

## **2.900 COMPLAINTS AND DISCIPLINE**

### **2.901 DISCIPLINARY SYSTEM**

- A. The agency will exercise disciplinary action fairly and equitably regardless of rank or assignment and will promote uniformity in the imposition of disciplinary actions.
- B. The disciplinary system of the agency contains components that include, but are not limited to:
  - 1. Rewarding and recognizing employees for their actions;
  - 2. Training employees as a means of improving productivity and effectiveness through positive and constructive methods;
  - 3. Procedures and criteria for using counseling as a function of discipline; and
  - 4. Procedures and criteria for taking punitive actions in the interest of discipline.
- C. Section **1.442 Awards and Commendations** contains procedures and criteria for rewarding and recognizing exemplary employee performance.
- D. Section **1.510.40 Remedial Training** contains procedures and criteria for using training as a function of discipline.
- E. Section **1.440 Goal Setting and Evaluation** contains procedures and criteria for using counseling as a function of discipline.
- F. Agency employees will not maliciously, or negligently interfere with, hinder, or delay the initiation, documentation, or investigation of complaints.
- G. Employees who become aware of unethical or unlawful conduct, or violation of directives, will report same to offenders' unit commanders. These reports may be made directly to IA in confidential matters.

### **2.902 AUTHORITY TO TAKE DISCIPLINARY ACTION**

- A. Where not in conflict with existing law under the Public Safety Article, Title 3, other applicable state laws, or executive orders, the Consolidated USMH & UMCP Policies and Procedures Manual is applicable to agency employees with respect to taking punitive actions in the interest of discipline. The agency and its employees are bound by existing law under the Public Safety Article, Title 3 provisions in disciplinary matters regarding sworn personnel.
- B. The chief is authorized to initiate and administer discipline within the agency and to authorize certain subordinates to initiate, administer, or recommend disciplinary action against employees.
  - 1. Employees ranked Corporal or higher may recommend, initiate, or administer discipline for sworn personnel.
  - 2. Employees ranked corporal or higher may recommend, initiate, or administer discipline for non-sworn personnel.
  - 3. Supervisory non-sworn civilian employees may recommend, initiate, or administer discipline for non-sworn personnel.
  - 4. With the exception of suspected violations of law, the Police Auxiliary coordinates, controls, and administers disciplinary matters as they relate to Student Police Aides and Student Police Aide Supervisors. Disciplinary matters concerning suspected violations of law will be coordinated through Internal Affairs.
- C. All complaints, including anonymous complaints, against the agency or employees will be investigated. On occasion, malicious and deliberate false accusations are made against the agency or its employees. These accusations should be investigated to protect the integrity of the agency or the employees, thereby instilling public confidence in the agency. In some cases, the extent of the investigation may be limited to substantiating the falsity of the accusation.

### **2.904 PROCESSING COMPLAINTS**

- A. Citizens verbally reporting what they perceive as improper police conduct will be referred to supervisory or administrative ranked officers. If no officer is available to speak with the complainant, the agency employee who is speaking with the complainant shall offer to accept the complaint. If a walk-in or telephone does not

wish to speak with an officer, the complaint shall be accepted by any agency personnel. Supervisory or administrative ranked officers will attempt to resolve the matters if complaints are relative to differences of opinion between officers and citizens over the issuance of traffic, criminal, or parking citations unless the complaint falls within the meaning of the term "complaint."

- B. Complaints will be handled in a neutral manner with no attempts to influence the complainant in a negative manner.
- C. If complaints are not filed, supervisors or administrators will prepare memorandums or email messages to the chief and IA containing allegation synopses.
- D. In the event that matters cannot be resolved, citizens should be advised of proper procedures to file written complaints.
- E. The Complaint process will follow existing law under the Public Safety Article, Title 3.

