I. Purpose

To ensure that the integrity of the Division is maintained through an internal system whereby objectivity, fairness, and justice are guaranteed by an impartial investigation and review of any and all complaints concerning police practices.

II. Policy

It is the policy of this Division to thoroughly and expeditiously investigate all complaints concerning police practices, thereby instilling public confidence in the Division. The Chief will assign supervisory personnel to investigate all complaints concerning police practices. All findings will be reported directly to the Chief. These procedures apply to allegations of misconduct occurring both on-duty and off-duty when the off-duty conduct would bring discredit to the Division.

III. Definitions

A. Administratively Closed: A disposition used when the complaint has been withdrawn by the complainant, the complainant could not be contacted, the respondent officer is no longer employed by the Division or when the complainant misunderstood the law or procedure.

B. Brutality: Brutality is the use of excessive or unjustified physical force by an officer in the exercise of official duties.

C. Complaint: An allegation of misconduct made against an employee(s) of the Division from any source, provided that such complaint is made within thirty (30) days of the occurrence or notification of the incident.
D. Complainant: An aggrieved person, a member of the aggrieved person's immediate family, an individual with firsthand knowledge obtained because the individual was present at and observed the alleged incident or has video recording of the incident, and if the aggrieved is a minor child, the parent or guardian of the minor child.

E. Counseling: The non-punitive, non-disciplinary criticism, guidance, training, or other action taken to assist a subordinate in correcting a performance deficiency.

F. Disciplinary Action: Punishment imposed by the Chief which exceeds a $150.00 fine or three-day suspension.

G. Emergency Suspension: A non-punitive suspension with pay imposed upon a determination that the action is in the best interest of the public and the Division or a suspension without pay imposed by the Chief when an officer has been charged with the commission of a felony.

H. Exonerated: The allegation in fact did occur, but the actions of the agency employee were legal, justified, proper, and in conformance with the agency policy and procedure.

I. Final Order: The decision of the Chief after review of the hearing board's findings, conclusions and recommendations, or in cases where the hearing board is waived, after a review of the investigative file.

J. Letter of Reprimand: This is the least severe punishment which can be given to an employee. The letter documents the violation for inclusion into the employee's personnel file.

K. Minor Allegations of Misconduct: Minor complaints of misconduct include those allegations, which when sustained, would be disciplined through the imposition of summary punishment.

L. Non-Punitive Transfer: A non-punitive reassignment, where the Chief determines that action to be in the best interests of the internal management of the law enforcement agency. This is a non-disciplinary personnel action.

M. Non-Sustained: The investigation determined that the actions of the respondent were justified, lawful and proper and there was no basis for allegation(s).

N. Respondent: The officer accused of misconduct and under investigation as a result of a complaint.

O. Section or Unit Commander: The highest ranking officer assigned to a Section or Unit of officers in the Division.

P. Serious Allegations of Misconduct: Serious complaints of misconduct include those allegations, which when sustained, would be disciplined through the imposition of punishment more severe than summary punishment. Serious complaints include, among other acts, brutality, racial prejudice, misappropriation of monies, or untruthful statements.
Q. Summary Punishment: Disciplinary action imposed by the highest ranking officer of a unit or section, or officer acting in that capacity, when the facts constituting the offense are not in dispute. Summary punishment may not exceed a three-day suspension without pay, or a fine of $150.00.

R. Sustained: The investigation disclosed sufficient evidence to clearly prove allegations of improper conduct.

S. Unfounded: The investigation of the complaint indicates that the alleged acts did not occur or failed to involve officers of this command.

T. Unreported Misconduct: The investigation revealed the occurrence of sustained acts of misconduct not alleged in the complaint.

IV. Authority in Disciplinary Measures

A. The Chief has authority for disciplinary action involving police officers and police officer candidates in complaints of brutality (within the guidelines of the Law Enforcement Officers' Bill of Rights).

B. The Director of Parks has final authority for disciplinary action involving all sworn police (except complaints alleging brutality).

C. A section commander has the authority to issue summary punishment not to exceed three (3) days suspension or a fine in the amount of one-hundred fifty (150) dollars for minor acts of misconduct.

V. Receiving Complaints

A. All complaints should be documented on the "Complaint Concerning Police Practices" (Appendix A) form and forwarded to the Chief.

1. A citizen desiring to complain about an officer either in person or by telephone will be referred during business hours to the appropriate section commander and during non-business hours to a supervisory officer on-duty. This person will attempt to resolve the matter. In the event that the matter cannot be resolved, the citizen will be advised of the proper procedures to file a complaint. Regardless, this supervisor will complete a Supervisors Initial Complaint Inquiry Checklist and forward it directly to the Chief.

