

Bowie Police Department - General Orders



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I. POLICY

The integrity of the Bowie Police Department depends on the personal integrity and discipline of all employees individually and collectively. To a large degree, the public image of the agency is determined by the quality of the internal affairs function in responding to allegations of misconduct by the agency or its employees. The policy of the Bowie Police Department is to investigate fully each complaint or allegation of misconduct against an employee of the Department.

II. PURPOSE

The purpose of this General Order is to establish an Internal Affairs Function, a function which the Department considers important for the maintenance of professional police conduct and the overall integrity of the agency. The Department will respond expediently and responsibly to allegations of misfeasance, malfeasance, and nonfeasance by employees, and to complaints about the Department's response to community and individual needs.

****Members Sergeant and below who are covered by the Collective Bargaining agreement shall still maintain LEOBR rights in regards Administrative Investigations and complaints on police practice submitted by the public, until the expiration of the FOP Contract June 30, 2024.**

*****Lieutenant's and above are not covered by LEOBR as of July 1, 2022 per HB670. Complaints made by the public and Administrative Investigations on those members shall be handled as outlined in HB670. The Police Accountability Board and Police Charging Committee shall review the findings in cases and make discipline recommendations on complaints submitted by the public. See Appendix A for HB670 Discipline and Accountability Summary.**

III. GENERAL

- A. Department employees are often subject to intense challenges in the performance of their duties. An employee must remain neutral and calm in situations that are tense, fast-moving, and emotional.

Situations frequently result in words, actions, and reactions that are misunderstood or confusing, which become the foundation for a complaint. Resolution of a complaint and inquiry into the circumstances prompting it requires a procedure that is exacting, fair, and consistently applied.

- B. Police Officers, like all citizens, are protected by the guarantees of the U.S. Constitution and are further protected by the Law Enforcement Officers' Bill of Rights (LEOBR) Public Safety Article §3-101 *et seq.* of the Annotated Code of Maryland as amended.
- C. Employees are expected to always give truthful responses to questions related to the performance of their official duties and their fitness to hold public office.
- D. Copies of the Citizen Complaint form will be kept on hand and can be found online as well as in report form in Records and will be offered to a citizen with an explanation of its use whenever any citizen asks for information on how to make a complaint against the Department or an employee of the Department.
- E. All complaints made against the Department or its members shall be investigated, including anonymous complaints. (CALEA 26.2.1)

IV. CLASSIFICATION OF COMPLAINTS

- A. Administrative: Complaints initiated internally against an employee by another Department employee.
- B. Personnel: Complaints made by the public or other persons outside the Department against an employee.

V. DEFINITIONS

- A. Complaint: An allegation of misconduct, inappropriate performance, or violations of any law, Departmental policy, procedure or directive that is made against any employee of the Department.
- B. Counseling: A written or verbal communication between a subordinate and a supervisor which involves performance-related issues. This is a non-disciplinary corrective action.
- C. Dispositions Types:
 - 1. Administratively Closed: When investigations are completed and non-disciplinary actions, such as training or counseling, are provided.
 - 2. Exonerated: When investigations determine that the incident did occur, but the actions of the accused were justified, lawful and proper.
 - 3. Not Sustained: When an investigation fails to disclose sufficient evidence to prove or disprove an allegation.
 - 4. Sustained: When the investigation discloses sufficient evidence to establish a prima facie case with respect to the allegations of misconduct.

5. Unfounded: When the investigation indicates that the alleged acts did not occur.
- D. Force:** The Bowie Police Department classifies force into three different categories:
1. Excessive Force: Intentional malicious, unjustified use of force resulting in injury or potential for injury.
 2. Aggressive Force: Force (continued use of force) in scope, duration, or severity under circumstances when resistance has ceased.
 3. Unreasonable Force: Force inappropriate to affect arrest or control situations; includes use of force when none is necessary.
- E. Final Order:** The decision of the Chief of Police, after review of a hearing board's findings, conclusions and recommendations. In cases where the Hearing Board is waived, this decision will be rendered after review of the case.
- F. Letter of Reprimand:** A letter documenting a violation and a corrective action taken. The letter of reprimand will be placed in the employee's personnel file. This is the lowest form of formal discipline issued by the Department.
- G. Non-Punitive Transfer:** A transfer or reassignment, as determined by the Chief of Police, made in the best interest of the Department. This is a non-disciplinary personnel action.
- H. Official Leave:** Leave with pay (non-disciplinary) approved by the Chief of Police.
- I. Policy Failure:** When the investigation reveals that the incident did occur, the action of the Department or the officer was consistent with Department policy, and a need for a revision, change, or correction in Department policy/procedure is identified.
- J. Remedial Actions:** Non-punitive measures taken by a supervisor to improve an employee's performance (i.e., counseling, training, referral to professional services, transfer to other assignments).
- K. Summary Punishment:** Punishment imposed for minor infractions by the Chief of Police, when the facts constituting the offense are not in dispute. Summary punishment may not exceed the perimeters set forth in the LEOBR.
- L. Suspensions:**
1. Emergency Suspension: Suspension from duty with pay imposed by the Chief of Police or his/her designee, upon a determination that the action is in the best interest of the public, employee or Department. A suspension from duty without pay may be imposed by the Chief or his/her designee when an employee has been charged with a felony.
 2. Suspension of Police Powers: Authorization for the suspension of an officer's police powers must come from the Chief of Police or his/her designee.
 3. Suspension for Disciplinary Reasons: A penalty imposed by the Chief of Police, or his/her designee, for the violation of any Departmental rule, regulations, policy or any law. The suspension may include a prohibition against approved secondary employment and loss of police powers.