#### **2.904.05 Receiving Complaints**

- A. Complaints must be treated as confidential information by agency personnel who receive them and will not be discussed with personnel against whom complaints are made or anyone not authorized to have such information.
- B. Complaint forms will always be available at Headquarters. These forms contain instructions on procedures to be followed in registering complaints against the agency or its employees.
- C. The process for filing citizen complaints and a timeframe for outcomes will be posted in a public area within UMDPS and on the UMDPS website.
- D. Complaint forms may be submitted personally or by mail/email. Complaints may be typed or handwritten. Handwritten forms should be legible and written in ink. Additional sheets of paper may be used should complaints require more space than is on complaint forms.
- E. Complainants should complete complaint forms. However, in situations where complainants cannot or will not complete complaint forms, officers will record complaint details on complaint forms and submit them as described in **2.904.05.G & H**.
- F. Complaints may be received by telephone or by mail without the complainant's signature. Agency personnel receiving telephone complaints should make every effort to identify complainants so they may be re-contacted.
- G. Complaints received from anonymous sources may be the only information that could reveal serious misconduct. Employees receiving anonymous complaints should advise complainants of the formal complaint procedures and attempt to obtain their identities. If unsuccessful, employees should obtain as much information as possible in order to provide IA sufficient information to determine courses of action.
- H. When complaint forms are submitted in person at Headquarters, receiving officers will:
  - 1. Sign for complaint receipt;
  - 2. Provide a copy to the complainant; and
  - 3. Place originals in sealed envelopes and forward to the Office of the Chief where they will be logged and forwarded to IA.
- I. All complaints (including those received by email) will be forwarded directly to the Chief of Police and forwarded to IA.
- J. Nothing precludes the agency from investigating allegations against employees received from any source consistent with law, when it is determined that such investigations are in the best interests of the agency.

#### **2.904.10 Allegations of Criminal Misconduct by Employees**

- A. Employees receiving complaints alleging criminal misconduct by other employees will immediately arrange for complainants to speak with supervisory or administrative ranked officers.
- B. Interviewing officers will document the information and contact IA, as necessary and prudent, for guidance. Original reports will be forwarded to IA prior to the end of the interviewing officers' shifts.

#### **2.904.15 Internal Complaint Assignment and Report Flow**

- A. Complaints will be forwarded to the Office of the Chief. They will then be forwarded to IA for assignment to the unit, command, or department level. The assignment level is based, in part, on the seriousness of the alleged conduct.
  - 1. Unit level investigations usually involve allegations of minor violations against personnel assigned to a single unit.
  - 2. Command level investigations usually involve allegations of minor violations against supervisory ranked employees or against employees from more than one unit.
  - 3. Departmental level investigations usually involve allegations of violations against administrative ranked officers or major violations against any agency personnel.
- B. Investigations assigned at the unit level will usually be forwarded through the appropriate bureau commander to unit commanders supervising respondent officers. Unit commanders will designate administratively ranked supervisors to complete Investigations. Line Supervisors will not generally complete Investigations. Completed reports will be returned through the bureau commander to the chief for final disposition.
- C. Investigations assigned to the command level will usually be forwarded through a bureau commander to an administrative ranked officer in the bureau. Completed reports will be returned through the bureau commander to the chief for final disposition.
- D. Investigations assigned to the departmental level will be coordinated or handled directly by IA. Completed cases will be forwarded to the chief for final disposition.
- E. Liaison may also be maintained with university legal staff and/or the OSA during criminal investigations involving employees.

#### **2.904.25 Complaint Notifications**

- A. When complaints are received and logged by IA, the Office of the Chief is responsible for notifying complainants within 72 hours that their complaints have been received for processing.
  - 1. Notifications will be in the form of dated letters or emails of receipt that contain a description of the investigative process.
  - 2. Notification receipt letters or emails are not sent out in anonymous complaints.
- B. Employees named in complaints will be notified in writing of complaints consistent with existing law under the Public Safety Article, Title 3.
- C. Officers will be issued written statements of allegations as well as their rights and responsibilities when they are notified that they have become subjects of investigations.
- D. Complainants are required to provide a name, mailing address, and phone number or email address if they want to receive notifications.

