

# Personnel Complaints

## 1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the St. Mary's County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

Saint Mary's County Sheriff's Office LE Procedures Manual: [Lawsuits, Tort Claims and Other Legal Process](#)

## 1010.2 POLICY

The St. Mary's County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints in accordance with this policy and applicable federal, state and local laws; municipal and county rules; and the requirements of any memorandum of understanding.

It is also the policy of this office to ensure that the community can make complaints without concern for reprisal or retaliation.

## 1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy, or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy, federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy and procedures or the response to specific incidents by the Office.

### 1010.3.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, by telephone, or via the agency's Public Portal website.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed improper conduct or receipt from any source alleging improper conduct that, if true, could result in disciplinary action.

# St. Mary's County Sheriff's Office

## LE Policy Manual

### *Personnel Complaints*

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- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.
- (f) Members of the public may also file a complaint with the Police Accountability Board (PAB), who will forward the complaint to the Office of Professional Responsibility (OPR) within three (3) days after receipt by the PAB. (Md. Code PS § 3-102).

Any employee desiring to file a complaint against another employee will notify their supervisor, who will ensure the Division Commander is notified and briefed on the complaint by the end of the Shift (if the Division Commander is not available, the supervisor will contact the OPR Supervisor). The Division Commander or OPR will determine if an Administrative Investigation should be initiated in Blue Team. Administrative Investigations shall be initiated and forwarded to OPR by the end of the shift.

#### **1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

The process for filing complaints against personnel will be posted in the public lobby area of each Sheriff's Office building to include the detention center. It will also be posted on the agency website. (Md. Code PS § 3-515)

##### **1010.4.1 PUBLIC PORTAL**

The Public Portal is a secure website designed for the public to submit complaints, compliments, and accompanying files such as photographs, documents, and videos for any employee of the Sheriff's Office. Submitters filing a complaint against an employee are provided with a tracking number that enables them to log in to the Public Portal and check the status of their complaint. Submitters of compliments will receive an immediate acknowledgement of their submission prior to leaving the Public Portal. The Public Portal offers the option for complainants to remain anonymous. If the complainant elects to provide their contact information, Public Portal will update the complainant by email and/or text notification upon receipt of their complaint, as it is investigated, and when an outcome has been determined.

Information and links to the Public Portal will be posted on the agency website and in the lobby of each Sheriff's Office building.

##### **1010.4.2 COMPLAINT FORMS**

The preferred method of complaint reporting by the public will be via the Public Portal; however, Sheriff's Office complaint forms (SMCSO Form # 300) will still be maintained on the M: Drive and utilized when the use of the Public Portal is not practical or feasible. The completed forms will be forwarded to the OPR supervisor for processing. OPR will backfill the complaint into the Public Portal on behalf of the complainant (for citizens only) and provide the complainant with the tracking information.

##### **1010.4.3 ACCEPTANCE**

All complaints will be courteously accepted by any office member and promptly given to a supervisor, if available. Anyone may make a complaint in person, by telephone, email, by U.S.

# St. Mary's County Sheriff's Office

## LE Policy Manual

### *Personnel Complaints*

---

mail or via the Public Portal. Anyone making a complaint shall be required to provide a name, mailing address, and phone number or email if they wish to receive notifications. If a walk-in or telephone complainant wishes to speak to a police officer about the complaint, the senior-ranking officer who is currently available will speak with the complainant. If no police 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 complainant does not wish to speak with a police officer, the complaint shall be accepted by any agency employee. Regardless of which agency employee accepts the complaint (whether a police officer or other employee), the employee shall not attempt to influence the complainant in any manner.

Complaints via e-mail to any agency employee will be forwarded to the OPR supervisor for processing.

The complainant should receive an initial response to their complaint within 72 hours. OPR shall provide the name, phone number and email address of the assigned investigator as the point of contact to whom the complainant may direct their questions regarding the investigation. If the Public Portal is utilized, the complainant will be updated automatically when the complaint is accepted by OPR and when an investigator is assigned, identifying the name of the investigator.

Although not required, complainants should be encouraged to file complaints using the Public Portal website. This will allow the complainant to track the investigation using a tracking number issued to them at the time of the submission. It will also push notifications to the complainant via email or text as the investigation progresses through the various stages.

St. Mary's County Sheriff's Office LE Procedures Manual: [Upon Initial Receipt or Discovery of Complaint](#)

#### **1010.5 DOCUMENTATION**

The duty officer or immediate supervisor will document all internally generated complaints against personnel electronically via Blue Team and shall ensure the nature of the complaint is defined as clearly as possible. The Blue Team Administrative Investigation report will be forwarded directly to OPR for processing and assignment of an investigator.

For procedures related to External Complaints, see the St. Mary's County Sheriff's Office LE Procedures Manual: [EXTERNAL COMPLAINTS](#)

For procedures related to Internal Complaints, see the St. Mary's County Sheriff's Office LE Procedures Manual: [INTERNAL COMPLAINTS](#)

For procedures related to Documentation, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Upon Initial Receipt or Discovery of Complaint](#)

##### **1010.5.1 COMPLAINTS ALLEGING DEPUTY MISCONDUCT**

A complaint that alleges a pattern, practice, or conduct by a deputy that includes the deprivation of constitutional rights, a violation of criminal law, and a violation of office standards or policy shall include (Md. Code PS § 3-103):

# St. Mary's County Sheriff's Office

## LE Policy Manual

### *Personnel Complaints*

---

- (a) The name of the deputy accused of misconduct.
- (b) A description of the alleged facts leading to the complaint.
- (c) Contact information of the person making the complaint or a person filing on behalf of the complainant.
- (d) Any other information required by law.

#### **1010.6 SUMMARY PUNISHMENT**

Summary punishment, in the form of a Minor Disciplinary Report (MDR), may be imposed for minor violations of agency rules and regulations when the facts which constitute the minor violations are not in dispute, the employee waives the right to a hearing, and the employee accepts the punishment imposed by the Division Commander to which the accused employee is assigned.

Discipline outcomes on the MDR (SMCSO Form 301A) for Sworn employees include Formal Written Counseling (FWC), Letter of Reprimand (LOR), Loss of Leave (LOL 8-24 hours), and Loss of Pay (LOP 8-24 hours). A Formal Written Counseling (SMCSO Form 313A) is considered discipline and must be attached to an MDR or be a form of discipline as a result of an Administrative Investigation. A FWC (SMCSO Form 301A) cannot be submitted to OPR by itself.

Discipline outcomes on the MDR for Correctional Officers and professional staff employees include Letter of Reprimand (LOR), Loss of Leave (LOL 8-24 hours), and Loss of Pay (LOP 8-24 hours).

In any Administrative Investigation wherein the finding is Administratively Charged, the Respondent is professional staff, and the recommended discipline is higher than a Written Reprimand, the investigator will contact OPR and consultation with the county Human Resources (HR) Department is required and must be approved by HR. This only applies to professional staff employees.

For procedures related to Punishment, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Punishment](#)

See attachments:

- [301A Minor Disciplinary Form - Law Enforcement R4-24](#)
- [301B Minor Disciplinary Report - Professional Staff R9-22](#)
- [313A Formal Written Counseling - Law Enforcement \(4-24\)](#)

#### **1010.7 ADMINISTRATIVE INVESTIGATIONS**

Administrative charges must be filed against an employee within one (1) year and one (1) day after the act that gives rise to the charges and comes to the attention of the appropriate law enforcement agency official. The one (1) year and (1) day limitation does not apply to charges related to criminal activity.

Allegations of misconduct will be administratively investigated as follows.

# St. Mary's County Sheriff's Office

## LE Policy Manual

### Personnel Complaints

---

#### 1010.7.1 OFFICE OF PROFESSIONAL RESPONSIBILITIES (OPR)

The Assistant Sheriff is ultimately responsible for the functions of the SMCSO Office of Professional Responsibilities. The Assistant Sheriff reports directly to the Sheriff.

The supervisor of OPR will ensure that all responsibilities enumerated in this manual are carried out, and reports to the Assistant Sheriff.

OPR will be responsible for conducting all administrative investigations regarding complaints or issues of workplace sexual or other harassment or violence, discrimination or bias-based allegations unless the Assistant Sheriff approves that it can be investigated at the division level. Allegations of serious misconduct by any Sheriff's Office employee will most likely be investigated by OPR, and allegations of minor policy violations will most likely be investigated by a supervisor at the division level. The OPR supervisor is responsible for making the above determinations.

OPR will maintain a liaison with the Office of the Attorney General or private counsel as required by the nature of the investigation.

#### 1010.7.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of OPR, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, the employee shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the St. Mary's County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than one interviewer should ask questions of an accused employee.
- (d) Prior to any interview, the employee should be informed in writing of the nature of the investigation.
- (e) All interviews should be for a reasonable period, and the employee's personal needs should be accommodated. Prior to any personal breaks, the employee will be required to answer pending questions asked by the investigator.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - (a) An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

# St. Mary's County Sheriff's Office

## LE Policy Manual

### Personnel Complaints

---

- (b) No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses with their body-worn camera. If the employee has been previously interviewed, the employee will be provided an opportunity to view the interview and / or review a transcript of the interview under a controlled setting within OPR, prior to any subsequent interview.
- (i) On request, the sworn employee under investigation has the right to be represented by counsel or another responsible representative of the employee's choice who shall be present and available for consultation at all times during the interview.
- (j) If requested, the interview shall be suspended for a period not exceeding 5 business days until representation is obtained. Within that 5 business day period, the Sheriff or designee for good cause shown, may extend the period for obtaining representation.
- (k) During the interview, the sworn employee's counsel or representative may: request a recess at any time to consult with the employee; object to any question posed; and state on the record outside the presence of the employee, the reason for the objection. If a question was asked to the employee prior to counsel's request for a recess, the question will be answered by the employee prior to the recess period beginning.
- (l) All employees shall provide complete and truthful responses to questions posed during interviews.
- (m) An employee may be required to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interviews that specifically relate to the subject matter of the investigation (Md. Code PS § 3-107).
- (n) If an employee is required to submit to a test, examination, or interview as stated in paragraph m of this section and the employee refuses to do so, the Sheriff's Office may commence an action that may lead to a punitive measure as a result of the refusal.
- (o) If an employee is required to submit to a test, examination, or interview as stated in paragraph m of this section, the results of the test, examination, or interview are not admissible or discoverable in a criminal proceeding against the employee.
- (p) If an employee is required to submit to a polygraph examination as stated in paragraph m of this section, the results of the polygraph examination are not admissible or discoverable in a criminal or civil proceeding against the employee.