NOTE: During the period of the suspension, an officer is not eligible for overtime payments unless approved in advanced by the Chief or his/her designee. An officer on suspension is still required to report to court, pursuant to a subpoena, unless excused by the State's Attorney's Office. Any time used by an officer reporting to court shall not be included in the period of suspension. Upon completion of the period of suspension, the officer shall be restored to full authority and possess all police powers unless the chief directs otherwise.

VI. LAW ENFORCEMENT OFFICERS BILL OF RIGHTS

The Law Enforcement Officers Bill of Rights (LEOBR), Annotated Code of Maryland, will be complied with in all investigations of sworn officers. The LEOBR does not apply to the Chief of Police, nor does it apply to officers who are in probationary status on initial entry except if an allegation of brutality in the execution of the officer's duties is made.

VII. INTERNAL AFFAIRS SECTION FUNCTION

- A. The Bowie Police Department maintains an Internal Affairs Section for the purpose of creating a process to ensure the integrity of the agency.
- B. The Internal Affairs Section reports directly to the Commander of the Deputy Chief of Police who may assign a supervisor specific duties and responsibilities on a case-by-case basis. The Internal Affairs Section has the authority to report directly to the agency's chief executive officer as needed. (CALEA 26.2.3)
- C. The goal of the Internal Affairs Section is to ensure that the integrity of the agency is maintained through an internal system by which objectivity, fairness, accountability and justice are ensured by an impartial investigation and regular review.

VIII. RECEIVING INQUIRIES AND COMPLAINTS

- A. Investigative responsibility shall be assigned by the Deputy Chief of Police based on the following criteria:
 - 1. Complaints of corruption, excessive force or aggressive force, breach of civil rights, untruthful statements, criminal conduct, or other violations of a serious nature will be investigated by the Internal Affairs Section. (CALEA 26.3.1.b)
 - 2. Complaints of harsh, violent, profane or derogatory or insolent language or gestures, and any prejudice concerning race, sex, religion, politics, national origin, lifestyle or similar personal characteristics will be investigated by the Internal Affairs Section.
 - 3.. Complaints of unreasonable force and misconduct of a minor nature, such as allegations of rudeness, tardiness, etc., will be investigated at the direction of the employee's Division Commander. (CALEA 26.3.1.a)
 - 4. Complaints of misconduct of a minor nature, as described above, against a squad/unit supervisor shall be investigated by the supervisor's Division Commander

5. Complaints lodged against a Division Commander shall be investigated at the direction of the Chief of Police.

6. The Chief of Police reserves the right, based on merit, to initiate a formal Internal Affairs investigation on any complaint or have the matter reviewed by the employee's Division Commander.

B. All complaints, including those received alleging improper or inappropriate acts by individual employees are to be recorded on the Complaint Form.

C. Inquiries relating to clarification of laws, procedures, and police practices that are general in nature need not be recorded on the Complaint Form.

D. Complaints received against Department employees:

1. Complaints received of a serious nature shall be forwarded to the Office of the Chief of Police by the next business day on the Complaint Form. The Internal Affairs Section shall log the complainants and the division commander shall ensure the Chief of Police is notified. The Chief or his/her designee shall route the complaint for appropriate investigation. (CALEA 26.3.2)

E.. Complaints received during business hours:

1. A complaint received, whether by phone, mail or e-mail, will be referred to the on-duty Shift Supervisor. The Shift Supervisor will record reportable complaints on a Complaint Form. The form will be forwarded to the Deputy Chief of Police.

a. Included in the many HB 670 requirements, is the obligation that the Prince George's County Police Accountability Board receive complaints of police misconduct filed by members of the public. This includes accepting complaints against all police agencies in the County (except bi-county or state agencies). Prince George's County is now preparing a website to accept complaints from public. In the meantime, the County has created a complaint form (attached and link below) and has dedicated an e-mail address to accept complaints. This complaint procedure includes only incidents occurring July 1, 2022 or later. Incidents occurring prior to July 1, 2022 are still under prior regulations. Each police agency may also accept complaints.

