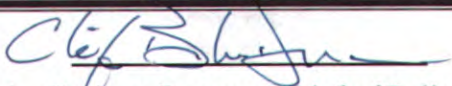
	SALISBURY POLICE DEPARTMENT
	Written Directive: Disciplinary Procedures
	Publication Date: November 07, 2018
	 Approved: Barbara Duncan, Chief of Police
Related CALEA Standards: 26.1.4, 26.1.6, 26.1.7, 26.1.8	Disciplinary Procedures Section #602

Disciplinary Process

1. Purpose:

The purpose of this policy is to establish a disciplinary matrix, applicable to all employees, for addressing violations of departmental policy and procedure, in a fair and consistent manner.

2. Policy:

It is the policy of this department to be fundamentally fair and consistent in the application of discipline. The goal of the disciplinary matrix is to encourage appropriate behavior. The matrix serves as a guide for the initial offer of discipline by a commander; violations not included in this matrix will be handled on a case by case basis. Trial board recommendations are not bound by the discipline matrix. By adopting a prompt, consistent, and fundamentally fair disciplinary process, the department maintains fairness for all employees.

3. Training/Counseling and the Disciplinary Function:

- A. The disciplinary process should identify the measures to be applied to employee conduct in the interest of discipline. The process will be based on fairness to the employee and the department. Training and/or counseling are not to be considered punitive in nature. To this end, training and/or counseling are to be considered as a function of the disciplinary process with the goal of stimulating morale and motivation. Supervisors will take into consideration the following criteria to employ training and/or counseling:
 - a) The nature and severity of the offense, such as lateness, personal appearance infractions, uniform and equipment violations, minor omissions in assigned duties, minor infractions of department regulations;
 - b) The employee's probationary status;
 - c) The employee's performance record;
 - d) The effect of employee's conduct on the public, such as a minor act of discourtesy;

- e) The effect of employee's conduct on the department, such as minor infractions of safety or efficiency; and
 - f) The attitude of the employee.
 - g) Training can be either informal or formal. A supervisor who personally helps the officer who has a problem in writing reports is an example of informal training. Whereas enrolling the employee in the report writing module taught to entry-level officers at the ESCJA is an example of formal training. Remedial and/or formal training will be employed in conjunction with the advice and direction of the employee's supervisor and the training Officer.
- B. Counseling is considered by this department as part of the training process, as it applies to the disciplinary function. Therefore, a performance observation form will be utilized by the supervisor for training as well as counseling. The goal of counseling is to change negative behavior before punitive discipline is necessary. When counseling for such things as lateness, minor discourtesy, etc., the supervisor, through understanding and compassion, should attempt to determine the root of the problem. If marital problems, terminally ill relative, etc., appear to be the cause, the supervisor may schedule an appointment between the employee and the departmental psychologist.

4. Department Disciplinary Matrix:

- A. Definitions:
- a) Matrix:
A chart or table of categorized infractions, with corrective actions and penalties.
 - b) Category: The level in which infractions are classified.
 - c) Mitigating/Aggravating: A circumstance which supports the raising or lowering of the category level of an infraction.
 - d) One Day's Leave: Eight hours will equal one day and for purpose of LEOBR, 8 hours will equal one day
 - e) Performance Observation Form: Form used to document trends events and for documenting employee counseling sessions.
 - f) IA – Internal Affairs
 - g) LEOBR – Law Enforcement Officers' Bill of Rights

5. General:

Misconduct is classified into broad categories of infractions based on progressive degrees of severity. The disciplinary matrix is therefore divided into categories of infractions of the rules and regulations. Category "A" articulates the lowest level of infraction and will first be addressed as non-disciplinary, performance issues. All actions must be documented, but that does not necessarily require formal correspondence. Repeated

infractions of any category may move an infraction to the next level. Infractions of category "B" or higher will be disciplinary matters subject to formal disciplinary penalties as outlined below and for sworn employees in accordance with LEOBR. The corrective actions for category "A" violations may be assessed in addition to the disciplinary range for category B-E violations.