See attachments:

- [302 Notification of Investigation - Law Enforcement Officer](#)
- [302A Interview Relative to Administrative Investigation Probationary LEO and CO](#)
- [302B Notification of Investigation Professional Staff](#)

#### 1010.7.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

### *Personnel Complaints*

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**Unfounded** - A preponderance of evidence exists to show the allegations did not occur and are not supported by fact.

**Exonerated** - The allegation occurred but a preponderance of evidence exists to show the police officer acted in accordance with the law and agency policy.

**No t Administratively Charged** - A determination has been made not to administratively charge a police officer in connection with alleged misconduct. A preponderance of evidence does not exist to either prove or disprove the allegations occurred.

**Administratively Charged** - A police officer has been formally accused of a policy violation in an administrative proceeding. A preponderance of evidence exists to prove the allegations did occur.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1010.7.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within 45 days from the date the investigation was assigned.

A complaint of police misconduct (as defined in Md. Code PS § 3-101) involving a member of the public and a police officer, regardless of whether the complaint originated from within the law enforcement agency or from an external source, is subject to immediate review and completion within a sufficient amount of time so that any disposition can be accomplished within 1 year and 1 day after the filing of the complaint by the citizen (Md. Code PS § 3-113).

#### 1010.7.5 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

For complaints generated externally, the complainant will use their assigned tracking number to access Public Portal and see the status of their complaint. If the complainant provided contact information, they will also receive push notifications generated by the Public Portal as the investigation moves through the various stages of completion. The member conducting the investigation is still encouraged to contact the complainant periodically and provide updates on the status of the investigation, as appropriate. The date and time of the notification will be documented in the case file.

OPR will notify the complainant of the outcome of the complaint within 72 hours of disposition, including any discipline imposed in accordance with established confidentiality policies and any applicable law. Each employee involved will be notified in writing, via email, advising the outcome of the complaint for a finding other than Administratively Charged.

#### 1010.7.6 NOTICE RELATED TO POLICE MISCONDUCT

The OPR Victim Rights Advocate will serve as the office's contact for the public in complaints related to deputy misconduct covered by Md. Code PS § 3-101 et seq. and should (Md. Code PS § 3-108):

## *Personnel Complaints*

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- (a) Explain to a complainant the various processes involved and any decisions made, including status updates through each stage.
- (b) Provide a complainant with an opportunity to review a deputy's statement before completion of the office's investigation, with any redactions of protected information that may be required by law.
- (c) Provide a case summary to a complainant within 30 days after final disposition of the case.

The Public Portal is the Sheriff's Office's database that enables a complainant to enter their case number to follow the status of the case throughout each stage, and the OPR Victim Rights Advocate should make sure that a complainant is provided information regarding how to access this database (Md. Code PS § 3-108).

### **1010.8 ADMINISTRATIVE SEARCHES**

Agency issued cell phones, computers, assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon reasonable suspicion.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other documents or equipment.

### **1010.9 EMERGENCY SUSPENSION / ADMINISTRATIVE LEAVE - PROFESSIONAL STAFF**

For any professional staff employees, when a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave or be placed on emergency suspension. Any employee placed on administrative leave or emergency suspension:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.
- (d) The Sheriff or the Assistant Sheriff will make notification to the St. Mary's County Department of Human Resources of any suspension of a professional staff employee.
- (e) May appeal the decision to be placed on Emergency Suspension by submitting a request for appeal in writing to their immediate supervisor.

### **1010.10 EMERGENCY SUSPENSION - SWORN EMPLOYEES**

For complaints against deputies covered by Md. Code PS § 3-101 et seq., administrative leave may only be imposed as provided by Md. Code PS § 3-107, which addresses when pay and law



## *Personnel Complaints*

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enforcement authority may be suspended and which limits suspensions to considerations of the public's best interest and a period of 30 days if the suspension is without pay.

### **1010.11 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a member of the public. The member shall not be administratively ordered to provide any information in the criminal investigation.

The Sheriff may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

### **1010.12 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES FOR COMPLAINTS BEING FORWARDED TO THE ADMINISTRATIVE CHARGING COMMITTEE (SWORN EMPLOYEES ONLY)**

Upon completion of a formal investigation, an investigation report should be forwarded through the Chain of Command to the Assistant Sheriff/Sheriff. The Sheriff will forward to the ACC.

#### **1010.12.1 ADMINISTRATIVE CHARGING COMMITTEE (ACC)**

For complaints alleging a pattern, practice, or conduct by a deputy that includes the deprivation of constitutional rights, a violation of criminal law, and a violation of office standards or policy, before the determination or imposition of any discipline, the Sheriff or the authorized designee shall forward the investigatory files to the Administrative Charging Committee (ACC) (Md. Code PS § 3-101; Md. Code PS § 3-104).

The ACC shall review the findings of a Sheriff's Office's investigation disciplinary recommendation and make a determination that the deputy who is subject to investigation shall be administratively charged, or not administratively charged.

In executing its duties, the ACC may request information or action from the Sheriff's Office, including requiring additional investigation and the issuance of subpoenas. If the deputy is not administratively charged, make a determination that: the allegations against the deputy are unfounded or the deputy is exonerated and record, in writing, any failure of supervision that caused or contributed to a deputy's misconduct.

The ACC will issue a written opinion that describes in detail its findings, determinations, and recommendations, and forward the written opinion to the Sheriff, the respondent, and the complainant.

# St. Mary's County Sheriff's Office

## LE Policy Manual

### *Personnel Complaints*

---

If the ACC issues an administrative charge against a deputy, the ACC will recommend discipline in accordance with the Sheriff's Office's disciplinary matrix established in accordance with Md. Code PS § 3-105.

#### 1010.12.2 SHERIFF RESPONSIBILITIES

Within 15 days after an administrative charging committee issues an administrative charge against a deputy, the Sheriff shall offer discipline to the deputy who has been administratively charged in accordance with the disciplinary matrix.

The Sheriff may offer the same discipline that was recommended by the ACC or a higher degree of discipline within the applicable range of the disciplinary matrix, but may not deviate below the discipline recommended by the ACC.

If the deputy accepts the Sheriff's offer of discipline, the offered discipline shall be imposed.

#### 1010.12.3 HEARING BY TRIAL BOARD

If a deputy refuses the Sheriff's offer of discipline following an ACC charge, the matter should be referred to a trial board for a hearing as provided by Md. Code PS § 3-106 and any related regulations. The Sheriff should establish a trial board process consistent with state law that will govern these proceedings (Md. Code PS § 3-106). At least 30 days before any trial board proceeding begins, the deputy shall be (Md. Code PS § 3-105) :

- (a) Provided with a copy of the investigatory record.
- (b) Notified of the charges against the deputy.
- (c) Notified of the disciplinary action being recommended.

A complainant has the right to be notified of a trial board hearing and, except as provided in Md. Code PS § 3-106, has the right to attend a trial board hearing. (Proceedings of a trial board shall be open to the public, except as provided in Md. Code PS § 3-106.)

A trial board may administer oaths and issue subpoenas as necessary to complete its work. The Sheriff's Office has the burden of proof by a preponderance of the evidence.

Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the employee to the Circuit Court for St. Mary's County and shall be on the record.

Once the decision from the trial board is final, the Sheriff should proceed to conclude the matter in accordance with its recommendations. A trial board decision that is not appealed is final.

#### 1010.12.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee should ensure that the complainant is notified of the disposition (i.e., administratively charged, not administratively charged, exonerated, unfounded) of the complaint.

#### 1010.12.5 NOTICE REQUIREMENTS

The Sheriff or the authorized designee shall provide any notifications required by the uniform citizen complaint process developed by the MPTSC (Md. Code PS § 3-207).

### *Personnel Complaints*

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For complaints related to police misconduct covered by Md. Code PS § 3-101 et seq., the OPR Victim Rights Advocate should provide a case summary to the complainant within 30 days after the final disposition of the complaint, with any redactions of protected information that may be required by law (Md. Code PS § 3-108).

#### **1010.13 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES FOR COMPLAINTS NOT BEING FORWARDED TO THE ADMINISTRATIVE CHARGING COMMITTEE (ALL SMCSO EMPLOYEES)**

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff or the authorized designee through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Sheriff or the authorized designee may accept or modify any classification or recommendation for disciplinary action.

[See attachment: Disciplinary Matrix Training Guide.pdf](#)

[See attachment: Disciplinary Matrix 3-9-23.pdf](#)

##### **1010.13.1 DIVISION COMMANDER RESPONSIBILITIES**

Upon receipt of any completed administrative investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Assistant Sheriff, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Assistant Sheriff, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

If the investigation determined that any of the allegations are to be "Administratively Charged" and the allegations are a Category "A" or "B" on the disciplinary matrix, the Division Commander may meet with the Respondent and conduct a Disciplinary Hearing without the approval of the Assistant Sheriff, and may administer discipline (If any of the original allegations were a Category C or higher (regardless of the finding) then the investigation will require review and final direction from the Assistant Sheriff). The Division Commander will read the charge(s) and ensure the Respondent is advised of their right to a trial board prior to providing a plea of Guilty or Not Guilty. The Respondent will be provided an opportunity to provide a statement regarding the charge(s) and will sign the charging document(s). The hearing will be documented via body-worn camera and the recorded file along with any associated documents will be attached to the administrative investigation file within IAPro/Blue Team.