The form can also be found on the following link:

<https://www.princegeorgescountymd.gov/DocumentCenter/View/42135/Complaint-Form-PDF?bidId=>

The completed complaint form can be e-mailed, mailed, faxed or brought to:

Prince George's County Police Accountability Board

pgpab@co.pg.md.us
or bring to:
9200 Basil Court
Suite 406
Largo, MD
Phone:301-883-5042
Fax: 301-883-2655

- b. Law enforcement agencies are required to appoint a victim's advocate to assist members of the public, who have filed a complaint of police misconduct, through the disciplinary process, to include explaining the decisions of the Administrative Charging Committee and the hearing board.
- c. Each agency shall also establish a database accessible to the complainant to track their complaint through the entire disciplinary process. This will be done by using the complaint number as the identifier.

2. Complaints received in person will be referred to an on-duty Shift Supervisor. The Shift Supervisor will attempt to resolve the issue and ensure a Complaint Form is completed and forward it to the Deputy Chief of Police.

- a. If the complaint meets the criteria for an internal affairs investigation, a copy of the Complaint Form will be forwarded for assignment and classified as "IAD-Confidential". Excessive force complaint shall be reviewed by the Internal Affairs Section who will make the classification (i.e.,- unreasonable force, aggressive force, excessive force, See Order Disciplinary Process). (CALEA 26.2.1)
- b. If the complaint does not meet the criteria for investigation by the Internal Affairs Section, a copy of the Complaint Form will be immediately forwarded to involved employee's Division Commander for follow-up. The Internal Affairs Section will maintain the original.
- c. The Internal Affairs Section will prepare a letter, notifying the complainant that the complaint has been received for processing. A copy of the letter will be filed with the investigative folder. (CALEA 26.3.4.a)
- d. During all complaint investigations, the **Victim Advocate** shall keep the complaining party updated on a schedule. (CALEA 26.3.4.b)
- e. At the conclusion of an investigation the complaining party will be notified of the results of the investigation. (CALEA 26.3.4.c)

F. Complaints received during non-business hours:

- 1. All telephone and walk-in complaints will be referred to the on-duty Shift Supervisor who will discuss the matter with the complainant, and if

appropriate complete a Complaint Form and forward it to the Deputy Chief of Police.

2. If a complaint is made in the field, the on-duty Shift Supervisor will be notified to respond to the location of the complainant and, if appropriate, complete a Complaint Form. The completed form will be forwarded to the Deputy Chief of Police.

G. Criminal Violations:

1. Minor traffic violations will be investigated by the appropriate Squad/Unit Supervisor or Division Commander.
2. The Deputy Chief of Police will be notified of any incidents involving alleged criminal conduct or serious traffic offenses and initiate an investigation.

H. Employees with knowledge of any serious violations of civil or criminal laws or Department regulations, orders or policies will immediately report them to their supervisor or as otherwise dictated by the chain-of-command.

I. Any employee desiring to file a complaint against another employee can informally inform a supervisor of their complaint for an investigation to be conducted or submit a completed Complaint Form directly to the Deputy Chief of Police.

J. All employees of the Department are also governed by the policies in the City of Bowie Code of Conduct.

K. Sexual Harassment Complaints: See Order Sexual Harassment.

L. The Internal Affairs Section will maintain liaison with the State's Attorney's Office, Local Insurance Government Trust (LGIT) and the City Solicitor as required by the nature of the investigation.

IX. EMERGENCY RELIEF AND SUSPENSIONS, AND ADMINISTRATIVE ASSIGNMENTS (CALEA 26.3.7)

A. Emergency Relief from Duty: Any officer involved or identified in a complaint or an internal investigation may be placed on emergency relief from duty, with pay, by a Sergeant in accordance with the LEOBR and will cause an immediate notification, via the chain of command, to the Office of the Chief of Police.

B. Emergency Suspension with Pay: Any officer involved or identified in a complaint or an internal investigation may be placed on emergency suspension, from duty, with pay by a Division Commander or the Chief of Police.

C. Emergency Suspension without pay: Any officer charged with the commission of a felony may be placed on emergency suspension from duty, without pay, by the Chief of Police or his/her designee.