A. Commanders:

- a) Will promptly review all complaints sent to him/her and initiate the appropriate action.
- b) Will document any complaint resolved at the command level without the initiation of formal discipline.
- c) Recommend discipline for sustained allegations.
- d) May consider mitigating/aggravating circumstances in assessing a penalty range. All considerations to move the recommended discipline above or below the prescribed penalty range must be factually identifiable, in a written format.
- e) In order to properly assess disciplinary action when warranted against an employee of the Salisbury Police Department, commanders will consider the following and document the information:
 - i. Rank and level of responsibility;
 - ii. Years of service and date of appointment;
 - iii. Work history, as reflected in performance evaluations;
 - iv. Disciplinary history;
 - v. Awards (type and date) and number of complimentary letters;
 - vi. Mitigating and/or aggravating factors involved in the current charges (e.g. domestic problems, racial motivation, the incident involved violence, the offender stood to benefit personally, if applicable, alcohol or controlled dangerous substances influenced behavior etc...);
 - vii. Spontaneity or deliberateness of activity;
 - viii. Impact on the department (e.g., morale, public image, credibility, monetary or other cost, etc.);
 - ix. Accused's reaction (e.g. feelings of guilt and remorse, level of cooperation, recognition of seriousness of act, etc.); and
 - x. Additional information that the accused employee's commander feels it pertinent to the issue.

B. IA Commander:

- a) Will assign an investigator to a complaint or refer the matter to an employee's commander for review and the appropriate action.
- b) Will confer with commanders regarding the appropriate violation category.

6. Summary Punishment:

- A. Summary Punishment by definition can be up to 3 days (24hrs) loss of leave and/or \$150 fine. In addition, the following items must apply:
- a) The facts are not in dispute;
 - b) The applied punishment is accepted; and
 - c) An administrative hearing board has been waived. (for additional information on an administrative hearing board or a summary punishment hearing board, refer to section #603 Internal Investigations)

7. Violation Categories:

- A. Category "A" Violations
- a) Application:
 - i. First occurrence of any category "A" violation.
 - ii. Second and/or subsequent violations of any category "A" violation within a 12 consecutive month period, will be handled as category "B" violations.
 - b) Corrective Actions:
 - i. Training and/or education
 - ii. Performance Observation Form
 - iii. Mediation
 - iv. Peer Counseling
 - v. Restitution
 - vi. Other non-disciplinary actions
 - vii. Psychological Services
- B. Category "B" Violations
- a) Application:
 - i. First and second departmental accidents (at fault), within 24 consecutive months. The third departmental accident will be moved to category "C". (Except personal injury and fatal departmental.)
 - ii. First occurrence of any category "B" violation.
 - iii. Second/subsequent violations of any category "A" within a 12 month period will be addressed herein.
 - iv. Subsequent violations of any category "B" within 36 consecutive months will move the violation to category "C".

- b) Discipline Range:
 - i. Written reprimand or loss of leave up to 8 hours/suspension up to 8 hours.
- C. Category "C" Violations
 - a) Application:
 - i. First occurrence of any category "C" violation.
 - ii. Subsequent violations from any category "B" will be handled herein.
 - iii. Subsequent violations of any category "C" within 60 consecutive months will move the violation to category "D".
 - b) Discipline Range:
 - i. 16 to 24 hours loss of leave or 16-24 hours suspension.
- D. Category "D" Violations
 - a) Application:
 - i. First occurrence of any category "D" violation.
 - ii. Subsequent violations of any category "C" will be applied to this category.
 - iii. Subsequent violation of any category "D" will be moved to category "E".
 - b) Discipline Range:
 - i. 32 to 120 hours loss of leave/ 32-120 hours suspension/transfer.
- E. Category "E" Violations
 - a) Application:
 - i. First occurrence of any category "E" violation.
 - ii. Subsequent violations of any category "D" will be applied to this category.
 - iii. Subsequent violations of any category "E" will be cause for dismissal.
 - b) Discipline Range:
 - i. More than 120 hours loss of leave/120 hour's suspension and/or demotion or dismissal.