# St. Mary's County Sheriff's Office

## LE Policy Manual

### *Personnel Complaints*

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If the respondent enters a plea of Not Guilty, the file will be forwarded to the OPR supervisor and a hearing by a trial board will be scheduled. The OPR supervisor will brief the Sheriff or the authorized designee of the status of the investigation.

#### 1010.13.2 ASSISTANT SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Assistant Sheriff shall review the recommendation and all accompanying materials. The Assistant Sheriff may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Assistant Sheriff is satisfied that no further investigation or action is required by staff, the Assistant Sheriff shall brief and receive input from the Sheriff if necessary, determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Assistant Sheriff or the authorized designee shall provide the member with a written notice. Before any discipline may be imposed, the Assistant Sheriff or the authorized designee shall ensure notice is given to a member of the member's right to a hearing by a trial board.

Discipline for deputies, Correctional Officers, and professional staff employees shall be in compliance with the uniform state disciplinary matrix adopted by the Maryland Police Training and Standards Commission (MPTSC) (Md. Code PS § 3-105).

In any Administrative Investigation wherein the finding is Administratively Charged, the Respondent is professional staff, and the recommended discipline is higher than a Written Reprimand, the investigator will contact OPR and consultation with the county Human Resources (HR) Department is required and must be approved by HR. This only applies to professional staff employees.

#### 1010.13.3 HEARING BY TRIAL BOARD

If the investigation or interrogation of a sworn employee or Corrections Officer results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the deputy is entitled to a hearing on the issues before the Sheriff's Office takes that action.

A deputy who has been convicted of a felony is not entitled to a hearing under this section.

#### 1010.13.4 NOTICE OF HEARING

The Sheriff's Office shall give notice to the sworn employee or Corrections Officer of the right to a hearing by a trial board. The notice shall state the time and place of the hearing and the issues involved.

#### 1010.13.5 CONDUCT OF HEARING

The trial board should consist of at least three voting members who

- (a) Are appointed by the Sheriff and chosen from deputies within the Sheriff's Office, or from law enforcement officers of another law enforcement agency with the approval

## *Personnel Complaints*

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of the chief or Sheriff of the other agency; and have had no part in the investigation or interview of the respondent.

- (b) One member will be designated as the chairperson of the trial board. At least one member of the trial board shall be of the same rank as the deputy against whom the complaint is filed.

### 1010.13.6 EVIDENCE

Evidence with probative value that is commonly accepted by reasonable and prudent individuals in the conduct of their affairs is admissible and shall be given probative effect.

The trial board shall give effect to the rules of privilege recognized by law and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

Each record or document that a party desires to use shall be offered and made a part of the record. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

The trial board may take notice of judicially cognizable fact and general, technical, or scientific facts within its specialized knowledge.

The trial board shall notify each party of the facts noted either before or during the hearing, or by reference in preliminary reports or otherwise, and give each party an opportunity and reasonable time to contest the facts noted.

The trial board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.

### 1010.13.7 OATHS

The chairperson or designee shall administer oaths or affirmations and examine individuals under oath. In connection with a disciplinary hearing, the chairperson or designee may administer oaths.

### 1010.13.8 WITNESS FEES AND EXPENSES

Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a circuit court.

Witness fees, mileage, and the actual expenses necessarily incurred in securing the attendance of witnesses and their testimony shall be itemized and paid by the Sheriff's Office.

### 1010.13.9 OFFICIAL RECORD

An official record, including testimony and exhibits, shall be kept of the hearing – audio/visually recorded.

## *Personnel Complaints*

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### 1010.13.10 DISPOSITION OF ADMINISTRATIVE ACTION

A decision, order, or action taken as a result of a hearing should be stated on the record at the hearing and later in writing and accompanied by findings of fact. The findings of fact shall consist of a concise statement on each issue in the case.

A finding of not guilty terminates the action.

If the trial board makes a finding of guilt, the trial board shall:

- (a) reconvene the hearing;
- (b) receive evidence; and
- (c) consider the deputy's past job performance and other relevant information as factors before making recommendations for discipline to the Sheriff.

After a disciplinary hearing and a finding of guilt, the trial board may recommend the penalty it considers appropriate under the circumstances, including demotion, dismissal, transfer, loss of pay, reassignment, or other similar action that is considered punitive. A copy of the decision or order, findings of fact, conclusions, and written recommendations for action shall be delivered or mailed promptly to:

- (a) the deputy or the deputy's counsel or representative of record; and
- (b) the Sheriff

### 1010.13.11 NOTICE REQUIREMENTS

Within 30 days after receipt of the recommendations of the trial board, the Sheriff shall:

- (a) review the findings, conclusions, and recommendations of the trial board; and
- (b) issue a final order.

The recommendation of a penalty by the trial board is not binding on the Sheriff.

The Sheriff shall consider the deputy's past job performance as a factor before imposing a penalty.

The Sheriff may increase the recommended penalty of the trial board only if the Sheriff personally:

- (a) reviews the entire record of the proceedings of the trial board;
- (b) meets with the deputy and allows the deputy to be heard on the record;
- (c) discloses and provides in writing to the deputy, at least 10 days before the meeting, any oral or written communication not included in the record of the trial board on which the decision to consider increasing the penalty is wholly or partly based; and
- (d) states on the record the substantial evidence relied on to support the increase of the recommended penalty.

The final order and decision of the Sheriff is binding and may not be appealed.

## *Personnel Complaints*

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### 1010.13.12 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee should ensure that the complainant is notified of the disposition (i.e., administratively charged, not administratively charged, exonerated, unfounded) of the complaint.

### **1010.14 PRE-DISCIPLINE EMPLOYEE RESPONSE (PROFESSIONAL STAFF EMPLOYEES)**

Professional Staff employees facing Loss of Pay for more than 3 days, Demotion or Termination will be given an opportunity to attend a pre-discipline meeting with the Sheriff or designee.

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff or designee after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation be conducted or may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

### **1010.15 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

Notice that a licensed member separated shall be sent to the MPTSC within 30 days of the member's change in employment status (COMAR 12.04.01.02).

### **1010.16 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary (new hires) employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

### *Personnel Complaints*

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Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

#### **1010.17 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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 (Md. Code PS § 3-109).

#### **1010.18 ANNUAL PUBLIC REPORT AND PUBLIC INFORMATION**

The supervisor of OPR will prepare an annual statistical summary of all complaints and dispositions. Copies of the analysis will be sent to the Sheriff and all commanders for dissemination to agency employees.

The statistical summary is available upon request to the public and will be posted on the agency website. No persons who are the subject of any complaint or disciplinary action will be identified.



## **Attachments**

## **301A Minor Disciplinary Form - Law Enforcement R4-24.pdf**



# St. Mary's County Sheriff's Office

## Minor Disciplinary Report

### Law Enforcement Officer

Investigator: \_\_\_\_\_ I.D.#: \_\_\_\_\_ OPR #: \_\_\_\_\_

Respondent: \_\_\_\_\_ I.D.#: \_\_\_\_\_ Date Presented \_\_\_\_\_

On or about \_\_\_\_\_ at \_\_\_\_\_ hours, at \_\_\_\_\_

Brief description of the alleged violation:

The above is a violation of the Sheriff's Office Policy & Procedures under Section \_\_\_\_\_ Sub-Section \_\_\_\_\_

Title: \_\_\_\_\_

Statewide Disciplinary Matrix Category: ☐ A ☐ B

Recommend Approval: ☐ Approval ☐ Disapproval – Reasons \_\_\_\_\_

\_\_\_\_\_  
Division Commander

\_\_\_\_\_  
Date

You may accept this summary punishment instead of a formal investigation into this matter. If you accept summary punishment, you are not disputing that the violation occurred. Further, you waive an Administrative Hearing Board and your rights as listed in the Sheriff's Office Policy & Procedures. Finally, you accept the punishment being imposed by the highest ranking officer of your division.

If you accept this summary punishment, it is considered final discipline, and shall be:

- ☐ Formal Written Counseling (FWC)
- ☐ Letter of Reprimand (LOR)
- ☐ Loss of Leave for \_\_\_\_\_ hours (LOL 8-24 hrs.)
- ☐ Loss of Pay \_\_\_\_\_ hours (LOP 8-24 hrs.)

You have ten working days to decide whether to accept the disposition in this document. If you do not return this document by \_\_\_\_\_, through your chain of command or decline to accept summary punishment, a formal investigation of the alleged violation will be conducted. If charges are sustained, the Agency reserves the right to increase the penalty.

#### RETURN

- ☐ **I do** dispute the facts constituting this violation. I do not waive my right to an Administrative Hearing Board, and I do not waive my rights as listed in the Sheriff's Office Policy & Procedures. I do not accept the punishment reflected above that is being imposed by the highest ranking officer of my division.

\_\_\_\_\_  
Date Returned

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Witness

- ☐ **I do not** dispute the facts constituting this violation. I waive my right to an Administrative Hearing Board, and I waive my rights as listed in the Sheriff's Office Policy & Procedures. I accept the punishment reflected above that is being imposed by the highest ranking officer of my division.

\_\_\_\_\_  
Date Returned

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Witness

## **301B Minor Disciplinary Report - Professional Staff R9-22.pdf**



# St. Mary's County Sheriff's Office

## Minor Disciplinary Report

### Professional Staff

Investigator: \_\_\_\_\_ I.D.#: \_\_\_\_\_ OPR #: \_\_\_\_\_  
Respondent: \_\_\_\_\_ I.D.#: \_\_\_\_\_ Date Presented \_\_\_\_\_  
On or about \_\_\_\_\_ at \_\_\_\_\_ hours, at \_\_\_\_\_ it is alleged:

Brief description of the violation:

The above is a violation of the Sheriff's Office Policy & Procedures under Chapter \_\_\_\_\_ Section \_\_\_\_\_  
Title: \_\_\_\_\_

Recommend Approval: ☐ Approval ☐ Disapproval – Reasons \_\_\_\_\_

\_\_\_\_\_  
Division Commander Date

You may accept this summary punishment instead of a formal investigation into this matter. If you accept summary punishment, you are not disputing that the violation occurred. Further, you waive an Administrative Hearing Board and your rights as listed in the Sheriff's Office Policy & Procedures. Finally, you accept the punishment being imposed by the highest ranking officer of your division.

