



COMPLAINT RECEPTION & INVESTIGATION

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I. POLICY

It is the policy of the Anne Arundel County Police Department to investigate all complaints *of misconduct* against sworn police officers of this department. The department will provide a thorough, fair, and expeditious disposition of complaints *of misconduct* about the conduct of its police officers.

All complaints *of misconduct* will be investigated according to the procedures described in this directive. This directive applies to all allegations of misconduct against department police officers, regardless of duty status.

II. DEFINITIONS

1. **Administrative Case Management System:** *A computer system for submission and review of internal administrative reviews and complaints of misconduct. Anne Arundel County Police uses IAPro/Blue Team as its Administrative Case Management System.*
2. **Administrative Charging Committee (ACC):** Community members assigned to review the findings of a law enforcement agency's investigation conducted and forwarded in accordance with Maryland Public Safety Article PS 3-104.
3. **Disciplinary Matrix:** The Statewide Police Disciplinary Matrix under PS 3-105 (Index Code 303, Appendix A).
4. **Employee:** An employee of the Anne Arundel County Police Department.
5. **Police Officer:** A sworn police officer of the Anne Arundel County Police Department under Maryland Public Safety Article Section 3-201.
6. **Misconduct:** *a pattern, a practice, or conduct by a police officer or law enforcement agency that includes:*
 - (1) *depriving persons of rights protected by the constitution or laws of the State or the United States;*
 - (2) *a violation of a criminal statute; and*
 - (3) *a violation of law enforcement agency standards and policies.*
7. **Public Portal:** The public website maintained by the Anne Arundel County Police Department that allows for any party to enter an allegation of misconduct or a compliment of an Anne Arundel County Police Officer.

III. COMPLAINT RECEPTION

All complaints *of misconduct* will be accepted by agency employees and police officers with courtesy and professionalism.

All complainants who have entered a complaint into the Public Portal will receive an automatic verification of the received complaint. The Internal Affairs Commander will provide written verification to complainants not using the Public Portal that the complaint has been received for processing within 72 hours.

All complainants will be able to see the status of their complaint in the Public Portal at any time. At the conclusion of the investigation (if discipline is imposed, an investigation is not considered concluded until the officer accepts the discipline or the officer's due process option has run its course), and within 72 hours, the Commander of the Office of Professional Standards is responsible for informing the complainant, in writing, that the investigation has been concluded and its disposition, including any discipline imposed, in accordance with established confidentiality policies and any applicable law.

A. Origin of Complaints of Misconduct

1. **Complaints from Members of the Public:** A member of the public may file a complaint in person, via telephone, U.S. mail, or via the Public Portal. Anonymous information will be accepted and investigated to the extent possible based on the sufficiency of information provided. The Internal Affairs Section will determine if sufficient information is available to investigate anonymous information as a complaint.
2. **Complaints from Non-Supervisory Employees:** Any *non-supervisory* employee desiring to file a complaint against a police officer may contact a supervisory ranked employee, the Internal Affairs Section, or enter the complaint into the Public Portal. Employees may also resolve disputes, disagreements, or other conflicts with the assistance of their supervisor or through Employee Dispute Resolution (Index Code 306.1).
3. **Complaints from Supervisors:** *Any supervisory employee desiring to file a complaint against a police officer may contact the Internal Affairs Section or enter the complaint into the Administrative Case Management System.*

B. Procedures for Accepting Complaints

1. Responsibility of Employee or Police Officer being contacted in regards to a complaint

- a. It is the responsibility of each employee or police officer to ensure that complainants are either placed in contact with an appropriate supervisory ranked police officer (preferably the supervisor of the police officer who is the subject of the complaint, but alternatively, any on-duty supervisor).
- b. If a complainant declines to be placed in contact with a supervisor, it is the responsibility of the employee or officer to accept information from the complainant using a PD 88 Complaint Reception form and forward the scanned form via email to the immediate supervisor of any one of the police officers who is the subject of the complaint. Information to be collected should minimally include the name and contact information of the complainant, nature of the complaint, and the identity of any police officers accused or witnessing the event.
- c. An employee receiving an anonymous complaint will advise the complainant that anonymously given information may be insufficient to conduct an investigation and the department will be unable to provide follow-up information to the complainant.
- d. All complaints of unnecessary force or criminal conduct require the immediate notification of a supervisory ranked police officer.

2. Responsibility of a Supervisor receiving a complaint

a. Complaints Requiring Immediate Notification to the Internal Affairs Section

All complaints of *unnecessary force, arrest of an employee, allegations of criminal or must appear traffic violations, or any misconduct which could adversely affect departmental operations or image* require immediate, **confirmed notification to the Internal Affairs Section** by a supervisory ranked officer upon being notified of such misconduct. That supervisor is also responsible for directing actions necessary to preserve and document applicable evidence and injuries through evidence collection and/or color photography.

b. Complaints from Members of the Public

Upon receiving a complaint directly from a member of the public or via a notification from another officer or employee, a supervisor may resolve the issue to the satisfaction of the complainant. Such resolution is appropriate only when the allegation is actually *related to a performance matter that is not an allegation of misconduct, or a* misunderstanding of law, policy, or other relevant rules and procedures.

