASE THROUGH ADP.

3. RECOMMENDED DISCIPLINE THAT MUST BE IN ACCORDANCE WITH THE UNIFORM STATE DISCIPLINARY MATRIX.

D. THE COMMANDER OF THE ACCUSED WILL ARRANGE A MEETING WITH THE ACCUSED TO DISCUSS THE ALLEGATION AND RECOMMENDED DISCIPLINE OFFERED.

E. IF THE ACCUSED MEMBER ACCEPTS THE RECOMMENDED DISCIPLINE, THE COMMANDER WILL:

1. COMPLETE THE NECESSARY PAPERWORK.

2. NOTE THE SECTIONS FOR WHICH THE ACCUSED IS BEING CHARGED.

3. HAVE THE ACCUSED SIGN FOR ACCEPTANCE OF ADP.

4. EXPLAIN TO THE ACCUSED THAT:

a. THE ACCEPTANCE OF DISCIPLINE ONLY APPLIES UNDER ADP.

b. ADDITIONAL INVESTIGATIONS AND DISCIPLINARY ACTIONS MAY RESULT IF OTHER ALLEGATIONS OR INFORMATION COME TO LIGHT.

c. THIS PROCEDURE WILL NOT EXCUSE THE ACCUSED FROM BEING INTERVIEWED AT A LATER TIME TO SUPPLY INFORMATION PERTAINING TO OTHER MEMBERS OR ADDITIONAL ALLEGATIONS.

5. RETURN THE PAPERWORK FOR PROCESSING.

E. IF THE ACCUSED DOES NOT ACCEPT THE RECOMMENDED DISCIPLINE, THE COMMANDER WILL:

1. ORDER THE ACCUSED, IN WRITING, NOT TO DISCUSS THE CASE.

2. NOTIFY THE INTERNAL AFFAIRS COMMANDER OF THE REFUSAL.

1.720.36 Record Maintenance (26.1.8, 26.2.2)

- A. The IA commander will ensure that all records of internal investigations are confidentially maintained in secure areas and/or computer applications.
- B. Memorandums and other related material pertaining to punishment outcomes will be permanently placed in respondent officers' personnel files.
- C. IA records will not be released or disclosed except to:
 - 1. Comply with court orders AND MARYLAND STATE LAW;
 - 2. Assist background investigators who present properly executed information releases;
 - 3. Attorneys representing client officers to whom specified records apply;
 - 4. Attorneys representing the agency, the university, or the state in relevant cases.

1.720.38 CONFIDENTIALITY OF DISCIPLINE RECORDS AND PROCEEDINGS

A. ALL RECORDS AND DOCUMENTS RELATED TO DISCIPLINARY PROCEDURES ARE HELD CONFIDENTIAL, UNLESS RECORDS ARE RELEASED IN ACCORDANCE WITH MARYLAND LAW.

B. SWORN MEMBER'S DISCIPLINARY RECORDS CANNOT BE EXPUNGED OR DESTROYED.

1.720.40 Reciprocal Reporting of Police Misconduct

- A. Officers will ensure notifications are made and reports prepared when they respond to specified incidents involving law enforcement officers from other agencies. Incidents that require mandatory notifications and reports are:
 - 1. Service of interim, temporary, or permanent peace orders, *ex parte* orders, or protective orders when law enforcement officers are respondents;
 - 2. Enforcement of peace order, *ex parte* order, or protective order terms where enforcement officers are respondents;
 - 3. Arrests of law enforcement officers for criminal or motor vehicle violations;
 - 4. The service of criminal summonses to law enforcement officers; and
 - 5. The charging of law enforcement officers by criminal or civil citations.
- B. Officers will report these incidents to their superiors, who are then responsible for notifying respondent / suspect officers' home jurisdictions. Notifications will be made:
 - 1. By calling the communications unit / function and requesting to be placed in contact with an on-duty police supervisor; and
 - 2. Not later than the end of shifts wherein incidents occurred.

1.720.42 STATEWIDE POLICE DISCIPLINARY MATRIX

- A. The STATEWIDE POLICE DISCIPLINARY MATRIX is used to promote uniformity in the imposition of disciplinary actions AND REQUIRED BY MARYLAND STATE LAW.
 - 1. The agency WILL adhere to the actions listed for each offense.

2. Disciplinary recommendations will be made by the respondent's commander in consultation with the IA commander AFTER REVIEWING THE STATEWIDE POLICE DISCIPLINARY MATRIX.