- D. A Division Commander imposing a suspension must immediately notify the Chief of Police. The Division Commander will also provide a written notification to the Chief of Police and the suspended officer.
- E. Any Division Commander may place an officer on administrative leave in emergency circumstances.

X. INTERNAL INVESTIGATION PROCEDURES

- A. All internal investigations of civilian employees will be conducted in compliance with the City of Bowie Code and Departmental Policies and Procedures.
- B. Administrative charges may not be brought against a law enforcement officer unless filed within one year after the act that gives rise to the charges comes to the attention of the appropriate law enforcement official. The one year limitation does not apply to charges related to criminal activity or excessive force.
- C. Nothing precludes the Department from conducting an investigation into any complaint whether it is notarized or not. (MSP v Resh 65MD.APP 167 1985)
- D. An employee may be required to be photographed. (CALEA 26.3.6.b)
- E. Medical and Laboratory Examinations: The law enforcement agency may order the law enforcement officer under investigation to blood alcohol tests, blood, breath, or urine test for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.” If the officer refuses to submit to the test the Department may commence an action that may lead to a punitive measure as a result of the refusal. (CALEA 26.3.6.a)
- F. The City of Bowie Police Department does not use line-ups as part of any investigative process. (CALEA 26.3.6.c)
- G. Polygraph: “If the law enforcement agency orders the law enforcement officer to submit to a polygraph examination, the results of the polygraph examination may not be used as evidence in an administrative hearing unless the law enforcement agency and the law enforcement officer agree to the admission of the results.” LEOBR-Maryland Annotated Code. (CALEA 26.3.6.e)
- H. An employee may be required to submit a financial disclosure statement if probable cause exists to believe the employee has a possible conflict of interest with respect to the performance of his/her duties, allegedly committed a crime, or such disclosure is required by State or Federal law. (CALEA 26.3.6.d)
- I. Whenever a sworn officer is under investigation by a law enforcement agency for any reason which could lead to disciplinary action, demotion or dismissal, the officer will be advised in writing prior to interrogation.
- J. Prior to any interrogation, the employee under investigation shall be informed in writing of the nature of the investigation and the employee’s rights and responsibilities. If the employee is a sworn officer, the Explanation of Law Enforcement Officers’ Bill of Rights Form will be presented to the accused officer by the interrogating officer. -This will be documented on the record and made part of the investigative case file. Whenever practical, all interrogations or questions asked pertaining to a case shall be audio and video

recorded and those tapes made part of the file. (CALEA 26.3.5) NOTE: The above is not a requirement for those members on probation; only in cases of alleged use of force.

- K. When any officer is subject to an interview for an administrative or criminal violation, the officer may be prohibited from wearing or possessing a weapon during the interview. If the officer in charge of the interview wishes the officer to be unarmed, he/she shall notify the officer in advance of the requirement. This restriction does not apply to the officer conducting the interview.
- L. The Chief of Police may, when he/she feels it would be prudent, request assistance in internal affairs investigations from an allied agency.

XI. INTERNAL INVESTIGATION PROCEDURES FOR NON-SWORN MEMBERS

- A. All internal investigations of civilian employees or volunteers will be conducted in compliance with the City of Bowie City Code, City of Bowie Employee Manual and all applicable Bowie Police Department Policies and Procedures. This would include any applicable appeal procedures.
- B. Whenever a non-sworn member is notified that they are under investigation or subjected to interrogation for any reason, which could lead to disciplinary action, demotion or dismissal, that member will be advised in writing of the charges or the allegations and the employee's rights and responsibilities relative to the investigation. Supervisors shall utilize the latest version of Bowie Police Department Form 67A.
- D. In addition to those outlined above, all provisions identified in Section X, INTERNAL INVESTIGATION PROCEDURES, of this policy shall also apply to non-sworn personnel.

XII. COMPLETED INTERNAL INVESTIGATIONS

- A. At the conclusion of each internal investigation, a written conclusion of fact for each allegation of misconduct will be prepared and documented in a Report of Investigation. This will include a recommendation of finding and one of the following five possible resolutions: unfounded, exonerated, not sustained, sustained and administratively closed. (CALEA 26.3.8)
- B. The Internal Affairs Section will make a recommendation to the Deputy Chief of Police upon conclusion of the investigation.
 - 1. If the Recommendation of Finding is unfounded, administratively closed, exonerated or not sustained, the case will be forwarded to the Deputy Chief of Police for approval. If it is determined that a policy failure has occurred the findings will be sent back to the Captain for research and policy adjustments.
 - 2. If the Recommendation of Finding is sustained; with a recommendation of termination or serious discipline, the case will be forwarded to the Deputy Chief.
- C. Investigations by other than the Internal Affairs Section: The accused employee's Division Commander will make a Recommendation of Finding and forward to the Internal Affairs Section.

