

Personnel Complaints

1008.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Bel Air Police Department. 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.

1008.2 POLICY

The Bel Air Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

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

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

The process for filing complaints and a timeframe for outcomes shall be posted in a public area of the Department and on the Department's website.

1008.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department 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 department 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, procedures or the response to specific incidents by the Department.

1008.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the investigating supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Deputy Chief, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Deputy Chief, such matters

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may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1008.3.2 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 or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (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.

1008.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1008.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained on the Department "S" Drive and will also be accessible through the department website. All members should be prepared to access the form at any time and are encouraged to carry several forms in their agency vehicles.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

Complaint forms will be provided to anyone who requests one, at any time.

[See attachment: BAPD Complaint against Personnel Form.pdf](#)

1008.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to the Duty Officer. If the Duty Officer is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the Duty Officer to contact the complainant. The Duty Officer, upon contact with the complainant, shall complete and submit a complaint form as appropriate. The Duty Officer shall initiate a complaint entry in the Blue Team system.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

An online portal for complaint submission shall be maintained and monitored. Emails received shall not go to a general email inbox and will be received by Command Staff.

Complainants should receive an initial response to their complaint within 72 hours.

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1008.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints shall also be documented in the Blue Team system. The entry shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should conduct an audit and send an audit report to the Chief of Police or the authorized designee.

1008.5.1 COMPLAINTS ALLEGING OFFICER MISCONDUCT

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

- (a) The name of the officer.
- (b) A description of the alleged facts leading to the complaint.
- (c) Contact information of the person making the complaint.
- (d) Any other information required by law.

1008.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1008.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the Deputy Chief, unless the Deputy Chief is the complainant, or the Deputy Chief is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

When the complainant does not want an investigation but merely seeks an explanation, the Deputy Chief and Chief of Police will determine whether or not a formal investigation is warranted. Should it be determined that an investigation is warranted, the Deputy Chief shall inform the complainant of the forthcoming investigation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed and the complaint is entered into Blue Team.
 - 1. The original complaint form will be directed to the Deputy Chief who will take appropriate action and/or determine who will have responsibility for the investigation.

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2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Deputy Chief or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
 - (c) Resolving those personnel complaints that can be resolved immediately.
 1. Follow-up contact with the complainant should be made within two business days of the Department receiving the complaint.
 2. If the matter is resolved and no further action is required, the Deputy Chief will note the resolution on a complaint form and forward the form to the Chief of Police.
 - (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Deputy Chief and the Chief of Police are notified via the chain of command as soon as practicable.
 - (e) Promptly contacting the Department of Human Resources and the Deputy Chief for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
 - (f) Forwarding unresolved personnel complaints to the Deputy Chief, who will determine whether to contact the complainant or assign the complaint for investigation.
 - (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
 - (h) Investigating a complaint as follows:
 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
 - (i) Ensuring that the procedural rights of the accused member are followed.
 - (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1008.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Regardless of who conducts the investigation, the following applies to members:

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Bel Air Police Department or other reasonable and appropriate place.
- (c) No more than one interviewer should ask questions of an accused member. The interviewer shall be a sworn law enforcement officer.

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- (d) Prior to any interview, a member should be informed in writing of the nature of the investigation. The member under investigation shall also be informed of the name, rank and command of:
 - 1. The law enforcement officer in charge of the investigation.
 - 2. The interrogating officer.
 - 3. Each individual present during an interrogation.
- (e) All interviews should be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
 - 1. The member under interrogation may not be threatened with transfer, dismissal or disciplinary action.
- (g) Any member 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.
 - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member 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).
 - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview may be provided to the member prior to any subsequent interview.
- (i) A complete record shall be kept of the entire interview of the member, including all recess periods. The record may be written, taped or transcribed.
 - (a) The interview shall be delayed, if necessary, for no more than 5 business days to permit an officer to find counsel or other representation. The Chief of Police may extend this period for good cause (Md. Code PS § 3-104).
- (j) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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- (k) All members shall provide complete and truthful responses to questions posed during interviews.
- (l) Members may be compelled to submit to a polygraph or CVSA examination. If compelled, the results cannot be used as evidence in any administrative hearing or criminal investigation (Md. Code PS § 3-104). The member's representative may be permitted to be present during the administration of the polygraph/CVSA examination if the physical facilities will allow for it and if their presence will not, in the opinion of the polygraph/CVSA examiner, disrupt the examination. For the purposes of this subsection, "presence" means that the representative may be constructively present during the examination, viewing it from outside the examination room (e.g. through a one-way mirror) or physically present in the room.
- (m) If the member is under arrest, or is likely to be placed under arrest as a result of the interrogation, the member shall be completely informed of all of his/her rights before the interrogation begins.

1008.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1008.6.4 DISPOSITIONS

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

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

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Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

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.