If you accept this summary punishment, it is considered final discipline, and shall be:

- ☐ Written Reprimand
- ☐ Annual Leave account debited in the amount of \_\_\_\_\_ hours of leave.
- ☐ Suspension for \_\_\_\_\_ days (1-3).

You have ten working days to decide whether to accept the disposition in this document. You must return this document to your supervisor in your chain of command by \_\_\_\_\_.

If you do not return this document by that date or decline to accept summary punishment, a formal investigation of the alleged violation will be conducted. If charges are sustained, the Agency reserves the right to increase the penalty.

#### RETURN

☐ **I do** dispute the facts constituting this violation. I do not waive my right to an Administrative Hearing Board, and I do not waive my rights as listed in the Sheriff's Office Policy & Procedures. I do not accept the punishment reflected above that is being imposed by the highest ranking officer of my division.

\_\_\_\_\_  
Date Returned Respondent's Signature Witness

☐ **I do not** dispute the facts constituting this violation. I waive my right to an Administrative Hearing Board, and I waive my rights as listed in the Sheriff's Office Policy & Procedures. I accept the punishment reflected above that is being imposed by the highest ranking officer of my division.

\_\_\_\_\_  
Date Returned Respondent's Signature Witness

## **313A Formal Written Counseling - Law Enforcement (4-24).pdf**

OFFICE OF THE SHERIFF  
St. Mary's County, Maryland  
**FORMAL WRITTEN COUNSELING**

O.P.R. #: \_\_\_\_\_

Employee Name \_\_\_\_\_ ID# \_\_\_\_\_ Date \_\_\_\_\_

Duty Title/Rank \_\_\_\_\_ Division \_\_\_\_\_

1. Reason for Formal Written Counseling (Give details, facts, specific dates, times, names, sequence of events, specific policy/procedure violated, etc.)

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2. Prior instances of a similar nature and action(s) taken with employee.

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3. Summary and results of Formal Written Counseling. (List specific remedial action to be taken by employee, if appropriate)

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4. Make sure the employee is aware: (Employee and Supervisor initial as discussed).

\_\_\_\_\_ Of current rules/policies and what is expected of them in the future, as listed below:

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\_\_\_\_\_ That the County has an Employee Assistance Program

\_\_\_\_\_ That this Formal Written Counseling will be filed in the employee's Sheriff's Office Personnel file

\_\_\_\_\_ This Formal Written Counseling is a form of discipline as outlined in the Statewide  
Disciplinary Matrix.

5. Supervisor's Signature \_\_\_\_\_ ID# \_\_\_\_\_ Date \_\_\_\_\_

6. Employee Signature \_\_\_\_\_ ID# \_\_\_\_\_ Date \_\_\_\_\_

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\_\_\_\_\_  
Division Commander's Review

\_\_\_\_\_  
Date



## **Copy of 302 Notification of Investigation - Law Enforcement Officer.pdf**



# Office of the Sheriff St. Mary's County, Maryland

## Notification of Investigation Law Enforcement Officer

TO: \_\_\_\_\_

DATE/TIME: \_\_\_\_\_ / \_\_\_\_\_

OPR #: \_\_\_\_\_

In accordance with SMCSO Policy & Procedures, you are hereby notified that you are under investigation by the St. Mary's County Sheriff's Office in connection with allegations of the nature indicated below. Your specific responsibilities include a duty to cooperate, be truthful with the investigator(s), and keep all details of this investigation ***confidential***, meaning **not** to **talk to anyone** about the case.

☐ PERFORMANCE

- |   |   |
|---|---|
| <input type="checkbox"/> Biased Based Profiling     | <input type="checkbox"/> Report for Duty      |
| <input type="checkbox"/> Court FTA                  | <input type="checkbox"/> Fail to Supervise    |
| <input type="checkbox"/> Departmental Collision     | <input type="checkbox"/> Reporting Procedures |
| <input type="checkbox"/> Improper Use of Force      |   |
| <input type="checkbox"/> Unlawful Arrest            |   |
| <input type="checkbox"/> Unlawful / Improper Search |   |
| <input type="checkbox"/> Work Performance           |   |
| <input type="checkbox"/> Other: _____               |   |

☐ CONDUCT

- |  |
|--|
| <input type="checkbox"/> Conformance to Laws         |
| <input type="checkbox"/> Improper Conduct            |
| <input type="checkbox"/> Insubordination             |
| <input type="checkbox"/> Rudeness                    |
| <input type="checkbox"/> Secondary Employment        |
| <input type="checkbox"/> Sexual/Workplace Harassment |
| <input type="checkbox"/> Truthfulness                |
| <input type="checkbox"/> Other: _____                |

The Investigation is in reference to an incident that is alleged to have occurred on or about \_\_\_\_\_, CCN \_\_\_\_\_

Allegation:

\_\_\_\_\_  
Respondent Initials

\_\_\_\_\_  
Investigator Initials

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Name and Rank of the Officer in Charge of Investigation

Command of the Officer in Charge of Investigation:

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Name and Rank of the Officer Conducting the Interview.

Command of the Officer Conducting the Interview:

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**RECEIPT ACKNOWLEDGED:**

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Signature of Employee Subjected to Interview

☐ Employee Assistant Program (EAP) Brochure Provided



## Law Enforcement Officer's Rights under SMCSO Policy & Procedures

**In Re:**

**St. Mary's County Sheriff's Office**

**- Vs. -**

\_\_\_\_\_  
**Name and ID# of Officer**

**Office of Professional Responsibilities**

**OPR #: \_\_\_\_\_**

Pursuant to SMCSO Policy & Procedures, whenever a law enforcement officer is under investigation or subjected to an interview by a law enforcement agency, for any reason which could lead to disciplinary action, demotion, or dismissal, the investigation or interview shall be conducted under the following conditions:

The interview shall be conducted at a reasonable hour, preferably on-duty, unless the seriousness of the investigation is of such a degree that an immediate interview is required.

**Officer's Initials: \_\_\_\_\_**

The interview shall take place either at the command of the investigating officer; or at the office of the District in which the alleged incident occurred; or any other reasonable and appropriate place. This may be waived by the officer at any time.

**Officer's Initials: \_\_\_\_\_**

The officer under investigation shall be informed of the name, rank, and command of the investigating officer as well as the officer in charge of the investigation. Any and all questions asked of the officer shall be through one investigator during any one interview session.

**Officer's Initials: \_\_\_\_\_**

The officer under investigation shall be informed in writing the nature of the investigation prior to any interview. When the investigation is complete the officer shall be notified of the name of any witness not less than ten (10) days prior to any hearing.

**Officer's Initials: \_\_\_\_\_**

Interview sessions shall be for reasonable periods of time and shall be paused for any personal necessities and rest as reasonably necessary. The officer will be required to answer any questions asked by the investigator prior to any personal breaks requested by the officer.

**Officer's Initials: \_\_\_\_\_**



## Law Enforcement Officer's Rights under SMCSO Policy & Procedures

The officer under investigation shall not be threatened with transfer, dismissal, or disciplinary action. The Department may require the officer to submit to blood or breath alcohol tests, blood or urine tests for controlled substances, polygraph examination specifically related to the subject matter of the investigation. Failure to submit to any item listed under Section (a) on the part of the officer may result in commencement of disciplinary action and punitive measures against the officer by the Sheriff's Office.

- (a) The result of any blood test, breath test, urine test, polygraph test, or interrogation are not admissible in any criminal proceeding against the officer when he/she is ordered to submit thereto, but they are admissible in any administrative hearing against the officer with the exception of Section (b) below.
- (b) The result of a polygraph examination may not be used as evidence in any administrative hearing when the officer has been ordered to submit to the examination unless the officer and the Sheriff's Office agree in its admission at the administrative hearing.

**Officer's Initials:** \_\_\_\_\_

A complete record, either taped, written or transcribed, of the interview of the officer shall be maintained to include all recess periods. Upon request of the officer and after the conclusion of the investigation, the record shall be made available to the officer no less than ten (10) days prior to any hearing.

**Officer's Initials:** \_\_\_\_\_

If the officer is under arrest or is likely to be arrested as a result of the investigation, they shall be completely informed of their rights prior to any interview.

**Officer's Initials:** \_\_\_\_\_

At the request of the officer under investigation, they shall have the right to be represented by counsel or any other reasonable representative of their choice. This representative shall be present at all times during interview unless waived by the officer. When a request for representation is made, the interrogation shall be suspended for a period of time not to exceed five (5) business days until representation is obtained. The Sheriff or his designee has the authority to extend that time period.

**Officer's Initials:** \_\_\_\_\_

The officer may not be required or requested to disclose any item of his/her property, income, assets, sources of income, debts, or personal or domestic expenditure records, including those of a member of the officer's family or household, unless that information is necessary in investigating possible conflict or interest with respect to the performance of their official duties, or unless such disclosure is required by state or federal law.

**Officer's Initials:** \_\_\_\_\_

- Do you understand your rights? ☐ Yes ☐ No
- I wish to waive my rights under Policies & Procedures? ☐ Yes ☐ No
- Do you want a representative at this time? ☐ Yes ☐ No

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**Officer Signature and ID#**

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**Investigating Officer Signature, Rank, ID#**

**Date and Time:** \_\_\_\_\_

**OPR #:** \_\_\_\_\_

## **Copy of 302A Interview Relative to Administrative Investigation Probationary LEO and CO.pdf**



# *Office of the Sheriff*

## *St. Mary's County, Maryland*

### **Interview Relative to Administrative Investigation**

for Probationary Law Enforcement and Probationary Correctional Officers

**OPR Case No.** \_\_\_\_\_

**Date/Time Commenced:** \_\_\_\_\_

To: \_\_\_\_\_

Respondent

You are hereby notified that an investigation is being conducted concerning your actions on or about \_\_\_\_\_.