BEHAVIOR	CATEGORY				
	A	B	C	D	E
Inappropriate Comments/Gestures/Discourtesies	X				
Rude or Discourteous Actions	X				
Use of Profane/Obscene Language/or Gestures	X				
All Other Unprofessional Behavior Toward the Public		X			
MISREPRESENTING FACTS					
All Intentional Misrepresentation or Lying Allegations					X
Failure To Report	X				
OFF DUTY VIOLATIONS					
Failure to Take Required Action Off Duty		X			
Associating with Persons of Questionable Character/Going To Places Suspected of Violating the Law		X			
Involvements with Friends, Associates, or Relatives When Prohibited		X			
Inappropriate Comments, Language, Profanity, Etc. Off Duty	X				
SECONDARY EMPLOYMENT VIOLATIONS					
No Request on File (Including Expired Request)		X			
Restriction Violations		X			
Working While on Sick Leave or Light Duty Without Permission			X		
Unapproved Use of Departmental Equipment While Working Secondary Employment		X			
PRISONER RELATED VIOLATIONS					
Violations During Arrest		X			
Improper Searches		X			
Transportation of Prisoner	X				
Prisoner Property		X			
Restraint Violations	X				
Guarding Violations		X			
Failure to Maintain Prisoner Check Log	X				
Medical/Mental Health Violations		X			
EVIDENCE & FOUND PROPERTY VIOLATIONS					
Initial Recovery of Evidence at a Scene		X			
Related to the Receipt of Evidence		X			
Processing/Testing of Evidence		X			
Storage and/or the Release of Evidence		X			
Initial Recovery of Found Property	X				
Receipt of Found Property	X				
Storage/Release of Found Property	X				

Related CALEA Standards: 26.1.4, 26.1.6,
26.1.7, 26.1.8

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BEHAVIOR	CATEGORY				
	A	B	C	D	E
HARASSMENT & DISCRIMINATION					
Sexual Harassment/Discrimination					X
Racial Harassment/Discrimination					X
Religious/Ethnic Harassment/Discrimination					X
Sexual Orientation Harassment/Discrimination					X
All Other Harassment/Discrimination					X
FIREARMS VIOLATIONS					
Weapon Discharge Violation - On/Off Duty					X
Carrying Unauthorized Weapon - On/Off Duty					X
Carrying Unauthorized Ammunition - On/Off Duty					X
Failure to Secure Weapon - On/Off Duty			X		
Failure to Properly Maintain Weapon	X				
Failure to Report Weapon Discharge					X
Negligent Handling of Firearm Resulting in Discharge		X			
DEPARTMENTAL ACCIDENTS (AT FAULT)					
Damage Only to Police Vehicle		X			
Damage Only to Police and Other Vehicle/Property		X			
Injury to Police Personnel or Civilian			X		
Fatal Injury to Police Personnel or Civilian				X	
Failure to Report Accident					X
EXCESSIVE FORCE & BRUTALITY					
Unnecessary Force - Force That is Used When Not Required in Light of the Circumstances But is Not Brutal or Excessive		X			
Unreasonable - Force Used That is Outside What an Ordinary or Prudent Law Enforcement Officer Would Use			X		
Excessive Force - Force That is Excessive in Scope, Duration, or Severity in Light of the Circumstances				X	
Brutal Force - Force That is Without Justification or Mitigation in the Light of the Circumstances and is Severe or Cruel in Scope or Duration					X
NEGLECT					
Failure to Take Necessary Police Action		X			
Supervisor Failure to Take Action		X			

