



DISCIPLINARY PROCESS FOR SWORN OFFICERS

INDEX CODE: 303
EFFECTIVE DATE: 04-10-26

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I. POLICY

A relationship of trust and confidence between the department and the community is essential to effective law enforcement. Sworn officers must be free to exercise their own judgment and take enforcement action in a reasonable, lawful, and impartial manner without fear of reprisal.

It is therefore important to establish a disciplinary process which enables the department to initiate positive, corrective action for improper conduct while at the same time protecting officers from unwarranted criticism for properly discharging their duties.

It is the policy of this department to provide a thorough, fair, and expeditious disposition of complaints about the conduct of its sworn members. Further, it is the policy to invite individuals to bring to the department's attention complaints about its employees whenever that person feels the employee acted improperly.

II. APPLICABILITY

This directive applies to all allegations of misconduct against the department's *sworn* police officers, regardless of duty status.

III. DEFINITIONS

A. Administrative Charging Committee

A committee composed of the Chair of the Anne Arundel County Police Accountability Board, or another member of the Accountability Board designated by the chair of the Accountability Board; Two civilian members selected by the County's Police Accountability Board; two civilian members selected by the County Executive. The Administrative Charging Committee reviews the findings of internal investigations regarding complaints, involving a member of the public, against a police officer and makes a determination that a police officer who is subject to the investigation shall be administratively charged or not administratively charged. If the police officer is charged, the committee will recommend discipline in accordance with the Statewide Police Disciplinary Matrix.

B. Administrative Trial Board

Any board formed in compliance with the Maryland Public Safety Article § 3-106, to hear formal charges brought against an officer. *See Index Code 304: Administrative Trial Boards*

C. Anne Arundel County Police Accountability Board

A board consisting of civilian appointees of the County Executive.

D. Complaint of Misconduct

An allegation of misconduct made against an employee of the department. *Complaint types:*

1. Complaint of *misconduct* involving a member of the public.
2. Internal administrative complaint of *misconduct*.

E. Expedited Disciplinary Action

Expedited Disciplinary Action is a disciplinary tool for minor violations of policy involving internal administrative complaints without a formal investigation or interrogation. (See Index Code 303.3: Expedited Disciplinary Action)

F. Statewide Police Disciplinary Matrix (disciplinary matrix)

The Statewide Police Disciplinary Matrix under PS 3-105 (Appendix A).

IV. POLICE ACCOUNTABILITY BOARD

The Chief of Police is required to meet quarterly with the Anne Arundel County Police Accountability Board to improve matters of policing, review outcomes of disciplinary matters considered by the Anne Arundel County Administrative Charging Committee, *receive* recommendations on changes to policy that would improve police accountability in the County.

V. RECEPTION AND INVESTIGATION OF COMPLAINTS OF MISCONDUCT

Complaints of misconduct must be accepted, investigated, and processed in accordance with Index Code 303.2: Complaint Reception & Investigation.

VI. DISCIPLINE

In order to protect the collective integrity of the law enforcement agency, all matters that may result in discipline shall be imposed pursuant to the Statewide Police Disciplinary Matrix (Appendix A) as responsive measures to an officer's sustained violation of agency policy or other police misconduct.

Final discipline may be imposed on an accused officer by the Chief of Police upon:

1. *Acceptance of discipline by the officer for an internal administrative complaint of misconduct.*
2. *Acceptance of discipline by the officer for a complaint of misconduct involving a member of the public based upon the Chief's authority to impose discipline in accordance with or greater than the recommended discipline by the Administrative Charging Committee.*
3. *A final determination by an administrative trial board adjudicating a complaint of misconduct under Index Code 304: Administrative Trial Boards.*

VII. AUTHORITY OF CHIEF OF POLICE

The Chief of Police is authorized by Section 543 of the Anne Arundel County Charter to promulgate and enforce such rules, regulations, and procedures as the Chief of Police deems necessary for the efficient operation and *governance* of the Anne Arundel County Police Department.