Date

Specifically, on the aforementioned date, it is alleged:

I will, therefore, be conducting an interview with regard to the performance of your duties and/or your conduct on or about the previously stated date and time. In light of the aforementioned, you are hereby ordered to submit a statement and answer all questions which relate specifically, directly, and narrowly to your performance and conduct. The statement and your answers cannot be used against you in a later criminal proceeding but may be used against you in administrative hearings. Your specific responsibilities include a duty to cooperate, be truthful with the investigator(s) and keep all details of this investigation ***confidential***, meaning **not** to **talk to anyone** about this case.

☐ Employee Assistant Program (EAP) Brochure Provided

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Investigator

\_\_\_\_\_  
Date & Time

## **Copy of 302B Notification of Investigation Professional Staff.pdf**





# Office of the Sheriff St. Mary's County, Maryland

## Notification of Investigation Professional Staff

TO: \_\_\_\_\_ DATE/TIME: \_\_\_\_/\_\_\_\_/\_\_\_\_

OPR Case #: \_\_\_\_\_

You are hereby notified that you are under investigation by the St. Mary's County Sheriff's Office in connection with allegations of the nature indicated below. As the respondent of an investigation, you have certain rights and responsibilities as identified in the County Employee Manual. Your specific responsibilities include a duty to cooperate, be truthful with the investigator(s) and keep all details of this investigation ***confidential***, meaning **not** to **talk to anyone** about this case. As detailed in the Employee Manual, you have a right to appeal any disciplinary action taken against you, which may result from the investigation unless you are a probationary or at-will employee.

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☐ PERFORMANCE

☐ CONDUCT

☐ Alleged policy violation: \_\_\_\_\_

☐ Other: \_\_\_\_\_

☐ Employee Assistant Program (EAP) Brochure Provided

The Investigation is in reference to an incident that is alleged to have occurred on or about \_\_\_\_\_, at \_\_\_\_\_

Allegation:

---

Name and Rank of the Investigator

**RECEIPT ACKNOWLEDGED:**

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Signature of Respondent

## **Disciplinary Matrix Training Guide.pdf**

# **Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**

## **Subtitle 04 POLICE TRAINING AND STANDARDS COMMISSION**

### **Chapter 10 Uniform State Disciplinary Matrix**

**Authority: Public Safety Article, §§3-105, 3-114 and 3-208, Annotated Code of Maryland**

#### **.01 Purpose.**

A. The purpose of the Uniform State Disciplinary Matrix is for law enforcement agencies to apply disciplinary standards in a fair, equitable and consistent manner Statewide.

B. This chapter establishes the Uniform State Disciplinary Matrix required for all matters that may result in discipline of a police officer.

C. A law enforcement agency shall adopt the Uniform State Disciplinary Matrix in accordance with Public Safety Article, §3-105, Annotated Code of Maryland.

#### **.02 General Provisions.**

A. In order to protect the collective integrity of a law enforcement agency, all matters that may result in discipline shall be imposed pursuant to the Uniform State Disciplinary Matrix as responsive measures to a police officer's sustained violation of a law enforcement agency's policy.

##### **B. Imposition of Discipline.**

(1) Generally, each sustained violation of police officer misconduct shall be considered separately for the purpose of recommending and imposing discipline.

(2) When multiple sustained violations arise from the same conduct or incident, as applicable, an agency head or Administrative Charging Committee (ACC), may decide that the most effective way to determine the appropriate level of discipline in the case is to consolidate sustained violations into one form of discipline.

(3) Discipline imposed for first or subsequent sustained misconduct violations may follow a progressive course for repeat or increasingly serious violations.

(4) The Uniform State Disciplinary Matrix and the imposition of discipline may not be based on a police officer's race, religion, gender expression, gender identity, sex assigned at birth, sexual orientation, national origin, age, ethnicity, or familial relationship.

(5) The imposition of discipline shall not be influenced by the high or low profile nature of the police misconduct.

### **.03 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Administrative Charging Committee (ACC)" has the meaning stated in Public Safety Article, §3-104, Annotated Code of Maryland.

(2) Aggravating Factor.

(a) "Aggravating factor" means conditions or events related to a police misconduct violation that may increase the seriousness of the violation and degree of penalty as specified in the Uniform State Disciplinary Matrix.

(b) "Aggravating factor" includes, but is not limited to the following:

- (i) A police officer's prior disciplinary history;
- (ii) A police officer's prior negative work history, including non-disciplinary corrective action;
- (iii) A police officer's rank;
- (iv) A violation was committed willfully or for personal gain;
- (v) A police officer's effort to conceal the violation, or to be untruthful or dishonest;
- (vi) A police officer's failure to cooperate with an investigation into alleged misconduct;
- (vii) A violation was retaliatory in nature;
- (viii) A violation or behavior was motivated by bias against a member or group of protected class under Maryland's hate crimes law, as stated in Criminal Law Article, §10-304, Annotated Code of Maryland or the Anti-Employment Discrimination law as stated in State Government Article, §20-602, Annotated Code of Maryland or other state and federal hate crimes law;
- (ix) The police officer's expressed unwillingness to comply with policy, tactics, or performance standards;
- (x) The impact of the violation on the community or the law enforcement agency's ability to carry out its mission;
- (xi) The degree to which the violation caused or could have caused the loss of life or injury; and
- (xii) The degree to which the violation caused loss or damage to public or private property.

(3) "Formal written counseling (FWC)" means a written warning given to a police officer that outlines a police officer's misconduct and serves as the least severe form of discipline.

(4) "Law enforcement agency" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.

(5) "Letter of reprimand" means a formal letter given to a police officer detailing the wrongful action and detailing the required corrective action.

(6) "Loss of leave" means the removal of paid time off from a police officer's earned and accrued paid time off total.

(7) "Loss of pay" means the suspension from duty without pay.

(8) "Mediation" means a process in which parties in a dispute work with one or more impartial mediators who assist the parties in reaching a voluntary agreement for the resolution of a nonviolent dispute or conflict.

(9) Mitigating Factor.

(a) "Mitigating factor" means a condition or event related to a policy violation that may decrease the seriousness of the violation and degree of discipline.

(b) "Mitigating factor" includes, but is not limited to, the following:

(i) A police officer's actions are attributable to selfless concern for the wellbeing of others;

(ii) A police officer's lack of disciplinary history;

(iii) A police officer's complimentary work history;

(iv) A police officer's prior positive work history;

(v) A violation was the inadvertent result of reasonable, otherwise compliant performance;

(vi) A police officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable;

(vii) A police officer's commission of the violation at the direction of a superior;

(viii) A police officer's exposure to unusually serious workplace tensions and stressors; and

(ix) The violation is attributable to limitations beyond the control of the police officer based on a physical or mental disability.

(10) "Penalty days" means either the forfeiture of vacation days or the imposition of suspension without pay for a specified period of time, or both. The number of hours that determines a day is based on the police officer's work schedule.

(11) "Police misconduct" has the meaning stated in Public Safety Article, §3-101, Annotated Code of Maryland.

(12) "Police officer" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.

(13) "Remedial training" means training designed to correct the behavior of:

(a) A police officer who has failed to perform the police officer's duties with the skill, knowledge, and ability expected and required of an individual given the authority and responsibility to enforce the law; or

(b) A police officer who has demonstrated a need for additional training.

(14) "Sustained violation" means an investigation has revealed sufficient evidence to impose administrative charges against a police officer for a violation category established in Regulation .04 of this chapter.

(15) "Uniform State Disciplinary Matrix" has the meaning stated in Public Safety Article, §3-101, Annotated Code of Maryland.

#### **.04 Uniform State Disciplinary Matrix.**

##### **A. Violation Levels.**

(1) Level One. The first level of violation category indicates a first sustained occurrence of a police officer's misconduct.

(2) Level Two. The second level of a violation category indicates a second sustained occurrence of a police officer's misconduct within the time periods specified in §D of this regulation and during which a sustained level one violation was committed.

(3) Level Three. The third level of a police misconduct violation category indicates a third sustained occurrence of a police officer's misconduct within the time periods specified in §D of this regulation and during which a sustained level one and level two violation was committed.

##### **B. Disciplinary Ranges.**

(1) The range of disciplinary penalties within the Uniform State Disciplinary Matrix includes:

- (a) A formal written counseling;
- (b) A letter of reprimand;
- (c) Loss of leave;
- (d) Suspension and loss of pay;
- (e) Demotion; and
- (f) Termination.

(2) A law enforcement agency shall determine the number of hours that constitutes a penalty day, based on a police officer's work schedule.

##### **C. Additional Corrective Measures.**

(1) In addition to the disciplinary penalties established within the Uniform State Disciplinary Matrix a law enforcement agency head, ACC or trial board following a determination to impose administrative charges, may:

- (a) Refer the police officer to:

- (i) Counseling;
- (ii) An employee assistance program;
- (iii) Remedial training; or
- (iv) Another police officer assistance program permitted by a law enforcement agency's policy;
- (b) Suspend or remove a police officer from a take-home car program; and
- (c) Suspend a police officer from secondary employment.

(2) The options listed in §C(1) of this regulation may be independently imposed by police management in addition to any administrative charges imposed by an ACC or trial board.

#### D. Violation Categories.

(1) The Uniform State Disciplinary Matrix includes six designated violation categories that represent a progression in the severity of police misconduct violation.

##### (2) Category A Violation.

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.	One: 1st Violation	Formal Written Counseling	to Letter of Reprimand
	Two: 2nd Violation in 24 Months	Formal Written Counseling	to Up to 1 Day Loss of Leave or Loss of Pay
	Three: 3rd Violation in 24 Months	GO TO CATEGORY B LEVEL 1	

##### (3) Category B Violation.

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
Category B: Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.	One: 1st Violation	Letter of Reprimand	to Up to 2 Days Loss of Leave or Loss of Pay
	Two: 2nd Violation in 36 Months	1 Day Loss of Leave or Loss of Pay	to Up to 3 Days Loss of Leave or Loss of Pay
	Three: 3rd Violation in 36 Months	GO TO CATEGORY C LEVEL 1	

(4) Category C Violation.