#### **2.908 DISCIPLINARY ACTION**

- A. Disciplinary Action will be imposed consistent with existing law under the Public Safety Article, Title 3.
- B. All matters that may result in discipline shall follow and be imposed pursuant to the Maryland Police Training and Standards Commission Statewide Disciplinary Matrix (as amended).

#### **2.912 SUPERVISOR'S ROLE IN DISCIPLINE**

- A. Supervisors will participate in the development of rules, policies, and procedures defining misconduct and unacceptable performance.
- B. Supervisors will train subordinates in proper conduct and acceptable performance.
- C. The role of immediate supervisors is crucial in the disciplinary process. They have the best opportunity to observe the conduct and appearance of subordinates and detect those instances where disciplinary actions are warranted. Immediate supervisors also have the opportunity to understand the personality traits of their subordinates and to determine the most effective methods of discipline.
- D. Supervisors will perform investigations and recommend disciplinary

action to the chief.

- E. A supervisor's primary responsibility is to observe, investigate, and, when necessary, recommend disciplinary action.

#### **2.913 SPECIAL ACTION APPEALS FOR CLASSIFIED EMPLOYEES**

- A. The UMCP Policy on Special Actions Appeals for Classified Employees establishes appeal processes for classified employees against whom adverse personnel actions have been taken. These personnel actions include charges for removal, disciplinary suspensions, involuntary demotions, and rejection on probation.
- B. Officers may elect to waive their rights under existing law under the Public Safety Article, Title 3 and appeal adverse personnel actions consistent with the UM Policy on Special Actions Appeals for Classified Employees.
- C. If the chief orders termination of respondent personnel, final written orders will contain:
  - 1. Statements citing reasons for termination;
  - 2. Effective dates of terminations;
  - 3. Status of fringe and retirement benefits after terminations; and
  - 4. Content of the employee's employment records relating to terminations.

#### **2.914 SUSPENSION FROM DUTY**

Suspensions will be imposed consistent with existing law under the Public Safety Article, Title 3.

##### **2.914.10 Authority to Suspend**

- A. Officers holding the rank of sergeant or above are authorized to suspend sworn and non-sworn subordinates.
- B. Officers assigned Internal Affairs are delegated the authority to suspend officers below the rank of chief.

##### **2.914.20 Suspension Situations**

- A. Suspension situations shall follow those consistent with existing law under the Public Safety Article, Title 3.
- B. The need for suspensions will be determined by weighing the gravity of alleged offenses against the effects of officers' continued duty status pending internal investigations.
- C. Officers may be suspended for:
  - 1. The best interest of the public, the officer, or the agency;
  - 2. Reporting for work under the influence of alcohol or consuming alcohol on the job without authorization;
  - 3. Reporting for duty unfit or unprepared for work;
  - 4. On-duty or off-duty conduct determined to be detrimental to the performance of police duties;
  - 5. Unsatisfactory performance;
  - 6. Being convicted of crimes;
  - 7. Being AWOL;
  - 8. Mishandling, abusing, or theft of university or state property;
  - 9. Knowingly being untruthful when answering questions relating to their employment which are asked of them except in the furtherance of a bona fide police duty;
  - 10. Any immoral or unethical conduct reflecting unfavorably on the State as an employer;
  - 11. Membership in any organization advocating the overthrow of the U.S. Government by force or violence; or
  - 12. Failure to maintain any mandated license or certification.
- D. Officers will be suspended when they are:
  - 1. Alleged to have engaged in conduct of such nature that the chief determines that suspension is an appropriate course; or
  - 2. Charged via statement of charges, criminal charging document, indictment or information from any competent judicial authority with:
    - a. Crimes classified as felonies within this state or within jurisdictions placing charges; or
    - b. Crimes of moral turpitude.