2. Complaints should be documented in written form by the complainant and forwarded to Chief.

3. If the complainant refuses to document the complaint, and the allegation, if factual, would constitute misconduct, the receiving officer will document the complaint utilizing the "Complaint Concerning Police Practices" form and forward it to Chief.
4. “A complaint against a law enforcement officer, alleges brutality in the execution of the law enforcement officer’s duties, may not be investigated unless the complaint is signed and sworn to, under penalty of perjury by: the aggrieved individual; a member of the aggrieved individual’s immediate family; an individual with firsthand knowledge obtained because the individual was present at and observed the alleged incident or has a video recording of the incident that, to the best of the individual’s knowledge, is unaltered; or the parent or guardian of the minor child, if the alleged incident involves a minor child. Unless a complaint is filed within 366 days after the alleged brutality, an investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken.” (Annotated Code of Maryland, Public Safety, Title 3-104 (c)).

At the option of the Division, any allegation of excessive force may be investigated regardless of whether or not the time limitations as imposed have expired. (Baltimore Police vs. Andrew)

B. An employee may file a complaint against an officer of the Division. The complaint will document the identical information prescribed above for a citizen's complaint, and be submitted directly to the Chief.

C. Anonymous complaints are not excluded from investigation. Efforts should be made to gain the cooperation of the complainant. Many anonymous complaints, by their very nature, are difficult to substantiate, yet this will not preclude a preliminary inquiry into the matter, and where possible, a preliminary inquiry into the complaint will be made. The person receiving an anonymous call will document the complaint on the "Complaint Concerning Police Practices" form and forward it directly to the Chief.

D. The Chief may investigate allegations against officers from whatever source consistent with law when it is determined that such investigation is in the best interest of the Division. (Maryland State Police vs. Resh)

E. Division Employees will not attempt to influence, harass, intimidate or otherwise interfere with the lawful actions of any participant in an internal investigation or administrative hearing board.

F. A law enforcement may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the law enforcement officer’s employment or be threatened with that treatment because the law enforcement officer exercised rights granted by the LEOBR, has lawfully exercised constitutional rights or has disclosed information that evidences gross mismanagement, a gross waste of governmental resources, a substantial and specific danger to the public health or safety, or a violation of law committed by another law enforcement officer. (Title 3-103.d.1)

G. A law enforcement officer may not undertake an independent investigation based on knowledge of disclosures related to gross mismanagement, a gross waste of governmental resources, a substantial and specific danger to the public health or safety, or a violation of law committed by another law enforcement officer. (Title 3-103.d.2)
VI. Emergency Suspension - The authority to suspend employees in emergency situations is delegated by the Chief to supervisors of the rank of sergeant or above, when the acts are of such gravity and nature that such suspension is in the best interest of the public or the Maryland-National Capital Park Police.

A. The supervisory officer conducting the suspension will prepare and complete an "Emergency Suspension Notice" (Appendix B) specifically setting forth reasons for the suspension. This notice will be given to the officer at the time of the emergency suspension, if circumstances allow.

B. The Chief and the respondents Assistant Chief will be notified immediately and a copy of the "Emergency Suspension Notice" will be forwarded immediately to the Chief for review and action.

C. The Chief will conduct a hearing if requested by the suspended officer (Annotated Code of Maryland, Public Safety, Title 3-112). The hearing will take place within three (3) days after receiving the request. Upon review, the Chief may impose one of the following actions:

1. Continue the suspension.
2. Return to full duty.
3. Assign to temporary duties.

D. The Chief exclusive of return to full duty, will review any such action every twenty (20) days for the purpose of continuing or terminating the action. Such action will be in writing and forwarded to the affected officer within two (2) working days.

E. Emergency suspensions will be with pay, unless the respondent has been charged with a felony, and does not prohibit the subsequent filing of a Complaint Concerning Police Practices.

F. Personnel initiating an emergency suspension will take custodial possession of a suspended officer's service weapon, police badge, police credentials, and vehicle keys (see Emergency Suspension Check List, Appendix C).

VII. Administrative Procedures

A. A record of all complaints made against the Division and its employees will be maintained.

B. The Chief will designate the investigating officer.

In addition, the following principles will serve as guidelines for the Chief when determining investigative responsibility:

1. Discipline is a command responsibility.
2. Complaints should be investigated at the lowest possible level.
C. Investigations Assigned to a Pro-tem Investigator:

1. One or more investigators will be responsible for investigating all complaints regarding serious allegations of misconduct.