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Category C: Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.	One: 1st Violation	2 Days Loss of Leave or Loss of Pay to Up to 4 Days Loss of Pay
	Two: 2nd Violation in 48 Months	3 Days Loss of Leave or Loss of Pay to Up to 5 Days Loss of pay
	Three: 3rd Violation in 48 Months	GO TO CATEGORY D LEVEL 1

(5) Category D Violation.

(a)

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Category D: Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.	One: 1st Violation	5 Days Loss of Leave or Loss of Pay to Up to 15 Days Loss of Pay
	Two: 2nd Violation in 60 Months	10 Days Loss of Pay to Up to 20 Days Loss of Pay
	Three: 3rd Violation in 60 Months	GO TO CATEGORY E LEVEL 1

(b) Demotion or reduction in rank may also be considered as a part of the disciplinary penalty for Category D Violation.



(6) Category E Violation.

(a)

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Category E: Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.	One: 1st Violation	15 Days Loss of Pay to 25 Days Loss of Pay up to Termination
	Two: 2nd Violation in 60 Months	15 Days Loss of Pay to 30 Days Loss of Pay up to Termination
	Three: 3rd Violation in 60 Months	GO TO CATEGORY F LEVEL 1

(b) Demotion or reduction in rank may also be considered as a part of the disciplinary penalty for Category E Violation.

(7) Category F Violation.

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
Category F: Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency's mission, vision, and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics, or character related to an employee's fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. §922(g) (Lautenberg) violations.	One: Any Violation	TERMINATION

(8) Special Circumstance Categories.

(a)

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
<p>Driving Under The Influence</p> <p>Category 1: Any off-duty driving under the influence of alcohol and/or drugs which would constitute a violation of law.</p>	One: 1st Violation	15 Days Loss of Pay to Termination*
	Two: 2nd Violation	30 Days Loss of Pay to Termination*
	Three: 3rd Violation	Termination*
Category 2: Any on-duty or off-duty in a departmental vehicle driving under the influence of alcohol and/or drugs which would constitute a violation of law.	One: 1st Violation	Termination*
*Termination may be imposed as discipline unless prohibited by an Executive Order or superseding government policy.		

(b)

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
<p>Failure to Appear for Court and MVA Hearings</p> <p>Category 1: Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category also includes MVA hearings.</p>	One: 2 violations in 1 year	Formal Written Counseling to Formal Written Counseling
	Two: 2 additional violations in 2 years	Formal Written Counseling to Up to 2 Days Loss of Leave or Loss of Pay
Note: The penalty cycle resets one calendar year from the date of the first violation.		

(c)

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors	
Departmental Collisions  Category 1: Minor Damage* to Police Vehicle and/or Other Property or Vehicle*	One: 1st Violation up to 12 months	Formal Written Counseling	to Letter of Reprimand
	Two: 2nd Violation within 0-24 months	Formal Written Counseling	to Up to 2 Days Loss of Leave or Loss of Pay
	Three **: 3 or more Violations within 0-36 months	Letter of Reprimand	to Up to 5 Days Loss of Leave or Loss of Pay
Category 2: Major Damage to Police Vehicle, Other Property, or Vehicle	One: 1st Violation up to 12 months	Formal Written Counseling	to Up to 1 Day Loss of Leave or Loss of Pay
	Two: 2nd Violation within 0-24 months	Letter of Reprimand	to Up to 3 Days Loss of Leave or Loss of Pay
	Three **: 3 or more Violations within 0-36 months	Letter of Reprimand	to Up to 10 Days Loss of Leave or Loss of Pay
Category 3: Injury to Law Enforcement Personnel or Civilian  If gross negligence or reckless operation of a police vehicle is involved in any collision that results in serious injury or death the disciplinary range shall increase up to and including termination.	One: 1st Violation up to 12 months	Formal Written Counseling	to Up to 2 Days Loss of Leave or Loss of Pay
	Two: 2nd Violation within 0-24 months	Letter of Reprimand	to Up to 5 Days Loss of Leave or Loss of Pay
	Three **: 3 or more Violations within 0-36 months	Letter of Reprimand	to Up to 14 Days Loss of Leave or Loss of Pay

\* Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).

\*\* Driver retraining may be imposed at any level but shall impose for three or more at-fault departmental collisions.

(9) Violations that Fall into More than One Violation Category.

(a) Some acts of police misconduct may fall into more than one violation category depending on the category definition.

(b) If an act of police misconduct falls into more than one violation category, an ACC, agency head, or trial board, as applicable, shall review the totality of circumstances related to the act and the violation category definition descriptions prior to choosing the category, level, and range.

(10) Violations not found in the Uniform State Disciplinary Matrix shall be assigned to a violation category based on the circumstances of the police misconduct and the violation category definitions.

**.05 Process for Determining Discipline and Imposing Administrative Charges.**

A. Following a complaint of police officer misconduct the law enforcement agency conducting the investigation shall:

(1) Investigate the police officer's actions to determine if the action was a violation of law, regulation, the law enforcement agency's policy, or other form of police misconduct; and

(2) Include the information in the investigative file.

B. An ACC shall review the investigative file and, if applicable, an agency head's recommendation regarding the imposition of administrative charges in accordance with COMAR 12.04.09.

C. Following an ACC's review and deliberation, the ACC shall review the violation category definitions for the most appropriate violation category.

D. When determining the appropriate violation category, level, and disciplinary range, an ACC, agency head, or trial board may use the Uniform State Disciplinary Matrix violation examples posted on the Police Training and Standards Commission's website as a guide.

E. Factors Influencing the Determination to Recommend Administrative Charges and Impose Discipline.

(1) Mitigating and aggravating factors surrounding a sustained violation may increase or decrease the discipline.

(2) Factors considered within a disciplinary range shall stay with the specific violation category.

F. Multiple Count Adjustments. When multiple violations arise from the same incident:

(1) The violations may be consolidated into one form of discipline by:

(a) Selecting the most serious violation as a starting point within a violation category; and

(b) Weighing the other violations to determine whether and how much to increase the discipline with the selected violation category; or

(2) Each sustained misconduct violation may be considered separately for the purpose of determining discipline.

G. Prior Disciplinary Record.

(1) An ACC, agency head, or trial board shall consider a police officer's prior sustained disciplinary record when determining discipline for a new violation.

(2) When applicable, three or more sustained violations in the same category within a specified time period shall progress to the next violation category.

#### H. Deviation from the Uniform State Disciplinary Matrix.

(1) An ACC, agency head, or trial board may deviate from the use of the Uniform State Disciplinary Matrix only when required by court order, consent decree, or other superseding legal authority.

(2) The Uniform State Disciplinary Matrix does not impact a law enforcement agency's rights to maintain order and manage the affairs of a law enforcement agency in all aspects including, but not limited to:

- (a) Establishing standards of service;
- (b) Transfer or assignment of a police officer;
- (c) Establishing standards for performance and conduct; and
- (d) Maintaining control and regulation of the use of government equipment and property.

I. Mediation Programs. Complaints from the public that meet the eligibility requirements for the mediation process established by regulation pursuant to Public Safety Article, §3-207(d), Annotated Code of Maryland, may, subject to the agreement of the complainant, be handled outside of the formal PAB and ACC complaint process.

J. The Uniform State Disciplinary Matrix and Special Circumstance Violations tables shall be maintained and published by the Maryland Police Training and Standards Commission on its public website.

### **Administrative History**

#### **Effective date:**

Regulations .01—.05 adopted as an emergency provision effective September 6, 2022 (49:21 Md. R. 944); emergency provision expired effective December 27, 2022

**Regulations .01—.05 adopted effective January 9, 2023 (49:27 Md. R. 1111)**

## **Disciplinary Matrix 3-9-23.pdf**



# STATEWIDE POLICE DISCIPLINARY MATRIX

## RESOURCE GUIDE

June 9, 2022

Final Edited Document – PTSC APPROVED

(Updated Version 3/9/23)



# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

### PURPOSE

Contained in this document is the Maryland Statewide Model Disciplinary Matrix required by the Maryland Police Accountability Act of 2021 (Public Safety Article, 3-105, Annotated Code of Maryland). The Statewide Model Disciplinary Matrix is the required framework through which **all matters of discipline** will be imposed as a result of a sustained disposition from an administrative investigation into an officer's misconduct. The purpose of this Disciplinary Matrix is to apply disciplinary standards in a fair, equitable and consistent manner statewide.

### GENERAL PROVISIONS

In order to protect the collective integrity of a law enforcement agency, all matters that may result in discipline shall be imposed pursuant to the Disciplinary Matrix as responsive measures to an officer's sustained violation of an agency's policy or other police misconduct. Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline.

Discipline is imposed for first violations and may follow a progressive course for repeat or increasingly serious offenses. This Disciplinary Matrix, and the imposition of discipline, shall not be based on the member's race, religion, gender expression, gender identity, sex assigned at birth, sexual orientation, national origin, age, ethnicity, or familial relationships. Furthermore, the imposition of discipline shall not be influenced by the high or low profile nature of the incident.

The Matrix includes a breakdown of six (6) different categories of violations, labeled A through F, with A as the lowest level of discipline and F as the highest. Each category is defined, along with example violations. Three penalty levels are included in each category which are based on the number of similar violations in a specified period of time. A disciplinary range is then used for assessing the recommended discipline. Based on aggravating and/or mitigating factors the disciplinary range can increase or decrease upon review of the totality of the circumstances surrounding the sustained violation.





## DEFINITIONS

**Aggravating Factors** – Conditions or events related to the violation that increase the seriousness of the violation and may increase the degree of penalty as specified in the Matrix below. Examples of aggravating factors include, but are not limited to, the following:

- The officer's prior disciplinary history
- The officer's prior negative work history, including non-disciplinary corrective action
- The officer's rank
- The violation was committed willfully or for personal gain
- The officer's efforts to conceal the violation, or to be untruthful or dishonest
- The officer's failure to cooperate with the investigation into the alleged misconduct
- The violation was retaliatory in nature
- The violation or behavior was motivated by bias against a member or group of a protected class under the State's hate crimes law, (Public Safety Article, §10-304, Annotated Code of Maryland).
- The officer's expressed unwillingness to comply with policy, tactics, or performance standards
- The impact of the violation on the community or the department's ability to carry out its mission
- The degree to which the violation caused or could have caused the loss of life or injury, and
- The degree to which the violation caused loss or damage to public or private property.