##### **2.914.30 Emergency Suspension & Hearing Procedures**

- A. Emergency suspensions & hearing procedures shall follow those consistent with existing law under Public Safety Article, Title 3.
- B. Suspending officers will:
  - 1. Contact and inform IA of suspensions and obtain names of suspension hearing officers;
  - 2. Suspend officers by taking possession of their issued firearms, badges, ID cards, and MPTC certification cards;
  - 3. Complete ROIs including all relevant facts and supplementary documents supporting the suspensions; and
  - 4. Provide the suspended officers and their unit commanders with letters containing:
    - a. Reasons for suspensions;
    - b. Dates and times of suspension hearings; and
    - c. Notification that suspension hearings will be held on the first working day following suspension.
- C. Suspension hearings will be conducted consistent with existing law under the Public Safety Article, Title 3.
- D. Only matters dealing directly with the determination of suspensions will be heard at suspension hearings.
- E. Emergency suspension hearing officers will be appointed by the chief and must hold the rank of captain or above.
- F. Suspension hearings will be electronically recorded with the electronic recordings being forwarded to IA.
- G. Suspended officers may be represented by legal counsel or other representatives.
- H. Suspending officers and suspended officers' unit commanders may be required to attend the hearings. Suspended officers need not be present, but may attend and present testimony on their behalf.
- I. Hearing officers may request university legal staff or the OSA to be present or provide assistance.
- J. The public and news media are excluded from hearings unless called to testify. Evidence presented at suspension hearings is confidential.
- K. Hearing officers will determine whether officers' alleged conduct was serious enough to order continued suspensions.
- L. Hearing officers must determine and order if continued suspensions will be with or without pay.
  - 1. Suspensions without pay may be imposed only when allegations constitute felonies.
  - 2. Allegations that constitute administrative or misdemeanor criminal charges may result in suspensions continuing with pay.
- M. Hearing officers will inform respondent officers of their decisions and promptly submit written reports of same to the chief with copies to:
  - 1. Internal Affairs;
  - 2. Respondent officers;
  - 3. Respondent officers' unit commanders; and
  - 4. Fiscal Services with information as to the suspension being with or without pay.

#### **2.914.40 Restoration to Duty**

- A. When proximal reasons for officers' emergency suspensions no longer exist, the chief will return respondent officers to full duty and inform the bureau commanders in writing of the decisions as long as it is consistent with existing law under the Public Safety Article, Title 3.

#### **2.916 SUSPENSION FROM DUTY - CLASSIFIED PERSONNEL POLICIES AND RULES**

- A. Suspensions shall follow those consistent with existing law under the Public Safety Article, Title 3.
- B. These procedures must be followed in suspension actions dealing with non-sworn, classified employees.
- C. The chief or designee, ranked sergeant or above, may suspend employees without pay for incidents involving:
  - 1. Misconduct;
  - 2. Negligence;

- 3. Inefficiency;
- 4. Insubordination;
- 5. Disloyalty; or
- 6. A reason satisfactory to the Director of University Human Resources.
- D. Employees shall have the right to union representation during any meeting, hearing, formal or informal discussion pertaining to the investigation or imposition of discipline relating to conduct that may lead to disciplinary action against the employee.
- E. The University shall impose disciplinary action against non-exempt and exempt bargaining unit employees no later than 10 working days from the time it knew or should have known of the conduct giving rise to the disciplinary action. For cases involving suspension without pay, the University shall impose discipline within 3 (three) working days.
- F. Suspension actions will be consistent with the UMCP Policy on Special Action Appeals for Classified Employees.
- G. Suspension appeals through the chief will be held consistent with **1.444 Grievances**.