The Chief of Police has the authority to increase a disciplinary action recommended by the ACC, based on the disciplinary matrix, for a complaint involving a member of the public. *The Chief of Police may not reduce any such recommendation for disciplinary action.*

The Chief of Police has final authority for disciplinary action, based on the disciplinary matrix, *for internal administrative complaints of misconduct.*

The Chief of Police **MUST** terminate the employment of an accused officer who is convicted of a felony where the officer did not receive probation before judgment.

The Chief of Police may terminate the employment of an accused officer in any of the following circumstances:

1. The accused officer receives probation before judgment for a felony.
2. The accused officer is convicted of a misdemeanor committed in the performance of duties as a police officer
3. The accused officer is convicted of a misdemeanor second degree assault.
4. The accused officer is convicted of a misdemeanor involving dishonesty, fraud, theft, or misrepresentation.

VIII. AUTHORITY OF THE INTERNAL AFFAIRS SECTION

The members of the Internal Affairs Section are authorized to act with the authority of the Chief of Police in the performance of their assigned duties and as necessary to complete those duties.

The members of the Internal Affairs Section are responsible for all investigations of misconduct committed by sworn members of the police department and the management of all investigative processes and procedures associated with such investigations.

IX. AUTHORITY OF SWORN POLICE SUPERVISORS

A. Role of Supervisors

The role of supervisors is crucial in the disciplinary process. First-line supervisors have the best opportunity to observe the conduct and appearance of *subordinate* officers and detect instances of *misconduct*.

B. Authority of Supervisors & Commanders

Supervisors and Commanders are authorized *to take any of the following actions*:

1. To verbally counsel employees. (see Index Code 303.4)
2. To provide written guidance for non-disciplinary, performance-related matters. (see Index Code 303.4)
3. To recommend and/or conduct retraining of employees. (see Index Code 303.4)
4. To investigate internal administrative complaints of employee misconduct, subject to approval and review by the commander of the Office of Professional Standards.
5. Use *Expedited* Disciplinary Action (see Index Code 303.3) for minor violations of policy involving *only* internal administrative complaints of *misconduct*.

X. EMERGENCY SUSPENSION AND ADMINISTRATIVE REASSIGNMENT

Emergency suspensions and administrative reassignment from regular duty may occur under the circumstances and with the conditions detailed in this section and in compliance with associated policies.

A. NON-DISCIPLINARY SUSPENSIONS AND REASSIGNMENT FROM DUTY

1. Conditions of Non-Disciplinary Suspensions and Reassignment from Duty

In addition to the requirements this and any other policy, whenever an officer is administratively suspended or administratively reassigned from regular duty under this subsection, the officer's commanders are responsible for ensuring compliance with the procedures for non-disciplinary reassignment from duty under Index Code 306: Non-Punitive Diversion & Evaluation Programs.

2. Fitness for Duty

See Index Code 306: Non-Punitive Diversion & Evaluation Programs.

3. Use of Force Incidents and Other Incidents which Require Compliance with Index Code 1653: Independent Investigative Division Notification

- a. When a police officer is involved in an incident where a police officer use of force causes death or serious physical injury, the officer *must be immediately administratively reassigned from regular duty in compliance with Index Code 401: Use of Force.*
- b. *When a police officer is involved in an incident which requires compliance with Index Code 1653, the incident commander or the involved officer's commander, may recommend that the involved officer is immediately administratively reassigned from regular duty.*

B. DISCIPLINE-RELATED SUSPENSION AND ADMINISTRATIVE REASSIGNMENT

1. Suspension Pending Administrative Investigation:

Pending an investigation, Administrative Charging Committee *determinations*, and *administrative trial* board process, the Chief of Police may *suspend an officer* with or without pay *and suspend the officer's police powers* if the Chief determines that such a suspension is in the best interest of the public.