**Note:** *Some aggravating factors may in themselves constitute additional violations of policy associated with separate, higher, ranges of discipline. For example, "efforts to conceal" even a minor violation may themselves constitute separate ethics/honesty violations subject to a higher range of discipline (e.g., lying or destroying/falsifying evidence to conceal a minor violation).*

**Disciplinary Matrix** – a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct. (Public Safety Article, §3-101, Annotated Code of Maryland).

**Formal Written Counseling (FWC)** – A form of counseling given to employees who have violated an agency's policy. Formal Written Counseling, the least severe form of disciplinary action, serves as a warning for violations. Further violations of same or similar conduct may result in more severe discipline. A copy of the formal written counseling shall be placed in the officer's disciplinary file.

**Letter of Reprimand (LOR)** – A formal letter to an officer from the agency which details the officer's wrongful actions and states their actions have been deemed inappropriate or unacceptable. Further violations of same or similar conduct may result in more severe discipline. A copy of this letter shall be placed in the officer's disciplinary file.

**Loss of Leave (LOL)** – Removal of leave from officer's accrued leave total (vacation, personal). Loss of leave shall be determined in hours.

**Loss of Pay (LOP)** – Suspension from duty without pay.

**Level (One)** – Penalty level for first offense violation.

**Level (Two)** – Penalty level for second offense of similar conduct.



**Level (Three)** – Penalty level for third offense or more of similar conduct.

**Mediation** – A process in which parties in a dispute work with one or more impartial mediators who assist the parties in reaching a voluntary agreement for the resolution of a minor dispute or conflict.

**Mitigating Factors** – Conditions or events that relate to the violation, but do not excuse or justify the violation, that are considered in deciding the degree of penalty. Examples of mitigating factors include, but are not limited to, the following:

- The officer's actions are attributable to selfless concern for the well-being of others
- The officer's lack of disciplinary history
- The officer's complimentary work history
- The officer's prior positive work history
- The violation was the inadvertent result of reasonable, otherwise compliant performance
- The officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable
- The officer's commission of the violation at the direction of a superior (who might also be subject to separate discipline)
- Unusually serious workplace tensions / stressors, and
- The violation is attributable to limitations beyond the control of the officer that are caused by legally protected physical or mental disabilities and/or conditions.

**Penalty Days** – The forfeiture of vacation days and/or the imposition of suspension without pay for a specified period of time. The decision to suspend, deduct vacation days, or impose a combination of both, is based upon the severity of the misconduct along with any relevant aggravating and mitigating factors. The local ACC and/or Agency Head shall define a "day" as a specified number of hours depending on the officer's schedule and/or unit within the agency.

**Police Misconduct** – Refer to Public Safety Article, §3-101, Annotated Code of Maryland.

**Remedial Training** – Training designed to correct the behavior of officers who have failed to perform their duties with the skill, knowledge and/or ability expected and/or required of them, or have otherwise demonstrated a need for additional training.

## PROCEDURES

**Violation Categories** – The Matrix includes six (6) categories. Each offense is categorized by a letter (A-F) that represents the severity of the offenses in that category. Category A is the lowest level of discipline and Category F is the highest level. Each category is defined along with a list of example misconduct violations that fit into that category.

**Special Circumstance Categories** – Special circumstance categories are specific violations with their own disciplinary ranges.

**Factors Influencing Discipline** – Mitigating and aggravating factors surrounding a violation may increase or decrease the discipline. Those factors will be considered within the disciplinary range for a specific category.



**Multiple Count Adjustments** – Generally, each sustained misconduct violation shall be considered separately for the purpose of recommending and imposing discipline. However, when multiple violations arise from the same incident, a determination may be made that the most effective manner to address discipline in the case is to consolidate violations into one form of discipline. The most serious offense is used as a starting point within a violation category. The other offenses determine whether and how much to increase the discipline within the selected violation category.

**Prior Disciplinary Record - Same Category** – The Matrix incorporates an officer's prior sustained disciplinary record in determining discipline for a new violation. In each category, there are three penalty levels based on the number of misconduct violations within a specified period of time. Three or more sustained violations in the same category and specified time period will progress to the next higher offense category noted in the Matrix. Prior sustained disciplinary action may also be considered as an aggravating factor.

**Determining Discipline** – In determining discipline, there must first be an agency policy violation or other police misconduct. Once a violation has been identified, first review the violation category definitions, along with similar example violations and select the most appropriate category. Next, determine if the offense is a first offense or repeat offense and select the appropriate level. The disciplinary section is located to the right of the category definition and level. Each chart includes an acceptable disciplinary range for applicable violations. In addition to the severity of the conduct, mitigating or aggravating factors should be considered prior to making a final determination of discipline. The range of discipline includes formal written counseling (least severe), reprimands, penalty days, demotion and termination (most severe). Demotion may only be considered as a discipline penalty if the misconduct is determined to be a Category D or E violation. Demotion may be the sole penalty or in addition to a penalty within the disciplinary range.

**Additional Corrective Measures** – Notwithstanding the penalties in the Matrix, an officer may be referred to counseling, an employee assistance program, and/or remedial training. Additionally, suspension or removal from a take-home car program and suspension or removal from secondary employment are also options for an ACC to consider. These options may also be imposed by police management, independent of the Local Administrative Charging Committee, consistent with management rights and/or agency policy.

**Violations that Fall into Multiple Violation Categories** – Some violations can fall into multiple categories depending on the severity of the violation. For example, penalties for body-worn camera related violations, insubordination, and harassment may carry more or less severe penalties, depending on which category most accurately fits the member's actions.

**Notes:**

- *PAB/ACCs and Agencies may only deviate from the use of the Matrix when required to do so by court order, consent decree or any other superseding legal authority. The Matrix does not impact police management rights to maintain the order and manage the affairs of an agency in all aspects including, but not limited to, establishing standards of service, transfer or assignment of employees, establishing standards for performance and conduct, and maintaining control and regulation of the use of government equipment and/or property.*
- *Agencies that operate a formal mediation program are not impacted by this process since it occurs prior to an investigation and is mutually agreed to by the agency, complainant and officer.*





# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

**Note: An agency policy violation or other misconduct must first be identified prior to selecting a Violation Category. If the specific policy/procedure violation is not listed in the examples, review the violation category definition, along with similar violations and select the most appropriate category.**

### VIOLATION CATEGORY – A

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors → Aggravating Factors	
<b>Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.</b>	<b>ONE: 1<sup>st</sup></b> Violation	Formal Written Counseling → Letter of Reprimand	
	<b>TWO: 2<sup>nd</sup></b> Violation in 24 Months	Formal Written Counseling → Up to 1 Day Loss of Leave or Loss of Pay	
	<b>THREE: 3<sup>rd</sup></b> Violation in 24 Months	GO TO CATEGORY B LEVEL 1	

#### Policy Violation Examples for Category A

**Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.**

Violation associated with improper attire and grooming (uniformed/non-uniformed)
Late for duty assignment
Failure to properly care for agency vehicle, including but not limited to vehicle inspection and maintenance care
Failure of officer to provide identification when required
Failure to comply with traffic stop procedures
Loss of agency property (excluding weapon and radio)
Parking Violations

## VIOLATION CATEGORY – B

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors → Aggravating Factors	
<b>Category B: Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.</b>	<b>ONE: 1<sup>st</sup></b> Violation	Letter of Reprimand →	Up to 2 Days Loss of Leave or Loss of Pay
	<b>TWO: 2<sup>nd</sup></b> Violation in 36 Months	1 Day Loss of Leave or Loss of Pay →	Up to 3 Days Loss of Leave or Loss of Pay
	<b>THREE: 3<sup>rd</sup></b> Violation in 36 Months	GO TO CATEGORY C LEVEL 1	

Violation Examples for Category B	
<b>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</b>	
Rude, discourteous actions towards the public or other employees to include profanity and/or obscene gestures.	
Failure to furnish name, ID number, and assignment	
Officer using their official status, name, or photograph to endorse any product or service connected with law enforcement for personal gain without permission from agency	
Failure to remain alert and awake on duty	
Failure to notify supervisor of the suspension, revocation, or cancellation of driver's license	
Unauthorized use or wearing agency issued equipment (or use of agency insignia) while working secondary employment	
Failure to make required inspection of agency vehicle for weapons/contraband prior to and after transporting a prisoner	
Operating an agency vehicle beyond jurisdictional boundaries without authorization	
Altering or modifying agency equipment without approval	
Operating an agency vehicle while on sick leave, light duty status, or suspension without authorization	
Failure to submit required report	
Failure to conduct preliminary and follow-up investigation/reporting	
Improper use of Internet or other communications equipment	
Working secondary employment without approval	
Violation of social media policy	
Failure to accept a complaint against an officer	
Failure to obey traffic laws –minor, while operating an agency vehicle	

## VIOLATION CATEGORY – C

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors → Aggravating Factors	
<b>Category C: Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.</b>	<b>ONE: 1<sup>st</sup></b> Violation	2 Days Loss of Leave or Loss of Pay	→ Up to 4 Days Loss of Pay
	<b>TWO: 2<sup>nd</sup></b> Violation in 48 Months	3 Days Loss of Pay or 3 Days Loss of Leave	→ Up to 5 Days Loss of pay
	<b>THREE: 3<sup>rd</sup></b> Violation in 48 Months	GO TO CATEGORY D LEVEL 1	