#### **2.918 OFFICER AND/OR NON-SWORN EMPLOYEE STATUS DURING INVESTIGATIONS**

- A. If officers use deadly force or cause serious physical injuries, the involved officers' bureau commanders will remove the officers from line-duty assignments pending administrative reviews to determine if officers are to be placed on suspension, paid administrative leave, in non-contact assignments, or returned to full-duty status.
  - 1. The purposes of these actions and reviews are:
    - a. To protect the community's interest when officers may have exceeded the scope of their authority in the use of deadly force; and
    - b. To shield officers who have not exceeded the scope of their authority from possible confrontations with the community.
  - 2. Reviews will be structured and conducted according to procedures established in **2.914.30 Emergency Suspension & Hearing Procedures**.
- B. Officers and/or non-sworn employees may be placed on paid, administrative leave by the chief when:
  - 1. Officers are involved in shootings that involve injury or death;
  - 2. Officers and/or non-sworn employees are involved in actions which results in the death of individuals or the hospitalization of individuals who are expected to die or have serious physical injury, including departmental traffic accidents;
  - 3. Involved in incidents where preliminary investigations reveal significant possibilities of serious misconduct by employees; or
  - 4. It is in the best interest of the public, officers and/or non-sworn employees, or the agency.
- C. Non-contact assignments may be employed as alternatives to administrative leave to enable employees to continue working while awaiting dispositions of internal or criminal investigations or disciplinary action recommendations sent to the chief. Officers working in non-contact assignments may retain police powers and will:
  - 1. Attend job related training;
  - 2. Attend court;
  - 3. Perform administrative functions not requiring personal contact with the public; and
  - 4. Take police actions in emergency circumstances if still retaining police powers.

#### **2.920 INVESTIGATION OF SERIOUS INJURY OR DEATH INFLICTED BY NON-SWORN EMPLOYEES**

- A. Whenever persons are hospitalized because of injuries inflicted by non-sworn employees acting in their official capacities, on-

duty patrol squad commanders will obtain reports on the severity of injuries. If probabilities exist that injured persons will not survive, on-duty patrol squad commanders will notify Investigations and IA.

- B. Investigations will assume initial responsibilities for investigating the circumstances and determining the likelihood of patient death. Cases will be handled as investigations involving the use of deadly force. Investigators will maintain a working relationship with IA throughout investigations.
- C. Incidents will be screened, reviewed, and investigated in conjunction with the Office of the State's Attorney for Prince George's County and the Office of the Attorney General. The State's Attorney and/or Office of the Attorney General will decide whether the employee's actions were lawful or unlawful and whether to initiate criminal action against employees whose actions are deemed unlawful.
- D. Maryland State Police or another allied law enforcement agency may be requested to investigate any serious injury/death or incident involving a UMDPS civilian employee by the Chief of Police as it relates to criminal and/or administrative allegations.
- E. Non-sworn employees will be placed on administrative leave with pay pending investigations to determine:
  - 1. If violations of law were committed;
  - 2. Compliance or non-compliance with agency directives;
  - 3. Compliance with equipment regulations regarding both equipment type and its proper use.

## **2.921 INVESTIGATION OF SERIOUS INJURY OR DEATH INFLICTED BY UMDPS OFFICERS**

- A. Whenever persons are hospitalized because of injuries inflicted by police officers acting in their official capacities, on-duty patrol squad commanders will obtain reports on the severity of injuries. If probabilities exist that injured persons will not survive, on-duty patrol squad commanders will notify Investigations and IA.
- B. The Office of the Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") will lead the investigation of all alleged or potential officer-involved deaths of civilians as mandated by Maryland Annotated Code, State Government Article, §6-106.2.
- C. Immediately upon learning of an Officer-Involved Death or potential death, UMDPS (if we employ the officer and/or have primary jurisdiction over the location of the incident) will notify the MSP Headquarters Duty Officer at (410) 653-4474. UMDPS will provide contact information for the on-scene commander with responsibility for the initial crime scene response.
- D. If UMDPS is uncertain whether an incident qualifies as an Officer-Involved Death, the UMDPS on-scene commander should contact MSP at the above number. The UMDPS on-scene commander will be contacted as quickly as possible by a member of the IID or MSP, who will provide a preliminary determination of whether the incident qualifies as an Officer-Involved Death.
- E. UMDPS will maintain control over the crime scene until the arrival of MSP. Protocols for evidence collection and media contacts should be followed prior to MSP's arrival at the scene. UMDPS will maintain scene security, including traffic control, until the on-scene investigation is complete and the scene is released. UMDPS will provide security for any individuals in custody until either treated and booked, relieved by the Division of Corrections as a bedside commitment, or transferred to the Office of the Chief Medical Examiner.
- F. In conducting the investigation, the IIU may act with the full powers, rights, privileges, and duties of a state's attorney, including the use of a grand jury in any county. To investigate and assist with the investigation of alleged criminal offenses committed by police officers, the IIU may detail one or more police officers employed by MSP and employ other civilian personnel as needed.
- G. Within 15 days after completing an investigation, the IIU shall transmit a report containing detailed investigative findings to the

state's attorney of the county that has jurisdiction to prosecute the matter. Except as otherwise provided by law, the report shall remain confidential through adjudication of any associated criminal case at the trial court level.