**Related CALEA Standards: 26.1.4, 26.1.6,
26.1.7, 26.1.8**

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BEHAVIOR	CATEGORY				
	A	B	C	D	E
VIOLATIONS RELATING TO INVESTIGATIONS					
Violations of Procedures for Preliminary and Follow-up Investigations		X			
Failure to File Required Reports		X			
Accuracy of Reports		X			
Arrests (Lack of PC, Failure to Make Required Arrest, Failure to Issue Citation)			X		
Accuracy of Charging Document, Warrant Application or Testimony (Not Including Perjury)			X		
Improper Interview or Interrogation			X		
Improper Searches, Seizures or Entries			X		
MISCELLANEOUS VIOLATIONS					
Criminal History Dissemination			X		
MVA History Dissemination		X			
Improper Dissemination of Investigation Information			X		
Being Off Sector or Leaving Assignment W/O Permission	X				
Cheating on Tests, Homework or Other Assignments					X
Failure to Assist/Back-Up Other Officer			X		
All other CJIS (Criminal Justice Information Systems) Violations			X		
Failure to Obey a Direct and Lawful Order					X
Failure to Obey a Written Directive	X				
Insubordination			X		
Obstructing or Hindering a Criminal Investigation (Including Other Jurisdiction)					X
Obstructing or Hindering an IAU or Administrative Investigation (Including Other Jurisdiction)					X
AWOL Violations		X			
Lateness to Assignment or Court	X				
Failure to Report to Court or Training		X			
Out of Uniform/Improper Dress	X				
Unauthorized Ride-A-Long	X				
Sleeping on Duty		X			
Conduct Subversive to the Good Order of the Agency		X			
Fail to Follow Chain of Command/Obtain Supervisor's Approval	X				
Intoxicated/Consumption of Alcohol On Duty					X
Failure to Advise of Address/Telephone Change	X				
Failure to Answer Radio	X				

BEHAVIOR	CATEGORY				
	A	B	C	D	E
CARE OF AGENCY EQUIPMENT					
Losing Agency Equipment		X			
Damaging Department Equipment		X			
Allowing Unauthorized Persons to Use Department Equipment		X			
Improper Use of Equipment or Departmental Information	X				
CRIMINAL VIOLATIONS					
All Criminal Violations and Attempts; Including Serious Traffic (Subject to Prosecution by the State's Attorney)					X
All Other Minor Traffic Violations Not Covered	X				

8. Appeal Procedures In Disciplinary Actions:

Employees have a right to appeal disciplinary actions and hearing board decisions. An employee waives his/her right to appeal when they accept a punishment or penalty.

A. Appeal Process for Sworn Employees:

- a) An officer may refuse summary punishment offered as the result of an internal investigation by requesting a hearing board.
- b) Pursuant to the provisions of the LEOBR an officer may appeal a decision rendered by a hearing board to the Circuit Court of Wicomico County.
- c) Any party aggrieved by a decision of the circuit court may appeal to the court of special appeals.
- d) The order to appeal, jurisdiction, service of documents on the department, notice to other parties and the information required for the petition will be enumerated in the Maryland Rules.
- e) Pursuant to Maryland rules, appeals shall be filed within 30 days from the date of the department's decision regarding disciplinary action. (For example, if the administrative hearing board finds an officer guilty of a violation and makes its recommendation to the chief of police regarding appropriated punishment, the officer found guilty has 30 days to file an appeal of the chief's decision to the Circuit Court).
- f) In accordance with Maryland Rules, the filing of the appeal to the circuit court involves filing of a memorandum with the court that sets forth a concise statement of all issues raised on appeal and argument on each issue, including citations of legal authorities and references to pages of transcript and exhibits relied on.

- g) Maryland Rules also specify that within 30 days thereafter any other party desiring to be heard, including the appropriate agency when entitled by law to be a party to the appeal, shall file an answering memorandum in the same form.
- h) The appellant may file a reply memorandum within 15 days after the filing of any answering memorandum.
- i) The court shall affirm, reverse modify the action appealed from, remand the case to the department for further proceedings, or dismiss the appeal pursuant to Maryland Rules

B. Appeal Process for Non-Sworn Employees:

Non-sworn employees may file an appeal with the City of Salisbury per instructions contained in the Employee Handbook of the City of Salisbury.

9. Dismissal of Officer/Employee:

- A. If an officer or employee is dismissed by the chief of police as the result of an investigation or upon recommendation of a hearing board, the following information shall be provided to the officer or employee:
 - a) He/she will be notified in writing of the reason for the termination;
 - b) The effective date of the termination;
 - c) A statement of the status of accrued employee benefits after termination; and
 - d) A statement as to the content of the officer's employment record relating to the dismissal.
 - e) This policy, under normal circumstances, does not apply to entry level probationary employees.

10. Maintenance of Records:

Upon completion of investigations, the closed files will be maintained in a secure area to ensure the confidentiality of the investigation.