2. Once assigned to or assisting with any internal investigation, the investigator will report directly to the Chief.

3. Upon completion of the investigation, the report and findings, will be forwarded directly to the Chief.

D. Investigations

1. All personnel assigned to investigate complaints of police practices will:
   a. Confer with the Office of General Counsel when necessary.
   b. In cases where the officer is under arrest or is likely to be placed under arrest as a result of the interrogation, establish and maintain liaison with the State's Attorney's Office for guidance.
   c. Prepare a letter for the signature of the Chief which provides the complainant with a written verification that their complaint has been received for processing (see letter, Appendix D).
   d. May request assistance from the Internal Affairs Section Commander regarding investigations
   e. Provide the Chief with status reports of the progress of the investigation.
   f. Complete the investigation within sixty (60) calendar days, unless an extension of time is granted by the Chief and after sixty (60) days provide status reports every seven (7) days.
   g. Maintain the complete file in a secure area and manner at all times.
   h. Forward the completed investigative file to the Chief who will forward the folder after review to the Office of General Counsel for review of legal sufficiency.

2. All completed investigative files will contain a "Report of Investigation" (Appendix E) which will include:
   a. The allegation(s).
   b. A statement of facts arranged in chronological order.
   c. Finding(s) drawn by the investigator regarding each allegation.

3. See Appendix E for "Report of Investigation" format.

E. Interrogation of Officers Under Investigation:

1. "Investigation and Interrogation Notice" Form:

In order to ensure due process, the "Investigation and Interrogation Notice" (Appendix F) form will be initiated prior to any interrogation of an officer under investigation. As cited in the Annotated Code of Maryland, Public Safety;
"Before an interrogation, the law enforcement officer under investigation shall be informed in writing of the nature of the investigation.” (Title 3, Section 104(d)(2))

“On completion of an investigation and at least 10 days before a hearing, the law enforcement officer under investigation shall be: notified of the name of each witness and of each charge and specification against the law enforcement officer.” (Title 3, Section 104(n)(1)(i))

2. Representative at Interrogation:

As cited in the Annotated Code of Maryland, Public Safety;

“On request, the law enforcement officer under interrogation has the right to be represented by counsel or another responsible representative of the law enforcement officer's choice who shall be present and available for consultation at all times during the interrogation.” (Title 3, Section 104(j)(1)(i))

“The law enforcement officer may waive the right described in subparagraph (i) of this paragraph.” (Title 3, Section 104(j)(1)(ii))

“The interrogation shall be suspended for a period not exceeding 10 days until representation is obtained.” (Title 3, Section 104(j)(2)(i))

“Within that 10-day period, the chief for good cause shown may extend the period for obtaining representation.” (Title 3, Section 104(j)(2)(ii))

Probationary officers are entitled to representation only in the case of an allegation of "brutality."

3. Record of Interrogation:

As cited in the Annotated Code of Maryland, Public Safety;

“A complete record shall be kept of the entire interrogation, including all recess periods, of the law enforcement officer.” (Title 3, Section 104(k)(1))

“The record may be written, taped or transcribed.” (Title 3, Section 104(k)(2))

“On completion of the investigation, and on request of the law enforcement officer under investigation or the law enforcement officer’s counsel or representative a copy of the record of the interrogation shall be made available at least 10 days before a hearing.” (Title 3, Section 104(k)(3)) (Appendix G)

4. Interrogation Rights & Waiver:

As cited in the Annotated Code of Maryland, Public Safety;

“If the law enforcement officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, the law enforcement officer shall be informed completely of all of the law enforcement officer’s rights before the interrogation begins.” (Title 3, Section 104(e))
5. Time, Place, and Manner of Interrogations:
   As cited in the Annotated Code of Maryland, Public Safety;
   
   a. “Unless the seriousness of the investigation is of a degree that an immediate interrogation is required, the interrogation shall be conducted at a reasonable hour, preferably when the law enforcement officer is on duty.” (Title 3, Section 104 (f))
   
   b. “The interrogation shall take place at the office of the command of the investigating officer or at the office of the local precinct or police unit in which the incident allegedly occurred, as designated by the investigating officer; or at another reasonable and appropriate place.” (Title 3, Section 104 (g) (1))
   
   c. “Each Session of interrogation shall: be for a reasonable period; and allow for personal necessities and rest periods as reasonably necessary.” (Title 3, Section 104 (h) (2))
   
   d. “The law enforcement officer under interrogation may not be threatened with transfer, dismissal or disciplinary action.” (Title 3, Section 104 (i))
   
   e. “The law enforcement officer under investigation shall be informed of the name, rank and command of: the officer in charge of the investigation, the interrogating officer and all individuals present during the interrogation.” (Title 3, Section 104 (d) (1))
      