### Violation Examples for Category C

**Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.**

Failure to notify or report to duty assignment – Absent without leave (AWOL)
Failure to notify agency that officer has become subject of a criminal investigation
Failure to properly secure a firearm
Unauthorized/careless use/handling/display of a weapon
Carrying an unauthorized firearm, ECD or other weapon in a vehicle or on the officer's person, on or off duty
Discharging of firearm in violation of policy – no injury
Failure to properly search a prisoner incident to arrest
Improper release/escape of a prisoner (no criminal intent)
Unnecessary force/excessive force resulting in unknown injury or minor injury
Failure to document or investigate a physical use of force
Engaged in secondary employment while on sick leave
Unauthorized vehicle pursuit– no injury
Dissemination of confidential information related to a criminal investigation, Criminal Justice Information System (CJIS) or Motor Vehicle Administration (MVA) to unauthorized persons



## VIOLATION CATEGORY – D

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors → Aggravating Factors	
<b>Category D: Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.</b>	<b>ONE: 1<sup>st</sup></b> Violation	5 Days Loss of Pay or 5 Days Loss of Leave	→ Up to 15 Days Loss of Pay
	<b>TWO: 2<sup>nd</sup></b> Violation in 60 Months	10 Days Loss of Pay	→ Up to 20 Days Loss of Pay
	<b>THREE: 3<sup>rd</sup></b> Violation in 60 Months	GO TO CATEGORY E LEVEL 1	

*Note: Demotion and/or reduction in rank can also be considered as an independent sanction or in addition to another disciplinary penalty for Category D*

Violation Examples for Category D	
<i>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</i>	
Reporting to work with a measurable amount of alcohol in system, (no requirement to be legally intoxicated)	
Failure to provide and/or request needed medical assistance (includes individuals not in custody)	
Failure to notify agency that officer has been charged with a civil or criminal violation, whether by arrest or criminal summons.	
Unauthorized vehicle pursuit– with injury	
Failure to report a firearm or less lethal weapon discharge (includes accidental discharges)	
Failure to report an agency collision	

## VIOLATION CATEGORY – E

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors → Aggravating Factors	
<b>Category E: Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.</b>	<b>ONE: 1<sup>st</sup></b> Violation	15 Days Loss of Pay →	25 Days Loss of Pay up to TERMINATION
	<b>TWO: 2<sup>nd</sup></b> Violation in 60 Months	15 Days Loss of Pay →	30 Days Loss of Pay up to TERMINATION
	<b>THREE: 3<sup>rd</sup></b> Violation in 60 Months	GO TO CATEGORY F LEVEL 1	

*Note: Demotion and/or reduction in rank can also be considered as an independent sanction or in addition to another disciplinary penalty for Category E*

Violation Examples for Category E	
<b>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</b>	
Using official position to avoid consequences of criminal laws and/or incarcerable traffic violations.	
Unnecessary force/excessive force resulting in serious injury	
Failure to report a use of force	
Engaging in acts of retaliation	
Discharging of firearm resulting in injury or death, non-criminal intent	
Obstructing or hindering a criminal investigation	
Obstructing or hindering internal affairs or an administrative investigation	
Affiliation with any person or organization known to be involved in criminal activity	



## VIOLATION CATEGORY – F

Categories and Descriptions	Level	Disciplinary Range Mitigating Factors → Aggravating Factors
<b>Category F: Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency's mission, vision and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics or character related to an employee's fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. § 922(g) (Lautenberg) violations.</b>	<b>ONE: ANY VIOLATION</b>	<b>TERMINATION</b>

<b>Violation Examples for Category F</b> <small>Note: The below list represents violation examples that may fall into this category. An agency policy violation must first be identified.</small>	
Truthfulness: Intentionally making any verbal or written false statement during an official investigation or on any official agency document.	Enforcement and/or detention of individuals based on discriminatory practices
Engaging in sexual behavior on duty	Engaging in sexual behavior in an agency vehicle or facility, on or off duty
Intentional malicious and unjustified use of force resulting in serious bodily injury or death	Intentional erasing video footage and/or audio transmissions from digital video camera equipment (BWC/In-Car Camera)
Converting property/evidence for personal use	Performing secondary employment while on-duty
Improper use of controlled dangerous substance (CDS), narcotic, or hallucinogen	Tampering or manufacturing of evidence
Knowingly participating or joining an organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.	





# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

### SPECIAL CIRCUMSTANCE VIOLATIONS

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>DRIVING UNDER THE INFLUENCE</b>  <b>Category 1: Any <u>off-duty</u> driving under the influence of alcohol and/or drugs which would constitute a violation of law.</b>	<b>ONE: 1<sup>st</sup></b> Violation	15 Days Loss of Pay	→ TERMINATION*
	<b>TWO: 2<sup>nd</sup></b> Violation	30 Days Loss of Pay	→ TERMINATION*
	<b>THREE: 3<sup>rd</sup></b> Violation	TERMINATION*	
<b>Category 1a: Any <u>on-duty</u> or off-duty in a departmental vehicle driving under the influence of alcohol and/or drugs which would constitute a violation of law.</b>	<b>ONE: 1<sup>st</sup></b> Violation	TERMINATION*	

*\*Unless prohibited by Executive Order or Government Policy*

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>FAILURE TO APPEAR FOR COURT/MVA HEARINGS</b>  <b>Category 2: Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category also includes MVA hearings.</b>  *Resets 1 calendar year from the date of the first violation.	<b>ONE:</b> 2 violations in 1 year	Formal Written Counseling	→ Formal Written Counseling
	<b>TWO:</b> 2 additional violations in 2 years	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay

## DEPARTMENTAL COLLISIONS

Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors →	Aggravating Factors
<b>DEPARTMENTAL COLLISIONS</b>  <b>Category 1: Minor Damage<sup>1</sup> to Police Vehicle and/or Other Property or Vehicle</b>  <sup>1</sup> Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).  <sup>2</sup> Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	<b>ONE:</b> 1 <sup>st</sup> Violation up to 12 months	Formal Written Counseling	Letter of Reprimand
	<b>TWO:</b> 2 <sup>nd</sup> Violation within 0-24 months	Formal Written Counseling	Up to 2 Days Loss of Leave or Loss of Pay
	<b>THREE<sup>2</sup>:</b> 3 <sup>rd</sup> or more Violation within 0-36 months	Letter of Reprimand	Up to 5 Days Loss of Leave or Loss of Pay
<b>Category 2: Major Damage to Police Vehicle and/or Other Property or Vehicle</b>  <sup>1</sup> Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).  <sup>2</sup> Driver Re-training can be imposed at any level but is mandatory for three or more at-fault departmental collisions.	<b>ONE:</b> 1 <sup>st</sup> Violation up to 12 months	Formal Written Counseling	Up to 1 Day Loss of Leave or Loss of Pay
	<b>TWO:</b> 2 <sup>nd</sup> Violation within 0-24 months	Letter of Reprimand	Up to 3 Days Loss of Leave or Loss of Pay
	<b>THREE<sup>2</sup>:</b> 3 <sup>rd</sup> or more Violation within 0-36 months	Letter of Reprimand	Up to 10 Days Loss of Leave or Loss of Pay
<b>Category 3: Injury to Law Enforcement Personnel and/or Civilian</b>  If gross negligence or reckless operation of a police vehicle is involved in any collision that results in serious injury or death the disciplinary range will increase up to and including termination.	<b>ONE:</b> 1 <sup>st</sup> Violation up to 12 months	Formal Written Counseling	Up to 2 Days Loss of Leave or Loss of Pay
	<b>TWO:</b> 2 <sup>nd</sup> Violation within 0-24 months	Letter of Reprimand	Up to 5 Days Loss of Leave or Loss of Pay
	<b>THREE<sup>2</sup>:</b> 3 <sup>rd</sup> or more Violation within 0-36 months	Letter of Reprimand	Up to 14 Days Loss of Leave or Loss of Pay



# STATEWIDE POLICE DISCIPLINARY MATRIX

## MARYLAND POLICE TRAINING AND STANDARDS COMMISSION

### **VIOLATION EXAMPLES THAT MAY FALL INTO MULTIPLE VIOLATION CATEGORIES DEPENDING ON THE FACTS OF A CASE**

The policy violation examples set forth in this document are not intended to serve as an exhaustive list of prohibitions on officer conduct and activities. Rather, they are intended to be a sampling of policy violations that exist in the majority of law enforcement agencies. Examples of misconduct have been provided in each policy violation category to serve as a guide in determining discipline for officers found to have violated an agency's policy or general orders/procedures. However, while policy examples outlining acceptable and unacceptable conduct for officers is necessary, not every situation can or will be covered explicitly. Below is a listing of policy conduct violations commonly found in law enforcement policies that may not fall into one specific violation category, but may warrant a higher or lower level of discipline based on the severity of the misconduct.

**ABUSE OF POSITION:** Officers conduct, whether on or off duty, where their authority or position is used for financial gain, obtain or grant privileges or favors, avoid consequences of illegal acts for themselves or others, or to barter, solicit or accept any good or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.

#### **BWC/IN CAR VIDEO/VIDEO RECORDED EQUIPMENT VIOLATIONS**

**CONDUCT UNBECOMING:** Officer conduct, whether on or off duty, that casts doubt on their integrity, honesty, moral judgment, or character; brings discredit to an agency; or impairs the agency's efficient and effective operation.

#### **CUSTODIAL RELATED VIOLATIONS (ABUSE, SECURING, TRANSPORTATION, MEDICAL CARE)**

#### **DISCRIMINATION AND/OR HARASSMENT TOWARD AN INDIVIDUAL BASED ON RACIAL, RELIGIOUS, ETHNIC, OR OTHER GROUPS OR CLASSES OF INDIVIDUALS PROTECTED BY LAW**

#### **DUTY TO INTERVENE/FAILURE TO DEESCALATE**

#### **FAILURE OF SUPERVISOR TO PROPERLY MANAGE PERSONNEL AND/OR FOLLOW SUPERVISORY POLICY RESPONSIBILITIES**

**INSUBORDINATION:** Willful failure of an officer to obey a supervisor's lawful orders.

#### **VIOLATIONS OF FEDERAL, STATE OR LOCAL LAW**

**WORKPLACE VIOLENCE:** Any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs in the workplace or arises out of the employment relationship.