- H. Officers will be placed on administrative leave with pay pending investigations to determine:
  - 1. If violations of law were committed;
  - 2. Compliance or non-compliance with agency directives;
  - 3. Compliance with equipment regulations regarding both equipment type and its proper use.

## **2.922 INTERNAL AFFAIRS RESPONSIBILITY**

- A. The agency employee appointed as IA Coordinator has the authority to report directly to the chief for IA matters. The IA Coordinator has functional responsibilities that include, but are not limited to:
  - 1. Recording and registering, all investigations into alleged or suspected misconduct within the agency;
  - 2. Assigning IA case numbers to complaints;
  - 3. Maintaining centralized, secure records of all complaints against the agency or employees;
  - 4. Maintaining and ensuring confidentiality of internal investigations and records;
  - 5. In consultation with the chief, assigning investigations to the unit, command, or departmental level;
  - 6. Deciding, with concurrence of the chief, whether or not criminal investigations are warranted in internal investigations;
  - 7. Regularly briefing the chief on all complaints filed against sworn and full-time civilian employees; and
  - 8. Preparing and distributing yearly summary reports of all complaints filed against sworn and full-time civilian employees.
- B. Officers coordinating or conducting internal investigations will hold in strict confidence all information which may have any bearing whatsoever on the conduct and results of any investigation.
- C. Yearly statistical summaries, based upon records of IA investigations will be prepared by IA and submitted to the Office of the Chief for publication and dissemination to the agency and the public.
- D. The IA Coordinator will coordinate with the Agencies victims rights advocate to act as the contact for the public within the agency on matters related to police misconduct.
  - 1. The victims rights advocate will be designated by the Internal Affairs Coordinator and will hold an administrative rank.
  - 2. A victim's rights advocate shall follow the duties listed in existing law under the Public Safety Article, Title 3.

## **2.924 INVESTIGATIVE PROCEDURES**

### **2.924.05 General Provisions**

- A. Investigators will conduct thorough investigations and submit completed ROIs consistent with **2.904.15**.
- B. Investigations will be conducted consistent with applicable provisions of the existing law under the Public Safety Article, Title 3 and the Consolidated USMH & UMCP Policies and Procedures Manual.
- C. ROIs will conform to standards established in the Internal Affairs Investigations Manual.
- D. If reasonable suspicions are developed during the course of investigations that complaints are false or that complainants have lied under oath, parallel investigations will be conducted to determine what, if any, actions will be contemplated against complainants. This information will be included in ROIs.
- E. Ordinarily, investigations will be completed within 60 days of assignment, although factors could necessitate longer periods.
  - 1. Officers conducting internal investigations will provide IA at least biweekly status reports when investigations extend beyond 45 days. Status reports must also include justifications for delays when investigations extend beyond 60 days. Justi-

- fications must be reasonable, prudent, and objectively based.
- Investigating officers will provide complainants with periodic status reports, providing that such notifications do not compromise the integrity of investigations. Updates should be provided at least monthly until the complaint is resolved. The degree of update specificity is left to investigator discretion, subject to approval by IA.

F. ROIs will include:

- Pertinent statements or summaries of statements from all concerned parties;
  - Summaries of incidents being investigated;
  - Accountings of related evidence;
  - Findings as to the legitimacy of allegations; and
  - Investigative findings and recommendations.
- G. If disciplinary actions are recommended, the violations will be classified as major or minor infractions and recommendations for disciplinary action will be made.
- H. The agency will report to the OSA or Attorney General's Office, as appropriate, any attempts by complainants or their counsel to use the complaint or complaint process as items of discussion and consideration for plea bargaining or the filing of civil action against the agency, the university, or the state.