1008.6.5 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 one year from the date of discovery by an individual authorized to initiate an investigation.

A complaint of officer misconduct (as defined in Md. Code PS § 3-101) made by a member of the public is subject to immediate review and completion within a sufficient amount of time so that any disposition by the appropriate administrative charging committee can be accomplished within the obligated statutory timeframe (Md. Code PS § 3-113).

1008.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1008.6.7 VICTIM'S RIGHTS ADVOCATE

The Chief of Police shall designate a member to serve as the department's contact for the public in complaints related to officer misconduct covered by Md. Code PS § 3-101 et seq. and should (Md. Code PS § 3-108):

- (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 an officer's statement before completion of the department's investigation, with any redactions of protected information that may be required by law.
- (c) Provide any other support required by law.

The Department shall create and maintain a database that enables a complainant to enter their case number to follow the status of the case throughout each stage, and the crime victim liaison should make sure that a complainant is provided information with how to access this database (Md. Code PS § 3-108).

1008.7 FORMAL COUNSELING OF MEMBERS

Inappropriate behavior or minor infractions of policy by a member which if continued or repeated may result in disciplinary action will be documented using an Employee/Supervisor Contact Form at a formal counseling session.

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As a general rule, a formal counseling session will be held as soon as possible following such inappropriate behavior or the conclusion of an investigation disclosing a minor infraction of Department policy. The session may be conducted by the person assigned as the employee's supervisor at the time of infraction or may be conducted by the Chief of Police or authorized designee with the member's supervisor present. The particular incident will be discussed with the member, pointing out the deficiencies in the member's actions. The member will be given the opportunity to state his/her views on the matter and to suggest corrective action to prevent future occurrences. At the completion of the counseling session, the member's supervisor, the Chief of Police or authorized designee will recommend a course of action designed to help the member improve in the specific areas addressed or avoid recurrence.

At the conclusion of the formal counseling session, the member's supervisor will prepare the Employee/Supervisor Contact Form in duplicate. The member will be given the opportunity to review, sign, and comment in writing. If a member refuses to acknowledge receipt of the form, "Refused to Sign" will be recorded. The original will be placed in the member's personnel file and a copy will be given to the member.

1008.8 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

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

1008.9 EMERGENCY SUSPENSION

When a complaint of misconduct is of a serious nature, or when it is deemed to be in the best interest of the public and the Department, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may suspend the accused member with pay. A member charged with a felony may be suspended without pay.

Any member suspended:

- (a) May be required to relinquish any department badge, BAPD Department Identification Card, assigned weapons, MPCTC Certification Card, and any other department 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 member may be required to remain available for contact at all times during such shift and will report as ordered.
- (d) Shall not exercise any law enforcement authority.

A suspended member shall be provided a prompt hearing (Md. Code PS § 3-112).

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1008.10 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when it is deemed to be in the best interest of the public and the Department, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused member to administrative leave/emergency suspension. Any member placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons, and any other department 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 member may be required to remain available for contact at all times during such shift and will report as ordered.

1008.10.1 EMERGENCY SUSPENSION

For complaints against officers 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 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.

1008.11 CRIMINAL INVESTIGATION

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

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police 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 civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

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

1008.12 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police 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 Chief of Police or the authorized designee may accept or modify any classification or recommendation for disciplinary action. [See attachment: BAPD Discipline Matrix.pdf](#)

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The Deputy Chief or Chief of Police will notify the member in writing of the findings within 30 days of the completion of the investigation.

1008.12.1 DEPUTY CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Deputy Chief shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Deputy Chief 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 Chief of Police or the authorized designee, the Deputy Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police or the authorized designee, the Deputy Chief 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.

1008.12.2 CHIEF OF POLICE RESPONSIBILITIES

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

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed the member's response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective. Discipline for officers 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).

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1008.12.3 HEARING BY TRIAL BOARD

If an officer refuses the Chief of Police's offer of discipline following an administrative charging committee's 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 Chief of Police or the authorized designee 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 officer should be (Md. Code PS § 3-105):

- (a) Provided with a copy of the investigatory record.
- (b) Notified of the charges against the officer.
- (c) Notified of the discipline being recommended.

Once the decision from the trial board is final, the Chief of Police should proceed to conclude the matter in accordance with its recommendations.

1008.12.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1008.12.5 NOTICE REQUIREMENTS

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

For complaints related to officer misconduct covered by Md. Code PS § 3-101 et seq., the crime victim liaison 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).

1008.12.6 ADMINISTRATIVE CHARGING COMMITTEE

For complaints alleging a pattern, practice, or conduct by an officer that includes the deprivation of constitutional rights, a violation of criminal law, or a violation of department standards or policy involving a member of the public, before the determination or imposition of any discipline, the Chief of Police or the authorized designee should forward the investigatory files to the appropriate Administrative Charging Committee, with any redactions of protected information that may be required by law (Md. Code PS § 3-101; Md. Code PS § 3-104). All such submissions to the Administrative Charging Committee may include certain written recommendations from the Chief of Police and should be made within the timeframe established by law (COMAR 12.04.09.06).

