



## Discipline

### .01 Policy

The Department has the responsibility to identify and discipline employees whose conduct discredits the Department or impairs its operation. The rights of the employee and the public must be preserved. Any investigation or hearing arising from a complaint shall be conducted fairly and openly, consistent with applicable legislation.

### .02 Terms

**Discriminatory Language:** Demeaning, derogatory or abusive language, or other unbecoming conduct relating to the race, color, national origin, gender or religion of a person.

**Abusive Language:** Harsh, violent, profane or derogatory language that would demean the dignity of any person.

**Inappropriate Language:** Name-calling, sarcastic remarks or other unnecessary language that serves to belittle or embarrass a citizen or otherwise inflame an employee or citizen contact.

**False statement:** Reporting or causing a report of false information, proved by evidence that such report is untrue, deceitful or made with intent to deceive.

**Harassment:** Repeated, unwanted verbal or physical annoyances, threats or demands.

**Investigator:** Any employee who, under authority of the Chief of Police, conducts an internal investigation and makes recommendations regarding that investigation.

**Misrepresentation of fact:** The submission or giving of a report or statement containing improper or inaccurate information.

**Respondent:** Any employee who is the subject of an internal investigation.

**Conduct-Related Offenses:** Violation or failure to comply with any duty, obligation or requirement imposing a standard of behavior on an employee by any criminal law, civil law or regulation, provided such violation bears a demonstrable relationship to the nature of the duties and responsibilities of the employee's position and or constitutes a willful, indifferent, or grossly negligent act of omission by such employee.

**Performance-Related Offenses:** Occur when an employee's performance has become less than satisfactory regarding the execution of any duties, tasks and/or responsibilities listed in their position description.

**O.I.C.:** An officer designated by the Chief of Police as an Officer in Charge.

### .03 Governing Legislation and Reference

**Governing Legislation:**

Maryland Public Safety Article, Title 3, Subtitle 1 *et. seq.*, Law Enforcement Officers' Bill of Rights.

**Forms:**

Minor Disciplinary Action (Form 667).

Disciplinary Action (Form 668).

**Reference:**

General Order 228, Administrative Hearing Boards.

Town Personnel Law.

### .04 Procedure

#### A. Authority of Chief of Police

The Chief of Police is authorized to initiate and administer discipline, as well as authorize subordinate supervisors to initiate, administer or recommend disciplinary action against an employee. The Chief of Police may authorize the following to take such actions:

- Civilian supervisors so authorized in writing;
- Corporals formally appointed in writing as OIC's of a Departmental component;
- Officers in acting ranks of sergeant or above, appointed in writing as OICs of a Departmental component; and,
- Sergeants and above.

#### B. Supervisory Limitations to Initiate Disciplinary Action

An investigator's primary responsibility is to conduct investigations and, when necessary, recommend disciplinary action.

Disposition of investigative and disciplinary recommendations can only be authorized by

## Discipline

the Chief of Police.

Disciplinary recommendations shall not be presented to a respondent until authorized by the Chief of Police.

### C. Limitations of Authority

#### Officer

Those authorized to suspend, recommend or administer discipline against officers are limited in taking such action to the following:

- AWOL;
- Being convicted of a crime;
- Knowingly giving false statements to supervisors or the public;
- Mishandling, abuse or theft of Town property;
- Misrepresentation of facts;
- Unsatisfactory performance;
- Violations of provisions of written directives;
- Acceptance of gratuities;
- Consuming alcoholic beverages or being intoxicated on the job;
- Immoral or unethical conduct reflecting unfavorably on the Town as an employer;
- Loss of any job requirement, license or ability, which prevents the employee from satisfactorily executing job tasks or fulfilling mandated training or certification requirements;
- Membership in any organization advocating overthrow of the U.S. government by force or violence; or,
- Refusal to be examined by a Town authorized physician when in response to a direct order.

#### Civilian Employees & Probationary Officers

For these employees, supervisor-imposed disciplinary action is limited to a written reprimand for conduct-related violations. For performance or conduct-related violations where more than a written reprimand is contemplated, the supervisor shall send a Disciplinary Action Recommendation Letter to the Chief of Police describing the facts of the investigation and the proposed disciplinary action.

References to protections afforded by the Law Enforcement Officers' Bill of Rights (LEOBR) do not apply to probationary officers, except for allegations of police brutality.

### D. Summary Punishment

Summary punishment may be imposed when all of these conditions have been met:

- Employees waive the Administrative Hearing Board and their rights under the LEOBR; and,
- Employees accept punishment imposed by the highest ranking officer of their component; and
- The facts constituting the violation are not in dispute.

### E. Violation Classifications

#### Conduct-Related Offenses

Disciplinary action range for conduct-related offenses:

- Written reprimand;
- Forfeiture of annual leave;
- Maximum 20 days for a violation justifying dismissal;
- Should not exceed 10 working days if issued as follow-up action to a written reprimand;
- Maximum fine of three percent (3%) of the employee's annual base salary for any one violation;
- Suspension;
- Dismissal; or,
- Actions held in abeyance.

#### Performance-Related Offenses

Supervisors shall rely on any one of the following factors to determine if an employee's performance has degraded to a degree warranting disciplinary action:

- Employee unjustifiably fails to execute an assignment as described within his or her position description;
- Employee's actions, negligence, or attitude constitute a course of conduct characterized by an inability, incapability, or unwillingness to maintain a minimum standard of performance regarding the quality or quantity of any of the duties listed

## Discipline

in his or her position description; or,

- Loss of any job requirement preventing satisfactory execution of job tasks, mandated training, or certification requirement.

Disciplinary action range for performance-related offenses:

- Written reprimand;
- Demotion;
- Salary reduction by amount equal to one step rate within the applicable salary range;
- Dismissal; or,
- Actions held in abeyance.

### E. Evaluating Discipline Severity

The following factors shall be considered in making disciplinary recommendations:

- Severity of the disciplinary action compared to the nature of the acts constituting the grounds for disciplinary action;
- Extenuating circumstances that may lessen the severity of the proposed disciplinary action;
- Uniformity of the proposed disciplinary action in relation to disciplinary actions given other employees under similar circumstances; and,
- Employee's prior record of conduct or performance.

When an employee's performance is marginal, their record may be considered in the determination of performance-related disciplinary action.

### F. Appeal of Adverse Disciplinary Action

#### **Officer: Permanent Status**

All disciplinary actions or adverse actions are appealable in accordance with the LEOBR and/or other applicable law.

#### **Officer: Probationary Status**

Probationary officers may only appeal disciplinary or adverse actions alleged to be illegal.

#### Exception

Adverse actions resulting from allegations of use of force are appealable in accordance with the LEOBR.

#### **Civilian Employees: Permanent Status**

Permanent civilians may appeal a disciplinary or adverse action in accordance with Personnel Law.

#### **Civilian Employees: Probationary Status**

Probationary civilian employees may only appeal disciplinary or adverse actions alleged to be illegal or taken without the employee having received a statement or notice of the charges.

#### **Administrative Hearing Board Decision**

See General Order 228, Administrative Hearing Board.

---

HISTORY: Adopted December 1, 2013

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:



Charles L. Owens  
Chief of Police