1. If the Recommendation of finding is unfounded, administratively closed, exonerated or not sustained, the case will be forwarded to the Deputy Chief of Police for approval. The Internal Affairs Section will maintain all internal investigation files.
2. If the Recommendation of Finding is sustained, the appropriate Division Commander shall exercise one of the following options:
 - a. Summary Punishment: Consistent with the provisions in the LEOBR, summary punishment may be imposed for minor violations of the Department Rules and Regulations when:
 - i. The facts which constitute the minor violation are not in dispute.
 - ii. The officer waives the hearing provided under the LEOBR.
 - iii. The officer accepts the punishment imposed by the Division Commander
 - iv. Summary punishment may not exceed parameters in the LEOBR.
 - v. The offer of summary punishment will be presented to the officer in writing and they will have the option of acceptance or rejection.
 - b. If an officer is offered summary punishment imposed pursuant to the LEOBR and refuses, the Office of the Chief of Police may convene a one-member or more Hearing Board. The Hearing Board will have the authority to recommend the sanctions as provided by the Maryland Annotated Code for summary punishment. NOTE: This is if the accused member does not agree with the punishment offered. In cases where the charge is being disputed, a formal investigation shall be completed.
 - c. If a single member Hearing Board is convened, that officer need not be of the same rank as the officer for whom the Hearing Board was convened.
 - d. The entire investigative file, for summary punishment or other charges, will be forwarded to the officer's Division Commander. The Division Commander will prepare a Duress Form for the notification of charges.
 - e. The Division Commander will present the accused officer with the appropriate Duress Form.
 - f. The officer may, in writing, waive his/her rights to a Hearing Board. The Chief of Police, upon review of the file, will issue a Final Order.

XIII. DISCIPLINARY HEARING BOARDS

A. Hearing Board:

1. If the investigation or interrogation of an officer results in the recommendation of action considered as a punitive measure (except for

convicted felons or officers accepting summary punishment), the Internal Affairs Section shall give notice to the officer that he/she is entitled to a hearing on the issues by a Hearing Board. The notice shall state the time and place of the hearing and the issues involved. An official record, including testimony and exhibits, shall be kept of the hearing.

2. The Hearing Board will be authorized by the Chief of Police to hold a hearing on a complaint against an officer and will consist of three officers, with at least one of equal rank of the accused officer.
3. The Chief of Police may request allied agencies provide officers to sit on the Hearing Board.
4. The Hearing Board chairperson will be of the rank of Sergeant or higher. The chairperson shall administer oaths or affirmations and examine any individual under oath. The chairperson will contact the other board members prior to the hearing, inform them of the name of the accused officer and the charge(s), ensure they are familiar with their responsibilities as Hearing Board members, and instruct them that all information obtained through their assignment on the Board shall be held strictly confidential. Additionally, the chairperson presides over the hearing and decides any issues of procedure and admissibility of evidence. Finally, the chairperson will, at the request of either the Department or the accused, issue summonses to compel the attendance and testimony of witnesses, and the production of books, papers, records, and documents as may be relevant or necessary.
5. The accused officer has the right to request that selected members be removed from the Board. The written request, containing the reason(s) for the removal must be submitted directly to the Chief within five (5) days of the accused's receipt of the notice of selection of the Board members.

B. Officer Counsel: The accused officer may be represented by counsel.

C. Prosecution of Officer: The Maryland State Police Administrative Hearing Office or an individual designated by Chief of the Police.

D. Hearing:

- i. All Hearing Boards shall be closed to the public, unless the accused officer submits a written request for an open hearing to the Chairman of the Hearing Board, at least seven days prior to the convening of the Hearing Board.
- ii. No officers, except those designated by the Chief of Police may wear a weapon during the hearing i.e the hearing board members
- iii. Presentation of evidence:
 - a. Brief opening statements first by the Department and then by the defense.

- b. The Department will present its case. The defense may cross-examine each witness. The Board may then question each witness.
- c. The defense will present its case. The Department may cross-examine each witness. The Board may then question each witness.
- d. Rebuttal evidence by the Department may be presented.
- e. Summation by the Department and by the defense, with concluding summation by the Department.