If the Administrative Charging Committee issues an administrative charge against an officer, within 15 days thereafter, the Chief of Police should offer that officer discipline that is consistent with the uniform state disciplinary matrix, but in no case less than the discipline recommended by the Administrative Charging Committee (Md. Code PS § 3-105).

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1008.13 PRE-DISCIPLINE EMPLOYEE RESPONSE

Employees not covered by Md. Code PS § 3-101 et seq. will be given a pre-discipline meeting with the Chief of Police.

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police 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 Chief of Police to consider.
- (d) In the event that the Chief of Police 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 Chief of Police on the limited issues of information raised in any subsequent materials.

1008.14 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 member's change in employment status (COMAR 12.04.01.02).

1008.15 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by an employment agreement or other rules.

In the event of punitive action against an officer under Md. Code PS § 3-101 et seq., the appeal process shall be as provided in Md. Code PS § 3-109.

1008.16 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees or officers under Md. Code PS § 3-101 et seq. 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

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through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police 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.

1008.17 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.

Attachments

BAPD Complaint against Personnel Form.pdf



BEL AIR POLICE DEPARTMENT
COMPLAINT AGAINST PERSONNEL

Name of Complainant: _____
SEX RACE DOB

Address where you can be contacted: _____

Phone: _____
CELL HOME WORK

Name of Victim: _____
SEX RACE DOB

Day, Date & Time of Incident: ____/____/____ ____ am pm

Location of Incident: _____

Employee(s) against whom the complaint is being filed:

Rank: Name: ID#: Assignment:

Witnesses to Incident:

Name: Phone: Address:

ALLEGATION:

FORM 300 ISSUED YES OR NO

SUPERVISOR RECEIVING FORM 300

I understand that this statement of complaint will be submitted to the Bel Air Police Department and may be the basis for an investigation. Further, I sincerely and truly declare and affirm, under the penalties of perjury that the facts contained herein are complete, accurate and true to the best of my knowledge and belief. Further, I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion or promise of any kind.

SIGNATURE OF COMPLAINANT

DISTRIBUTION:

- Original - Deputy Chief
- Copy - Officer Involved
- Copy - Given to Complainant

BAPD Discipline Matrix.pdf

DISCIPLINE MATRIX

BEHAVIOR / CONDUCT / INSUBORDINATION VIOLATIONS	CATEGORY				
Insubordination			C		
Rude, Discourteous, Argumentative Or Inappropriate Comments/Behavior Or Gestures To Include Profane Or Obscene Language		B			
Use Of Insulting/Demeaning Language Concerning Race, Sex, Religion, Personal Lifestyle, Mental Or Physical Disabilities Or Personal Characteristics.				D	
Conduct Unbecoming An Officer Of This Agency (Not Otherwise Specified)		B			
Commanders / supervisors discrediting a subordinate through unreasonable / unjust / arbitrary conduct / language.		B			
Failure To Obey Lawful Order			C		
Immoral Conduct					E
Prohibited sexual behavior on duty					E
Sexual behavior in a Department – owned or leased facility or official vehicle while off duty					E
Unauthorized Contact With The Media (Without Chief’s Permission)	A				
Punctuality (Assignments, Court, Etc.)	A				
Failure To Maintain Acceptable Appearance	A				
Job Action/Strike					E
Failure to accept a complaint against a BAPD employee in conformance to policy		B			
Failure to furnish name, ID number to properly entitled person		B			

DISCIPLINE MATRIX

MISREPRESENTING FACTS	CATEGORY				
All Intentional Misrepresentation Or Lying Allegations					E
OFF DUTY VIOLATIONS	CATEGORY				
Failure To Take Reasonably Required Action Off Duty		B			
Knowingly Associating With Persons Of Questionable Character; Going To Places Suspected Of Violating The Law		B			
Involvements With Friends, Associates, Or Relatives When Prohibited		B			
Failure To Report Off Duty Involvement In An Incident Requiring Department Notification			C		
Failure To Make Every Effort To Pay Just Debts		B			
Violation Of Traffic Laws (Off-Duty)	A				
SECONDARY EMPLOYMENT VIOLATIONS	CATEGORY				
Violations Of Application Process	A				
Prohibition; Restriction Violations (I.E. Location, Hours, Type Of Employment)		B			
Working While On Sick, Accident Leave Or Limited Duty Status Without Authorization		B			
Using Departmental Equipment While Working Secondary Employment Without Authorization		B			
Inappropriate Displaying Of Department Badge, Logo Or Other Police Insignia And / Or Issued Equipment		B			
Working Secondary Employment On Department Time					E