#### 2.924.10 Interview and Interrogation Procedures

- Employees alleged to have committed acts of misconduct will be interrogated or interviewed if necessary to establish a thorough understanding of the incidents.
- Sworn officers will be interrogated under the provisions of existing law under the Public Safety Article, Title 3.
- Employees may be required to submit to various investigative techniques that may include, but are not limited to, polygraphs, breath test instruments, medical or laboratory examinations, photographs, tape recordings, financial disclosures, participation in line-ups and/or any other investigative technique as consistent with existing law under the Public Safety Article, Title 3 and other applicable statutes and regulations.
- Officers ordered to make statements and who refuse to do so may be charged with insubordination. In these situations, the IA commander or officer responsible for the function thereof, will be contacted.

#### 2.924.15 Police Officer Witnesses

- Officers who are deemed witnesses to alleged acts of misconduct by other officers will be interviewed as necessary by case investigators.
- When practical, interviews will be documented on witness statement forms or electronically recorded. Duress statements are not necessary for witnesses, but investigators will order witnesses, if necessary, to provide statements.

#### 2.924.20 Investigative Findings

- All investigative conclusions will be reported upon, and each alleged violation will be classified as:
  - Unfounded;
  - Exonerated;
  - Not Sustained;
  - Sustained; or
  - Administrative Closure.
- Unfounded** dispositions conclude that the act(s) did not occur or did not involve members of this agency.
- Exonerated** dispositions conclude that the alleged act(s) did occur and the actions of the officer(s) were justified, lawful and proper.
- Not Sustained** dispositions conclude that investigations failed to discover sufficient evidence to clearly prove violations of directives.
- Sustained** dispositions conclude that sufficient evidence exists to clearly prove violations of directives.

F. **Administrative Closure** of cases may be made when:

- Complaints concerning matters of law or departmental policy and did not concern the employee's actions;
- Complainants could not be contacted or refused to participate in inquiries and no other witnesses or evidence could be located;
- Complainants do not want formal actions taken or pursued; or
- Closure is in the best interests of the agency and the community.

#### 2.924.25 Uncooperative Complainants

- Personal contacts will be made with, or certified, return receipt requested letters will be sent to, uncooperative complainants by assigned investigators.
- Contacts or letters will set deadlines for cooperating with investigations and include notices that failure to do so may result in administrative closure of investigations.
- Letters notifying uncooperative complainants will be signed by investigating officers. If there are no responses and if cases cannot be adequately investigated without an interview, investigating officers may recommend in their ROIs that the cases be closed administratively.
- ROIs recommending administrative closure of cases will detail the investigative steps that have been taken to justify administrative closure. The report may also include other appropriate recommendations.

#### 2.924.30 Recommendations

- Investigating officers will, as necessary and prudent, make:
  - Recommendations to modify policy or procedures when policy, procedure, or directives are discovered to be inappropriate or insufficient; and
  - Recommendations to improve the efficiency or effectiveness of the agency and its relationship with the community.
- Bureau commanders of respondent officers will make recommendations for disciplinary action based upon sustained complaint findings.

#### 2.924.35 False Reports

When investigators develop probable cause that false reports have been filed, they will bring that information to the attention of IA and the chief for consideration of filing criminal charges.

#### 2.926 LEGAL ACTIONS AGAINST EMPLOYEES

- Employees will immediately, or as soon as reasonably and prudently practical, notify their unit commanders upon being:
  - Arrested or charged with crimes or any traffic violations mandating court appearances;
  - Served with warrants, criminal summonses, statement of charges, criminal informations or indictments naming them as defendants;
  - Made aware that legal actions are pending or on file, but have yet to be served;
  - Made aware of drivers license suspensions or revocations; or
  - Made aware of the loss or pending loss of any critical job certifications.
- Unit commanders so notified will immediately, or as soon as reasonably and prudently practical, notify IA who will, in turn, notify the chief.
- Internal investigations will be conducted to determine if alleged incidents constitute violations of agency directives.