A complaint over the validity of any citation charging a violation of any law is not grounds for the initiation of a complaint. The validity of a citation is a matter for adjudication by the courts.

Upon receipt of a complaint of *misconduct* that cannot be resolved, the supervisor must either *consult with the Internal Affairs Section or enter the complaint of misconduct in the Administrative Case Management System*. The entry must include a statement that the entry was made on behalf of the *citizen* complainant.

For complaints involving officers under multiple commands, the supervisors *of those officers must* coordinate to ensure resolution of the complaint *or proper entry into the Administrative Case Management System*.

c. Complaints between Employees

Supervisors will attempt to informally resolve complaints between employees. *Supervisors may use any of the below methods to reach a resolution:*

- i. Use the same procedures as complaints from members of the public.
- ii. Assist the involved employees with resolution of disputes, disagreements, conflicts or complaints.
- iii. Assist employees with initiating the voluntary Employee Dispute Resolution program to resolve their disputes, disagreements or other conflicts (Index Code 306.1).

IV. POLICE COMPLAINT MEDIATION PROGRAM

The Department may refer a minor complaint made against a police officer, subject to the agreement of the complainant and the involved police officer, to an independent mediation provider (See Index Code 303.5).

V. EXPEDITED DISCIPLINARY ACTION

For minor violations of policy (not involving a member of the public) that are serious enough to compel formal disciplinary action, commanders may offer the *Expedited* Disciplinary Action (Index Code 303.3) to the offending employee, with the concurrence of the Commander of the Office of Professional Standards.

VI. COMPLAINT INVESTIGATION

All investigations will include interviews of the complainant, any known witnesses, and the officer(s) involved. In addition, the investigator will obtain all available physical and documentary evidence. Deviation from this section may only be made with the approval of the Commander of the Internal Affairs Section.

1. Interviews of Complainant & Witnesses

Complainants and witnesses *must* be notified that their statements will be electronically recorded.

2. Notification to Police Officer; Interrogation of Police Officers

The police officer under investigation need not be informed of the investigation until it becomes necessary to interview or interrogate the police officer.

When a police officer is notified that they have become the subject of an internal investigation, the investigator *must* issue the police officer a written statement of the nature of the investigation prior to any interrogation.

The notification *must* be made to the police officer through an inter-office correspondence from the Internal Affairs Section.

3. Investigative Procedures

- a. All employee interviews *may be* electronically recorded.
- b. The investigation or interrogation of an accused police officer *by a member of the police department for investigations into misconduct which* may lead to disciplinary action *must* be conducted by a sworn law enforcement officer(s). *In such cases*, the accused police officer will be informed of the name, rank, and command of the officer in charge of the investigation; the interrogating officer; and the name, rank, and title of each individual present during an interrogation.
- c. If the accused officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, the accused officer must be informed of their Miranda Rights before the interrogation begins.
- d. Unless the seriousness of the investigation is of a degree that an immediate interrogation is required, the interrogation must be conducted at a reasonable hour, preferably when the accused officer is on duty.

e. Conduct of Interrogation

- i. Each session of interrogation must be for a reasonable period of time and allow for personal necessities and rest periods as reasonably necessary.
- ii. The accused police officer under interrogation may not be threatened with transfer, dismissal, or disciplinary action (with the exception of refusing to answer questions by the interrogator).
- iii. On request, the accused police officer under interrogation has the right to be represented by counsel or another responsible representative of the accused police officer's choice who should be present and available for consultation at all times during the interrogation. At the discretion of the investigator, an interrogation may be delayed for a reasonable period to permit the accused officer an opportunity to obtain representation.
- iv. During the interrogation, the accused police officer's counsel or representative may request a recess at any time to consult with the accused police officer, object to any question posed and state on the record outside the presence of the accused police officer the reason for the objection, ***except that any questions asked by the investigator must be answered before the recess.***
- v. A complete record will be kept of the entire interrogation, including all recess periods, of the accused officer. The record will be electronically recorded, and may be written and/or transcribed. On completion of the investigation, and on request of the accused officer or accused officer's counsel or representative, a copy of the record of interrogation shall be made available at least 30 days before a hearing.
- f. The Department may order the accused police officer under investigation to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation. If the Department orders the accused police officer to submit to a test, examination, or interrogation described above and the accused police officer refuses to do so, the Department may commence action that may lead to a punitive measure as a result of the refusal, ***including, but not limited to charges for insubordination.*** The results of ***any such*** test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the accused police officer.
- g. If the Department orders the accused police officer to submit to a polygraph examination, the results of the polygraph examination may not be used as evidence in an administrative ***trial board*** unless the Department and the accused police officer agree to the admission of the results. The accused police officer's counsel or representative need not be present during the actual administration of a polygraph examination by a certified polygraph examiner if the questions to be asked are reviewed with the accused police officer, counsel or representative before the administration of the examination; the accused police officer's counsel or representative is allowed to observe the administration of the examination; and a copy of the final report of the examination by the certified polygraph examiner is made available to the accused police officer, counsel or representative within a reasonable time, not exceeding 10 days, after completion of the examination.
- h. Employees may be required to be photographed, upon order of the Chief of Police or the Chief's designee. Photographs of all employees are maintained on file in the office of the Internal Affairs Section, and are updated as necessary.
- i. Employees may be required to participate in lineup identification sessions.
- j. A police officer may not be required or requested to disclose any item of his or her property, income, assets, source of income, debts, or personal or domestic expenditures (including those of any member of his/her family or household) unless that information is necessary in investigating a possible conflict of interest with respect to the performance of his/her official duties, or unless such disclosure is required by state or federal law.
- k. ***Upon completion of any investigation of misconduct that does not involve a member of the public and appropriate review under Section VII, any police officer who was a subject of the investigation must be notified of the findings of the investigation within 10 business days of the completion and review.***
- l. ***Upon a finding that an officer is exonerated due to deficiencies in agency policy, the Internal Affairs Section will refer the deficient policy to the Staff Inspections Section for review and revision.***