- a. An emergency suspension without pay under this section may not exceed 30 days.
- b. A police officer who is suspended without pay under this section is entitled to receive back pay if the Administrative Charging Committee determines not to administratively charge the accused officer in connection with the matter which the suspension is based *upon*.

2. Suspension for Criminal Charges

The Chief of Police or a Chief's designee may suspend an accused officer without pay and suspend the accused officer's police powers if the police officer is charged with ***any one or more of the following***:

- a. A disqualifying crime in Maryland Public Safety Article 5-101.
- b. A misdemeanor committed in the performance of duties of a police officer.
- c. A misdemeanor involving dishonesty, fraud, theft or misrepresentation.

An accused officer who was suspended without pay under this ***paragraph*** is entitled to receive back pay if the criminal charge or charges against the accused officer result in a finding of not guilty, an acquittal, a dismissal, or a nolle prosequi.

3. Conditions of Disciplinary-Related Suspensions and Reassignment from Duty

a. In addition to the requirements of this and any other policy, whenever an officer is administratively suspended or administratively reassigned from regular duty under this subsection X.B, the officer's commanders are responsible for ensuring the following:

- i. The officer is notified, in writing, that the officer's police powers are suspended.***
 - ii. The officer is notified, in writing, that the officer's authorization to work law enforcement-related secondary employment is suspended.***
 - iii. The officer is notified, in writing, of the following additional conditions:***
 - (1) The officer's authorization to operate department vehicles.***
 - (2) Any modifications of authorization for any secondary employment that is not law enforcement-related.***
 - (3) Training orders, if applicable.***
 - (4) Court attendance instructions and orders.***
 - (5) Treatment orders, which may include a formal referral to the EAP, if applicable.***
 - (6) Instructions and orders for use of leave.***
 - (7) Alternative duty assignment, including hours of work, if applicable.***
 - iv. For any suspension or reassignment under this subsection X.B, the Crisis Intervention Team/Peer Support (CIT) is notified of the suspension or reassignment.***
- b. CIT must attempt to follow up with the suspended officer within twenty-four (24) hours of the suspension or reassignment.***
- c. In cases where an officer is suspended with pay, the officer may be administratively reassigned to duty at the discretion suspending authority.***

XI. TERMINATION

The Chief of Police ***must*** terminate the employment of a police officer who is convicted of a felony.

The Chief of Police may terminate the employment of a police officer who receives a probation for judgment for a felony or is convicted of any of the following:

1. A misdemeanor committed in the performance of duties as a police officer.
2. Misdemeanor second degree assault.
3. A misdemeanor involving dishonesty, fraud, theft, or misrepresentation.

XII. LOSS OF PAY/LOSS OF LEAVE

A. DEFINITION OF SUSPENSION

For purposes of this section, suspension refers to time periods where an officer is normally scheduled to work, but is relieved of all forms of departmental duty and the officer is barred from collecting pay for that time period. Any loss of pay penalty refers to such a suspension from duty.

B. LOSS OF PAY/SUSPENSION AND LOSS OF LEAVE

For penalties imposed for sustained charges of misconduct, the following rules apply:

- 1. Each day of suspension or loss of leave is calculated as 8 hours.*
- 2. Police powers of the officer may not be suspended during any period of loss of pay or during any leave period.*
- 3. Officers may not be required to work without pay.*
- 4. Officers penalized by a loss-of-pay suspension from duty may not work regular duty or any other duty during the scheduled hours of the loss-of-pay suspension.*
- 5. Except as approved by the commander of the Office of Professional Standards:*
 - a. Officer must serve suspensions beginning the next full pay period after determination of final discipline.*
 - b. Officers may not be required to serve more than 3 days of suspension in any one period.*
- 6. The commander of the officer to be suspended is responsible for reporting to the commander of Internal Affairs which dates the officer is suspended from duty.*

XIII. PROPONENT UNIT: Office of Professional Standards.

XIV. CANCELLATION: This directive cancels Index Code 303, dated **04-20-23**.