#### 2.928 RIGHT TO HEARING BOARDS

- For sustained disciplinary infractions, respondent officers will be informed in writing of the:
  - General nature of the charges;
  - Proposed disciplinary actions; and
  - Right to hearing boards as afforded by existing law under the Public Safety Article, Title 3.

- B. Hearing boards will be conducted in accordance with existing law under the Public Safety Article, Title 3 in those cases where disciplinary action is not accepted by respondent officers.

### **2.930 ADMINISTRATIVE HEARING BOARDS**

- A. Hearing boards will be conducted within the requirements of existing law under the Public Safety Article, Title 3 and under the guidelines of the current edition of the MPTC Manual of Procedures for Administrative Disciplinary Hearings.
  - 1. The text portion of that manual can be found in the shared drive/documents folder.
  - 2. Full copies of that manual will be provided by the IA Coordinator to respondent officers or their representatives.
- B. Summonses for employees to appear before hearing boards are orders. Unexcused failure to appear is insubordination.
- C. Employees who disobey orders to testify specifically, directly and narrowly to the facts at issue may be charged with insubordination and suspended.

#### **2.930.20 Appeals**

- A. Appeals from decisions in accordance with existing law under Public Safety Article, Title 3 may be taken by respondent officers to the circuit court for the county pursuant to Maryland Rule 7.202. Parties aggrieved by decisions of courts under existing law under Public Safety Article, Title 3 may appeal to the Court of Special Appeals.

### **2.935 DISPOSITION OF FINDINGS**

- A. Notification letters will be sent by the Chief, or designee, to complainants and respondent officers if charges are unfounded, exonerated, not sustained or closed administratively.
- B. If charges are closed as sustained:
  - 1. Letters will be sent by the Chief, or designee, to complainants;
  - 2. Complaint records will remain in the IA active files; and
  - 3. Any adverse materials placed in respondent officers' personnel files will be consistent with existing law under Public Safety Article, Title 3.
- C. Notifications to complainants of the outcome of the complaint will occur within 72 hours of a disposition, including any discipline imposed in accordance with established confidentiality policies and applicable law.

### **2.940 DISCIPLINARY RECORD MAINTENANCE**

- A. All records of Internal Investigations are considered confidential and are maintained by the IA Coordinator in separate, secure file cabinets and computer applications.
  - 1. All such records are maintained until such time as they are expunged pursuant to existing law under Public Safety Article, Title 3 or purged at least three years following the resignation, retirement, or termination of employees.
  - 2. Adverse materials pertaining to disciplinary actions will be permanently placed in respondent employees' personnel files consistent with existing law under Public Safety Article, Title 3.
- B. Internal Affairs records will not be released or disclosed except to:
  - 1. Comply with court orders to produce such records;
  - 2. Assist background investigators who present properly executed releases of information;
  - 3. Attorneys representing client officers to whom specified records apply in accordance with existing law under Public Safety Article, Title 3;
  - 4. Attorneys representing the agency, the university, or the state in relevant cases.

#### **2.940.10 Expungements**

- A. Record expungements will be consistent with existing law under Public Safety Article, Title 3.

### **2.950 Whistleblower Protection**

- A. A law enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the law enforcement officer's employment or be threatened with that treatment because the law enforcement officer has disclosed information that evidences:
  - 1. Gross mismanagement;
  - 2. A gross waste of government resources;
  - 3. A substantial and specific danger to public health or safety; or
  - 4. A violation of departmental policy and/or local, county, state or federal law committed by another law enforcement officer or employee.
- B. Any employee who discloses information about an abuse of authority, a substantial and specific danger to public health, or a violation of law is afforded Whistleblower protection according to the Maryland Annotated Code, State Personnel and Pensions § 5-305.
- C. Employees should intervene and notify appropriate supervisory authority if they observe any outside agency employee or public safety officer engage in any violation of departmental policy, and/or local, county, state or federal law.