4. Liaison With State's Attorney

In cases involving alleged criminal misconduct by a department employee, the Office of Professional Standards will seek legal advice and assistance in case preparation from the State's Attorney.

VII. CONCLUSION & REPORT

After completing the investigation, the investigator will submit an internal *report for approval by an Internal Affairs Section supervisor and commander and for review by the commander of the Office of Professional Standards, or designee*. The report will include:

1. The allegations.
2. A statement of facts.
3. The findings of the investigation.

The following are classifications of findings of each allegation of misconduct:

1. Exonerated

- a. The Police Officer acted in accordance with the law and agency policy.
- b. The actions of the police officer were consistent with agency policy, however the investigation revealed that policy changes were necessary.

2. Sustained

The accused employee committed all or part of the alleged acts of *misconduct*.

3. Not Sustained

The investigation produced insufficient information to prove or to disprove the allegation of *misconduct*.

4. Unfounded

The alleged act(s) of *misconduct* did not occur.

VIII. FINAL DISPOSITION

A. Complaint involving member of the public

After completion and review of an investigation of a complaint involving a member of the public, the Commander of the Internal Affairs Section must, in consultation with the Office of Law, brief the Chief of Police or designee(s). *Upon* approval of the Chief of Police *or designee*, the completed administrative investigation *must* be forwarded to the Administrative Charging Committee for action as defined in statute. The Administrative Charging Committee may render a finding of “Administratively Charged” or “Not Administratively Charged.” If the police officer is not administratively charged, the Administrative Charging Committee *must* make a determination that the allegations against the police officer are unfounded or the police officer is exonerated.

If the Administrative Charging Committee renders a finding of “Administratively Charged,” the ACC *must issue its findings of fact and recommend* discipline in accordance with the Disciplinary Matrix. Within 15 days after the Administrative Charging Committee issues such a finding *and recommendation* against an accused officer, the Chief of Police will offer discipline to the officer in accordance with the Disciplinary Matrix (See Index Code 303, Appendix A). The Chief of Police may offer the same discipline that was recommended by the Administrative Charging Committee or a higher degree of discipline within the applicable range of the Disciplinary Matrix, but may not deviate below the discipline recommended by the Administrative Charging Committee. The officer *must* be notified, in writing, that they have the right to an Administrative *Trial* Board or may accept the discipline being offered.

B. Complaint NOT involving member of the public

If the complaint is Not Sustained, Unfounded, or Exonerated, the accused police officer will be provided written notification of the disposition as required by this policy.

If the complaint is Sustained, *the Internal Affairs Section must* provide the accused police officer with a written offer of discipline in accordance with the Disciplinary Matrix. This offer of discipline must include a notification of the police officer’s right to an Administrative *Trial* Board and the police officer’s right to accept the discipline as offered. If the police officer accepts the offer of *discipline*, the *discipline* will be rendered and recorded as required by statute. (*See IC 303*).

C. Administrative Trial Boards

Regardless of whether a complaint involves a member of the public or not, if the police officer exercises their right to an Administrative *Trial* Board, such a board *must* be convened and held in accordance with law and policy. The Administrative *Trial* Board will be responsible for rendering a final disposition and any applicable disciplinary action in accordance with the Disciplinary Matrix, departmental policy, and applicable laws.

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- IX. PROPONENT UNIT:** Office of Professional Standards.
- X. CANCELLATION:** This directive cancels Index Code 303.2, dated ***08-31-23***.