



# DISCIPLINARY PROCESS

**INDEX CODE: 303**  
**EFFECTIVE DATE: 04-20-23**

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## **I. POLICY**

A relationship of trust and confidence between the department and the community is essential to effective law enforcement. 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 employees. 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.

This directive applies to all allegations of misconduct against department police officers, regardless of duty status.

## **II. 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 Hearing Board**

Any board formed in compliance with the Maryland Public Safety Article, 3-106, to hear formal charges brought against an officer.

### **C. Anne Arundel County Police Accountability Board**

*A board consisting of civilian appointees of the County Executive who meet at least quarterly with the Police Chief and County Executive to improve matters of policing; appoint civilian members to the Anne Arundel County Charging Committee and Hearing Boards; receive complaints of police misconduct filed by members of the public; and on a quarterly basis, review outcomes of disciplinary matters considered by the Anne Arundel County Administrative Charging Committee, and submit a yearly report to the County Executive and County Council identifying trends in the disciplinary process of police officers in the county; and makes recommendations on changes to policy that would improve police accountability in the County.*

**D. Complaint**

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

**E. Minor Disciplinary Action**

*Minor Disciplinary Action is a disciplinary tool for minor violations of policy involving internal administrative complaints without a formal investigation or interrogation, intended for use by supervisory and command personnel. (See Index Code 303.3)*

**F. Statewide Police Disciplinary Matrix**

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

**III. COMPLAINT TYPES**

- A. Complaint involving a member of the public.
- B. Internal administrative complaint

**IV. 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.

**V. 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 government of the Anne Arundel County Police Department.

The Chief of Police has final authority for disciplinary action of department civilian employees.

For sworn personnel, the Chief of Police has the authority to increase disciplinary action recommended by the Administrative Charging Committee, based on the disciplinary matrix, for a complaint involving a member of the public.

For sworn personnel, the Chief of Police has final authority for disciplinary action, based on the disciplinary matrix, based on an internal administrative investigation.

The Chief of Police shall terminate the employment of an accused officer who is convicted of a felony. The Chief of Police may terminate the employment of an accused officer who receives probation before judgment for a felony; or is convicted of a misdemeanor committed in the performance of duties as a police officer; misdemeanor second degree assault; or a misdemeanor involving dishonesty, fraud, theft, or misrepresentation.

**VI. AUTHORITY OF SWORN POLICE SUPERVISORS**

**A. Role of Supervisors**

The role of supervisors, especially first-line supervisors, is crucial in the disciplinary process. First-line supervisors have the best opportunity to observe the conduct and appearance of officers and detect those instances when disciplinary actions are warranted.

**B. Authority of Supervisors & Commanders**

Supervisors and Commanders are authorized:

1. To verbally counsel employees (see Index Code 303.4);
2. To recommend and/or conduct retraining of employees (see Index Code 303.4);
3. To investigate internal administrative complaints of employee misconduct, subject to approval and review by the commander of the Office of Professional Standards;
4. Use Minor Disciplinary Action for minor violations of policy involving Internal Administrative complaints;

## **VII. EMERGENCY SUSPENSION**

### **A. Emotional Fitness for Duty**

See Index Code 306 for details of the “emotional fitness for duty evaluation” process.

### **B. Use of Force Cases**

When a police officer’s use of force causes death or serious physical injury, the officer will be relieved from line duty pending administrative review of the incident. See Index Code 401 for details.

### **C. Other Emergency Suspensions**

1. Pending an investigation, Administrative Charging Committee, and hearing board process, the Chief of Police 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.
  - 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 in which the suspension is based.
2. The Chief of Police or a Chief’s designee may suspend an accused officer without pay and suspend the accused officer’s police powers on an emergency basis if the police officer is charged with a disqualifying crime in Maryland Public Safety Article 5-101; a misdemeanor committed in the performance of duties of a police officer; or a misdemeanor involving dishonesty, fraud, theft or misrepresentation. An accused officer who was suspended without pay under this section 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. The Crisis Intervention Team/Peer Support will follow up with the employee within twenty-four (24) hours of a suspension.

## **VIII. TERMINATION**

The Chief of Police will 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:

- 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

## **IX. FINES: PAYMENT PROCEDURES**

Individual Responsibilities:

### **\* EMPLOYEE PAYING FINE**

All fines will be submitted to the Internal Affairs Section on or before the date specified in the disposition of the disciplinary event. All disciplinary fines must be paid by check or money order made payable to “ANNE ARUNDEL COUNTY”. Cash will not be accepted. Fines must be paid within 20 days of acceptance of punishment.

### **\* INTERNAL AFFAIRS SECTION**

Deliver collected fines to the Fiscal Management Section Manager along with a written explanation including the related Internal Affairs case control number.

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\* **FISCAL MANAGEMENT SECTION MANAGER**

Forward a receipt to the individual paying the fine.

Deposit the collected fines in the County's revenue account according to procedures established by County government.

**X. PROPONENT UNIT:** Office of Professional Standards.

**XI. CANCELLATION:** This directive cancels Index Code 303, dated **02-27-23**.