E. Decision:

- 1. A finding of guilty must be based on a preponderance of the evidence. The board must find that the evidence, as a whole, shows that fact or causation sought to be proved is more probable than not.
- 2. The decisions and recommendations of the Hearing Board shall be governed by majority vote of its members. Minority opinions may be written at the option of any dissenting member of the Board.
- 3. “Any decision, order, or action taken as a result of the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue in the case. A finding of not guilty terminates the action” LEOBR-Maryland Annotated Code.
- 4. “If a finding of guilt is made, the Hearing Board shall reconvene the Hearing, receive evidence, and consider the officer’s past job performance and other relevant information as factors before making its recommendations to the Chief.” LEOBR-Maryland Annotated Code.
- 5. “A copy of the decision or order and accompanying findings and conclusions, along with written recommendations for action, shall be delivered or mailed promptly to the officer or to his/her attorney or representative of record and to the Chief of Police.” LEOBR-Maryland Annotated Code.
- 6. “The written recommendation as to punishment is not binding upon the Chief of Police. Within thirty (30) days of receipt of the Hearing Board’s recommendations, the Chief shall review the findings, conclusions, and recommendations of the Hearing Board and then he shall issue his Final Order. The Chief’s Final Order and decision is binding and may be appealed in accordance with this subtitle. Before the Chief may increase the recommended penalty of the Hearing Board, he personally shall review the entire record of the Hearing Board proceedings, shall permit the law enforcement officer to be heard and shall state the reason for increasing the recommended penalty.” LEOBR-Maryland Annotated Code.
- 7. Appealing Disciplinary Actions: See Order -Disciplinary Process.

XIV. EMERGENCY SUSPENSION HEARING BOARD

- A. “Any officer placed on either type of emergency suspension shall be entitled to a prompt suspension hearing.” LEOBR-Maryland Annotated Code
- B. If the Chief or his/her designee imposes an emergency suspension, the suspended officer shall be notified in writing of that decision and informed that he/she is entitled to a prompt hearing.
- C. After the conclusion of the hearing, the Chief shall notify the officer in writing of the decision.

XV. TIME CONSTRAINTS, FILING AND EXPUNGEMENT

- A. All internal investigations should be completed within thirty (30) calendar days of the initiation of the investigation (CALEA 26.3.3)
 - 1. Extensions may be allowed; however anything beyond one-hundred-twenty (120) days limit may be granted, when extenuating circumstances exist, upon the approval of the Chief of Police. (CALEA 26.3.3)
 - 2. Internal Affairs investigators must submit status reports on the investigation to the Deputy Chief of Police every thirty (30) calendar days.
 - 3. Notification will be made during the investigation to the complainant advising him/her of the progress of the case. The date and time of the notification will be documented in the case file.
 - 4. All completed investigative files must be promptly forwarded to the Chief of Police for the Final Order.
 - 5. Once a complaint or internal investigation has been closed and/or completed, the Internal Affairs Section will make written notification to each complainant, and to each officer involved, advising the outcome of the complaint.
- B. Internal Affairs Files:
 - 1. All Complaint Forms will be maintained in a secure, separate Internal Affairs file in the Internal Affairs Section. The Complaint Forms remain confidential and will not become a part of an officer’s City or Departmental personnel file, except in cases of a sustained finding. All Internal Affairs files will be scanned and housed in IAPro. (CALEA 26.2.2)
 - 2. The Internal Affairs Section will ensure the retention of all of its investigative files for such a period of time as the Department may be subject to civil suit.
 - 3. No administratively closed investigative files will become part of an officer’s City or Departmental personnel file.
 - 4. All Internal Affairs files are confidential, and may not be released to anyone without the permission of the Chief of Police and/or pursuant to a court order.
- C. Squad/Unit Files:

1. Squad/Unit Files will be maintained by the Squad/Unit Supervisor to track minor performance issues. Supervisors will ensure that all appropriate material is filed in the Squad/Unit Files and kept confidential.
2. Squad/Unit Files will also contain past performance evaluations, personal notes about the employee's performance, positive letters and awards earned by the employee.

D. Expungement of Records / Findings

1. Public Safety Article §3-110 of the Annotated Code of Maryland states: "A law enforcement officer, upon written request, may have any record of a formal complaint made against him expunged from any file if:
 - i. The law enforcement agency investigating the complaint has exonerated the officer of all charges in the complaint, or determined that the charges were not sustained or unfounded; and
 - ii. 3 years have passed since the findings by the law enforcement agency."
2. The file of a case resulting in a "not guilty" finding at a hearing board will also be expunged at the officer's request.
3. If an officer wishes to have his record(s) expunged, he/she must forward a memorandum directly to the Chief of Police.
4. If the statutory requirements for expungement are met, the Chief of Police may, in his/her discretion:
 - i. Expunge the file;
 - ii. Notify the officer within thirty (30) days by returning directly to him a copy of his memorandum marked with the date the expungement was completed.
5. If the Chief of Police determines that expungement is not appropriate, he/she will:
 - i. Notify the officer by returning a copy of his memorandum within thirty (30) days and indicating the expungement request will not be granted.
 - ii. The reasons for the expungement request denial will be outlined in the memorandum.
6. In both situations, the original of the expungement request (with the action taken indicated on it) will be placed in the case file.
7. The method of expungement will be destruction (shredding) except in the following circumstances:

- i. The file contains names of two or more accused officers and charges against one or more of the officers were sustained. The entire file will then be placed in limited access. Any reference to those officers who were exonerated, or who had charges placed that were unfounded or not sustained will be obliterated (marked over).
- ii. The matter may be subject to civil litigation in the future.

Entries in the Office of Professional Standards log will be obliterated.

XVI. ANNUAL PUBLIC REPORT AND PUBLIC INFORMATION

- A. The Administrative Assistant to the Chief of Police will prepare an annual statistical summary of all complaints and dispositions. In addition, the Office of Professional Standards will conduct a statistical review of use of force and other relative incidents occurring annually to reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications. Copies of the review will be sent to the Chief of Police and all Divisions Commanders for dissemination to officers.
- B. Annually, a statistical summary, based upon internal affairs records, will be prepared and made available to the public and agency employees. (CALEA 26.2.5)
- C. The Department will publish a brochure and publicize information on the Agencies website informing the public of the procedures to register a complaint against the Department or its employees. Copies of the brochure will be made available upon request, as well as kept in the lobby area of Headquarters. (CALEA 26.2.4)

POLICE ACCOUNTABILITY AND DISCIPLINE

- Each county shall have a police accountability board to:
 - hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing;
 - appoint civilian members to charging committees and trial boards;
 - receive complaints of police misconduct filed by members of the public; and
 - on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and
 - On or before December 31 each year, submit a report to the governing body of the county that:
 - Identifies any trends in the disciplinary process of police officers in the county; and
 - Makes recommendations on changes to policy 29 that would improve police accountability in the county.

***An active police officer may not be a member of a police accountability board.

- A complaint of police misconduct filed with a police accountability board shall include:
 - The name of the police officer accused of misconduct;
 - A description of the facts on which the complaint is based; and
 - Contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
- A complaint of police misconduct filed with a police accountability board shall be forwarded to the appropriate law enforcement agency within days after receipt by the board.
- An individual may file a complaint of police misconduct with the law enforcement agency that employs the police officer who is the subject of the complaint.
 - A complaint of police misconduct filed with a law enforcement agency shall include:
 - the name of the police officer accused of misconduct;
 - a description of the facts on which the complaint is based; and

- contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
- A complaint need not: include identifying information of the complainant if the complainant wishes to remain anonymous; or be notarized

ADMINISTRATIVE CHARGING COMMITTEE

- Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.
- There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.
- Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.
- On completion of an investigation of a complaint made by a member of the public against a police officer, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.
- An administrative charging committee shall: review the findings of a law enforcement agency's investigation conducted and forwarded in accordance with this subsection and make a determination that the police officer who is subject to investigation shall be: administratively charged; or not administratively charged.
- If the police officer is charged, recommend discipline in accordance with the law enforcement **agency's disciplinary matrix established in accordance with §3-105** of this subtitle.
- An administrative charging committee shall meet once per month and additionally or as needed
- A member of an administrative charging committee shall maintain confidentiality relating to a matter being considered by the administrative charging committee until final disposition of the matter.

3-105. MPT&SC AND ADMINISTRATIVE CHARGING COMMITTEES

The Maryland Police Training and Standards Commission shall develop and adopt, by regulation, a model uniform disciplinary matrix for use by each law enforcement agency in the state.

Each law enforcement agency shall adopt the uniform state disciplinary matrix.

- Within 15 days after an administrative charging committee issues an administrative charge against a police officer, the Chief of the Law

Enforcement Agency shall offer discipline to the police officer who has been administratively charged in accordance with the disciplinary matrix.

- The Chief 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.
- If the police officer accepts the Chief's offer of discipline, then the offered discipline shall be imposed.
- If the police officer does not accept the Chief's offer of discipline, then the matter shall be referred to a trial board.