VIOLATION CATEGORY - A

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
Category A: Conduct that has or may have a minimal negative impact on the operations or professional image of the law enforcement agency.	ONE: 1 st Violation	Formal Written Counseling	Letter of Reprimand
	TWO: 2 nd Violation in 24 Months	Formal Written Counseling	Up to 1 day loss of leave or 1 day loss of pay
	THREE: 3 rd Violation in 24 Months	Go to Category B Level 1	
VIOLATION EXAMPLES FOR CATEGORY A			
Violation associated with improper attire and grooming (uniformed/non-uniformed)			
Late for duty assignment			
Failure to properly care for agency vehicle, including but not limited to vehicle inspection and maintenance care			
Failure of officer to provide identification when required			
Failure to comply with traffic stop procedures			
Loss of agency property (excluding weapon and radio)			
Parking Violations			

VIOLATION CATEGORY – B

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
Category B: Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.	ONE: 1 st Violation	Letter of Reprimand	Up to 2 days loss of leave or 2 days loss of pay
	TWO: 2 nd Violation in 36 Months	1 day loss of leave or 1 day loss of pay	Up to 3 days loss of leave or 3 days loss of pay
	THREE: 3 rd Violation in 36 Months	Go to Category C Level 1	
VIOLATION EXAMPLES FOR CATEGORY B			
Rude, discourteous actions towards the public or other employees to include profanity and/or obscene gestures.			
Failure to furnish name, ID number, and assignment			
Officer using their official status, name, or photograph to endorse any product or service connected with law enforcement for personal gain without permission from agency			
Failure to remain alert and awake on duty			
Failure to notify supervisor of the suspension, revocation, or cancellation of driver's license			
Unauthorized use or wearing agency issued equipment (or use of agency insignia) while working secondary employment			
Failure to make required inspection of agency vehicle for weapons/contraband prior to and after transporting a prisoner			
Operating an agency vehicle beyond jurisdictional boundaries without authorization			
Altering or modifying agency equipment without approval			
Operating an agency vehicle while on sick leave, light duty status, or suspension without authorization			
Failure to submit required report			
Failure to conduct preliminary and follow-up investigation/reporting			
Improper use of Internet or other communications equipment			
Working secondary employment without approval			
Violation of social media policy			
Failure to accept a complaint against an officer			
Failure to obey traffic laws -minor, while operating an agency vehicle			

VIOLATION CATEGORY – C

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
Category C: Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.	ONE: 1 st Violation	2 days loss of leave Or 2 days loss of pay	Up to 4 days loss of pay
	TWO: 2 nd Violation in 48 Months	3 days loss of leave or 3 days loss of pay	Up to 5 days loss of pay
	THREE: 3 rd Violation in 48 Months	Go to Category D Level 1	
VIOLATION EXAMPLES FOR CATEGORY C			
Failure to notify or report to duty assignment -Absent without leave (AWOL)			
Failure to notify agency that officer has become subject of a criminal investigation			
Failure to properly secure a firearm			
Unauthorized/careless use/handling/display of a weapon			
Carrying an unauthorized firearm, ECD or other weapon in a vehicle or on the officer's person, on or off duty			
Discharging of firearm in violation of policy- no injury			
Failure to properly search a prisoner incident to arrest			
Improper release/escape of a prisoner (no criminal intent)			
Unnecessary force/excessive force resulting in unknown injury or minor injury			
Failure to document or investigate a physical use of force			
Engaged in secondary employment while on sick leave			
Unauthorized vehicle pursuit- no injury			
Dissemination of confidential information related to a criminal investigation, Criminal Justice Information System (CJIS) or Motor Vehicle Administration (MVA) to unauthorized persons			

VIOLATION CATEGORY – D

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
Category D: Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.	ONE: 1 st Violation	5 days loss of leave Or 5 days loss of pay	Up to 15 days loss of pay
	TWO: 2 nd Violation in 60 Months	10 days loss of pay	Up to 20 days loss of pay
	THREE: 3 rd Violation in 60 Months	Go to Category E Level 1	
VIOLATION EXAMPLES FOR CATEGORY D			
Reporting to work with a measurable amount of alcohol in system, (no requirement to be legally intoxicated)			
Failure to provide and/or request needed medical assistance (includes individuals not in custody)			
Failure to notify agency that officer has been charged with a civil or criminal violation, whether by arrest or criminal summons			
Unauthorized vehicle pursuit-with injury			
Failure to report a firearm or less lethal weapon discharge (includes accidental discharges)			
Failure to report an agency collision			

VIOLATION CATEGORY – E

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
Category E: Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.	ONE: 1 st Violation	15 days loss of pay	25 days loss of pay up to TERMINATION.
	TWO: 2 nd Violation in 60 Months	15 days loss of pay	30 days loss of pay up to TERMINATION.
	THREE: 3 rd Violation in 60 Months	Go to Category F Level 1	
VIOLATION EXAMPLES FOR CATEGORY E			
Using official position to avoid consequences of criminal laws and/or incarcerable traffic violations.			
Unnecessary force/excessive force resulting in serious injury			
Failure to report a use of force			
Engaging in acts of retaliation			
Discharging of firearm resulting in injury or death, non-criminal intent			
Obstructing or hindering a criminal investigation			
Obstructing or hindering internal affairs or an administrative investigation			
Affiliation with any person or organization known to be involved in criminal activity			