   “All questions directed to the law enforcement officer under interrogation shall be asked by and through one interrogating officer during any one session of interrogation...” (Title 3, Section 104 (h) (1))

6. Required Interrogations and Tests:

   Officers may be required to submit to certain tests pursuant to an investigation as cited in the Annotated Code of Maryland, Title 3, Public Safety:
   
   a. The law enforcement agency may order the law enforcement officer under investigation to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation. (Title 3, Section 104 (l)(1))
      
   If the law enforcement agency orders the law enforcement officer to submit to a test, examination or interrogation described in paragraph (1) of this subsection and the law enforcement officer refuses to do so, the law enforcement agency may commence an action that may lead to a punitive measure as a result of the refusal. (Title 3, Section 104 (l)(2))
   If the law enforcement agency orders the law enforcement officer to
submit to a test, examination, or interrogation described in paragraph (1) of this subsection, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the law enforcement officer. (Public Safety, Title 3, Section 104 (l)(3))

b. The investigator will utilize the "Drug Screen Notice" form when the officer has been ordered to submit to a urine test for controlled dangerous substance based upon a reasonable suspicion of drug abuse (see Appendixes H, I, J).

c. An officer may be required to be photographed, finger printed, participate in a line-up or submit to a truth verification examination (Computer Voice Stress Analyzer CVSA).

d. An officer may be required to submit a financial disclosure statement for any investigation involving allegations of conflict of interest or where required by law. (Maryland Annotated Code, Public Safety, Title 3, Section 103 (c))

7. During the investigation, any officer or employee of the Division may be ordered by the investigator to submit a statement and or answer all questions, which specifically relate to the subject matter of the investigation regardless of the relative rank of the persons involved.

VIII. Completed Internal Investigations

A. The Division recognizes five possible findings to any internal investigation:

1. Unfounded
2. Exonerated
3. Non-sustained
4. Sustained
5. Administratively closed

Incidents of "unreported misconduct" will be listed in the findings with a closure category.

B. In all cases where the recommendation of finding is unfounded, administratively closed, exonerated or non-sustained, the report will be forwarded to the Chief for approval. In these cases, the Chief will forward to the respondent notice that he or she has been exonerated of the allegations. If it has been determined that a policy failure has occurred, the Chief will direct appropriate staff to review and modify policy as necessary.

C. In all cases where the recommendation of finding is sustained, the report will be forwarded to the Chief. If the Chief agrees with the finding, one of the following options will be exercised:

1. Non-punitive sanctions, such as performance counseling or remedial training may be imposed.
2. Summary punishment may be imposed for minor violations of rules or regulations when; the facts of the case are not in dispute, the officer waives the hearing and the officer accepts the punishment imposed by the highest ranking officer of the unit to which the respondent is assigned. (See Section IX, below, for a more complete explanation of summary punishment.)

   
a. The Chief will execute the "Administrative Disciplinary Charges" notice (Appendix K) to the respondent specifying the charges on the allegations and notifying the respondent of the intent to take disciplinary action.
   
b. The Internal Affairs Section Commander will present the respondent with the “Administrative Disciplinary Charges” notice containing a waiver to a hearing.
   
c. The respondent may, in writing, waive his or her right to a hearing board. If this occurs, the Chief, upon review of the investigative file, will issue a final order.
   
d. Should the respondent exercise the right to a hearing, the investigatory file will be forwarded to the Office of the General Counsel (Legal) whose responsibility it will be to prepare a list of witnesses.
   
e. The three-member Hearing Board will be selected pursuant to Maryland Annotated Code, Public Safety, Title 3, Section 107(c) as follows:
      1) Except as provided in paragraph (5) of this subsection and in title 3-111 of the Annotated Code of Maryland, the hearing board shall consist of at least three voting members who:
         i. Who are appointed by the chief and chosen from law enforcement officers within that law enforcement agency, or from law enforcement officers of another law enforcement agency with the approval of the chief of the other agency; and
         ii. Have had no part in the investigation or interrogation of the law enforcement officer.
      2) At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint is filed.
      3) (i) Subject to subparagraph (ii) of this paragraph, a chief may appoint, as a nonvoting member of the hearing board, one member of the public who has received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers’ Bill of Rights and matters relating to police procedures.
         (ii) If authorized by local law, a hearing board formed under paragraph (1) of this subsection may include up to two voting or nonvoting members of the public who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officer’s Bill of Rights and matters relating to police procedures.
   
4) The Chief will appoint a Chairman of the Hearing Board.
5) For the second Board member, the Chief will designate three Park Police Officers who are eligible to serve on the Board. The
three officers may be of equal or higher rank than the accused. The accused officer will select one of the three to sit on the Board.