TRIAL BOARD PROCESS

- Each law enforcement agency shall establish a trial board process in accordance with this section to adjudicate matters for which a police officer is subject to discipline.
- A small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement.
- A trial board shall be composed of:
 - An actively serving or retired administrative law judge or a retired judge of the district court or a circuit court, appointed by the Chief Executive Officer of the county;
 - A civilian who is not a member of an administrative charging committee, appointed by the county's police accountability board; and
 - A police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.
- Before serving as a member of a trial board, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.
- Trial Boards shall be open to the public, with certain exceptions.
- Law enforcement Agency has burden of proof by preponderance of evidence.
- W/I 30 days after issuance of board report, the decision may be appealed by the employee:
 - To the Circuit Court of the county in which the LE Agency is located; or
 - If Trial Board is from a state-wide or bi-county agency, to the Circuit Court for Anne Arundel County.

EMERGENCY SUSPENSIONS WITH OR WITHOUT PAY

- Pending an investigatory, administrative charging committee, and trial board process, the Chief 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.
- An emergency suspension without pay under this subsection may not exceed 30 days.

- A police officer who is suspended without pay under this subsection is entitled to receive back pay if an administrative charging committee determines not to administratively charge the police officer in connection with the matter on which the suspension is based.
- A Chief or a Chief's designee may suspend a police officer without pay and suspend the police officer's police powers on an emergency basis if the police officer is charged with:
 - a disqualifying crime, as defined in § 5–101 of this 15 article;
 - a misdemeanor committed in the performance of duties as a police officer;
 - or
- a misdemeanor involving dishonesty, fraud, theft, or misrepresentation.
- The Chief **shall terminate** the employment of a police officer who is convicted of a felony.
- The Chief **may terminate** the employment of a police officer who:
 - receives a 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.
- Officers may be required to submit to blood tests for alcohol and/or CDS, polygraphs or interrogations.
- Refusal may lead to punitive action.
- Tests are not discoverable in a criminal proceeding.

VICTIM'S RIGHTS ADVOCATE

- A law enforcement agency shall designate an employee as a victims' rights advocate to act as the contact for the public within the agency on matters related to police misconduct.
- A victims' rights advocate shall:
 - PROVIDE A COMPLAINANT WITH AN OPPORTUNITY TO REVIEW A POLICE OFFICER'S STATEMENT, IF ANY, BEFORE COMPLETION OF AN INVESTIGATION BY A LAW ENFORCEMENT AGENCY'S INVESTIGATIVE UNIT.

OFFICER'S RIGHTS

- A police officer who is the subject of a complaint of police misconduct and a complainant may have the assistance of a representative in connection with proceedings
- A police officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against or threatened in regard to the police officer's employment because the police officer:

- Disclosed information that evidences: mismanagement; a waste of government resources; a danger to public health or safety; or a violation of law or policy committed by another police officer; or lawfully exercised constitutional rights.
- A police officer may not be denied the right to bring suit arising out of the police officer's official duties.
- Police officers may engage in political activity when not on duty or in an official capacity
- A law enforcement agency may adopt reasonable regulations that relate to secondary employment by police officers.
- **A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE REQUIREMENTS OF THIS SUBTITLE THROUGH COLLECTIVE BARGAINING.**

ADMINISTRATIVE RECORD EXPUNGEMENTS

- A record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, may not be: expunged; or destroyed by a law enforcement agency.

THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

- Adds the following positions to the Commission:
 - one civilian with expertise in community policing who does not have relationships to law enforcement;
 - one civilian with expertise in policing standards who does not have relationships to law enforcement;
 - one civilian with expertise in mental health without who does not have relationships to law enforcement; and
 - three citizens of the state who represent different geographic areas of the state and do not have relationships to law enforcement.
- Additional Requirements of the Commission:
 - Provide training for trial board or administrative charging committee
 - Hold law enforcement agencies accountable for violations of the use of force statute
 - Develop a test and training for implicit bias, subject to the availability of implicit bias testing standards that are generally accepted by experts in the field of police psychology;
 - require all law enforcement agencies to use the implicit bias test in the hiring process;
 - require all new police officers to complete implicit bias testing and training; and
 - Require all incumbent police officers to undergo implicit bias testing and training on an annual basis.
- The Commission shall certify as a police officer each individual who:

- submits to a mental health screening by a licensed mental health professional;
- submits to a physical agility assessment as determined by the commission.
- As a condition of certification, a police officer shall submit to a mental health assessment every 2 years and an annual physical agility assessment to establish continuing fitness to carry out the officer's assigned duties as a police officer.
- Prior marijuana use is not a disqualifier for certification as a police officer.

THE COMMISSION SHALL REVOKE THE CERTIFICATION

- Of a police officer who was convicted of a felony; convicted of perjury or another misdemeanor relating to truthfulness and veracity; or previously fired or resigned while being investigated for serious misconduct or use of excessive force.
- The commission shall create a statewide database to track police officer decertification's due to improper use of force.