VIOLATION CATEGORY – F

Categories and Descriptions	Level	Disciplinary Range
<p>Category F: Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency's mission, vision and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics or character related to an employee's fitness to hold their position; or involves egregious misconduct.</p> <p>substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. § 922(g) (Lautenberg) violations.</p>	<p>ONE: ANY VIOLATION</p>	<p>TERMINATION</p>
VIOLATION EXAMPLES FOR CATEGORY D		
Truthfulness: Intentionally making any verbal or written false statement during an official investigation or on any official agency document		
Enforcement and/or detention of individuals based on discriminatory practices		
Engaging in sexual behavior on duty		
Engaging in sexual behavior in an agency vehicle or facility, on or off duty		
Intentional malicious and unjustified use of force resulting in serious bodily injury or death		
Intentional erasing video footage and/or audio transmissions from digital video camera equipment (BWC/In-Car Camera)		
Converting property/evidence for personal use		
Performing secondary employment while on-duty		
Improper use of controlled dangerous substance (CDS), narcotic, or hallucinogen		
Tampering or manufacturing of evidence		
Knowingly participating or joining an organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward, racial, ethnic, or other groups or classes of individuals protected by law		

SPECIAL CIRCUMSTANCE VIOLATIONS

Categories and Descriptions	Level	Disciplinary Range	
		<i>Mitigating Factors</i>	<i>Aggravating Factors</i>
DRIVING UNDER THE INFLUENCE (DUI) Category 1: Any off-duty officer driving under the influence of alcohol and or drugs which would constitute a violation of law	ONE: 1 st Violation	15 days loss of pay	TERMINATION*
	TWO: 2 nd Violation	30 days loss of pay	TERMINATION*
	THREE: 3 rd Violation	TERMINATION	
Category 1A: Any off-duty officer in a departmental vehicle driving under the influence of alcohol and or drugs which would constitute a violation of law	ONE: 1 st Violation	TERMINATION	

**Unless prohibited by Executive Order or Government Policy*

Categories and Descriptions	Level	Disciplinary Range	
		<i>Mitigating Factors</i>	<i>Aggravating Factors</i>
FAILURE TO APPEAR FOR COURT AND MVA HEARING Category 1: Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category also includes MVA hearing. *Resets 1 calendar year from the date of the first violation	ONE: 2 Violations in 1 year	Formal written counseling	Formal written counseling
	TWO: 2 Additional violations in 2 years	Formal written counseling	Up to 2 days loss of leave or 2 days loss of pay

DEPARTMENTAL COLLISIONS CATEGORY 1

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
DEPARTMENTAL COLLISIONS Category 1: Minor Damage ¹ to Police Vehicle and/or Other Property or Vehicle. *Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major). *Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	ONE: 1 st violation up to 12 months	Formal written counseling reprimand	Letter of
	TWO: 2 nd Violation within 0-24 months	Formal written counseling days loss of 2 days loss of pay	Up to 2 leave or
	THREE: 3 rd or more Violation within 0-36 months	Letter of reprimand days loss of 5 days loss of pay	Up to 5 leave or

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
DEPARTMENTAL COLLISIONS Category 2: Major damage to police vehicle and/or other property or vehicle *Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major). *Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	ONE: 1 st violation up to 12 months	Formal written counseling loss of loss of pay	Up to 1 day Leave or 1 day
	TWO: 2 nd Violation within 0-24 months	Formal written counseling loss of loss of pay	Up to 3 day Leave or 3 day
	THREE: 3 rd or more Violation within 0-36 months	Formal written counseling days loss of loss of pay	Up to 10 leave or 10 days

Categories and Descriptions	Level	Disciplinary Range	
		<i>Mitigating Factors</i>	<i>Aggravating Factors</i>
DEPARTMENTAL COLLISIONS Category 3: Injury to Law Enforcement personnel and/or civilian * If gross negligence or reckless operation of a police vehicle is involved in any collision that results in serious injury or death the disciplinary range will increase up to an including termination	ONE: 1 st violation up to 12 months	Formal written counseling loss of pay	Up to 2 day Leave or 2 day
	TWO: 2 nd Violation within 0-24 months	Formal written counseling loss of pay	Up to 5 day Leave or 5 day
	THREE: 3 rd or more Violation within 0-36 months	Formal written counseling days loss of pay loss of pay	Up to 14 leave or 14 days