6) For the third Board member, the Chief will designate three Park Police Officers who are eligible to serve on the Board. The three officers must be the same rank as the accused. The accused officer will select one of the three to sit on the Board.

7) The Hearing Board will consist of no less than three (3) voting members consistent with the Law Enforcement Officers' Bill of Rights (Annotated Code of Maryland, Public Safety, Title 3, Subtitle 107) and the Collective Bargaining Agreement between the Commission and Fraternal Order of Police.

8) Within five (5) days of the notification of the Hearing Board composition, the respondent may challenge for cause any member of the Board. Challenge of the Board Chairperson will be made to the Chief. Challenge of other Board members will be made to the Board Chairperson.

9) Any challenge for cause offered by the respondent will be considered. If it is determined that cause for removal has been established, the Chief will remove the challenged Board member and within two (2) days and appoint another member.

D. Completed internal investigation reports are confidential and considered "personnel or employment matters" and will be kept secured in the office of Professional Standards. Authorization for access can only be granted by the Chief.

IX. Summary Punishment

A. Statutory Provisions:

Summary punishment may be imposed for minor violations of Division rules and directives if “the facts which constitute the minor violation are not in dispute; the law enforcement officer waives the hearing provided by this subtitle; and the law enforcement officer accepts the punishment imposed by the highest ranking officer, or individual acting in that capacity, of the unit to which the law enforcement officer is attached.” (Title 3, Section 111 (b))

The "Administrative Disciplinary Charges" form (Appendix K) will be utilized when disciplinary measures are to be imposed on the law enforcement officer under investigation. The respondent must sign the notice checking the appropriate block indicating one of the choices and return the notice within seventy-two (72) hours of receipt.

B. Other Considerations:

The above procedure does not preclude supervisory personnel from counseling a subordinate. Use of the counseling process can correct undesirable behavior while maintaining maximum harmony between a supervisor and subordinate.
C. Issuance:

Summary punishment may be issued at the unit level by the respondent’s commander with the approval of the appropriate Assistant Chief.

X. Disciplinary Recommendation Guide

The disciplinary recommendation guide reflects the Division's philosophy that when disciplinary action is necessary, it is administered in a consistent manner. Supervisory personnel are encouraged to utilize progressive disciplinary or administrative measures such as remedial training or performance counseling prior to seeking disciplinary action provided that the use of progressive discipline fits the individual desired results. The Division believes that any officer facing a disciplinary action should know what the consequences will be when committing an infraction. Further, utilization of the guide will serve as a deterrent.

XI. Process for Civilian Employees, Park Police Candidates, and Park Police Officers on Initial Entry Probation

The disciplinary process pertaining to civilian employees, who are not members of a bargaining unit, is enumerated in the applicable chapter of the current Merit System Rules and Regulations of the Maryland-National Capital Park and Planning Commission, which may be appealed to the Merit System Board. The disciplinary process pertaining to those civilian employees who are members of a collective bargaining unit is governed by the provisions of the applicable contractual agreements. Park Police Candidates are not entitled to rights as afforded in this directive or the Law Enforcement Officers' Bill of Rights. Park Police Officers who are in their initial entry probationary status are not entitled to rights (except for complaints of brutality) as afforded in this directive or the Law Enforcement Officers' Bill of Rights. Park Police Candidates and Officers are however, covered by whatever measures are contained in the collective bargaining agreement and are entitled to union representation. Complaints of alleged brutality filed against a Park Police Officer will be investigated pursuant to the Law Enforcement Officers' Bill of Rights.

XII. Revision

The procedural process as outlined in this directive may be amended from time to time based upon changes in state law and or the needs of either Park Police Division or the Chief.

XIII. Appendixes Directory (Appendixes A- Q and S available on Shared Drive)

A - Police Practices Form
B - Emergency Suspension Notice
C - Suspension Checklist
D - Letter to Complainant
E - Report of Investigation Guidelines and Form
F - Investigation and Interrogation Notice
G - Statement Format (written and transcribed)
H - Medical Examination Notice
I - Medical Release  
J - Drug Screen Notice  
K - Administrative Disciplinary Charges  
L - Disciplinary Recommendation Guide  
M - Board Procedure (Summary Appeal)  
N - Board Procedure - Disciplinary Action  
O - Witness Summons  
P - Confidentiality Agreement  
Q - Counseling/Disciplinary Action Short Form Procedure  
R - Supervisors Initial Complaint Inquiry Checklist  
S - Administrative Hearing Board Manual  
T - Delegation of Authority  

Approved Park Police Document  
Signed Original on File  

End of Directive