DISCIPLINE MATRIX

PRISONER RELATED VIOLATIONS	CATEGORY				
Improper / Unauthorized Searches Including Strip / Cavity Searches		B			
Transportation Of Prisoner In Violation Of Policy	A				
Prisoner Processing / Property Violations	A				
Prisoner / Detainee Custody Violations		B			
Prisoner Restraint Violations	A				
Improper Release / Escape of Prisoner			C		
EVIDENCE & FOUND PROPERTY VIOLATIONS	CATEGORY				
Recovery Of Evidence		B			
Preservation Of Crime/Incident Scene		B			
Related To The Receipt Of Evidence (I.E. Chain Of Custody)		B			
Processing/Testing Of Evidence		B			
Storage And / Or The Release Of Evidence		B			
Recovery Of Found/Abandoned Property		B			
Storage / Release Of Found Property		B			
Knowingly Withholding Of Evidence / Information				D	

DISCIPLINE MATRIX

HARASSMENT & DISCRIMINATION	CATEGORY				
Engaging In Acts Of Discrimination					E
Retaliation in any form					E
Racial Profiling of Motorists					E
All Forms of Harassment/Discrimination against another, to include co-workers					E
Violation Of Bel Air Town Personnel Manual (Harassment)					E
Detaining Individuals based solely on demographic characteristics (including but not limited to: race, gender, age, ethnicity, sexual orientation, religion) rather than reasonable articulable suspicion or knowledge of unlawful activity.					E
Taking Enforcement Action Based On Discrimination					E
FIREARMS / WEAPONS VIOLATIONS (TO INCLUDE LESS LETHAL WEAPONRY)	CATEGORY				
Deliberate Firearms Discharge in violation of policy, statute and/or law– On/Off Duty					E
Reckless Discharge And / Or Use Of Firearm				D	
Discharge Of Firearms In Violation Of Departmental Policy Resulting In Injury Or Death					E
Negligent Or Accidental Discharge And / Or Use Of A Firearm			C		
Carrying Unauthorized Firearm – On/Off Duty			C		
Wearing Unapproved Holster On Duty Or Off Duty		B			

DISCIPLINE MATRIX

Carrying A Firearm In Violation Of Federal, State, Local Laws Or Departmental Regulations			C		
Failure To Secure Firearm – On/Off Duty			C		
Carrying Unauthorized Ammunition – On/Off Duty			C		
Failure To Properly Maintain Firearm		B			
Failure To Report Firearm Discharge				D	
Reckless Use Of Departmental Less Lethal Weapons And Equipment				D	
Failure To Properly Secure Weapon In Vehicle			C		
Failure To Properly Secure Weapon At Home/Residence			C		
Failure To Properly Secure Weapon At BAPD Installation/Vehicle Resulting In Injury				D	
Failure To Properly Secure Weapon At Home/Residence Resulting In Injury or Death				D	
Negligent Use Of Departmental Less Lethal Weapons And Equipment		B			
CARE / USE OF EQUIPMENT & DEPARTMENTAL ACCIDENTS (At Fault)	CATEGORY				
Departmental Collisions (Damage \$1,000 Or Less)	A				
Departmental Collisions (Damage Greater Than \$1,000)		B			
Departmental Collision Through Reckless Operation			C		
Departmental Collision Through Negligent Operation Resulting In Fatality				D	

DISCIPLINE MATRIX

Departmental Collision Through Reckless Operation Resulting In Fatality					E
Third Preventable Accident In A 36 Month Period			C		
Four Or More Preventable Accidents In A 36 Month Period					E
Failure To Report Accident					E
Unauthorized Repair/Adjustment Of Modification Of Departmental Equipment		B			
Failure To Comply With Regulations On Operation/Maintenance Of Departmental Vehicle	A				
Off-Duty Misuse Of Departmental Vehicle		B			
Failure To Report Damage/Loss Of Departmental Equipment		B			
Failure To Comply With Regulations On Operation/Maintenance Of Departmental Vehicle Resulting In Damage To Vehicle's Engine Or Other Vehicle Parts/Systems		B			
Unintentionally Damaging BAPD Equipment through negligence	A				
Intentionally Damaging BAPD Equipment			C		
Losing BAPD Equipment		B			
Converting/Misappropriating BAPD Equipment Or Property				D	
Allowing Unauthorized Person To Use Departmental Equipment (Absent An Emergency)			C		
Improper Use Of BAPD Telephones/Fax Machines	A				
Unauthorized Use Of Computer/Internet Services		B			

DISCIPLINE MATRIX

EXCESSIVE FORCE & BRUTALITY	CATEGORY				
Unnecessary Force – Force That Is Used When Not Required In Light Of The Circumstances But Is Not Brutal Or Excessive		B			
Unreasonable Force – Force Used That Is Outside What An Ordinary Or Prudent Law Enforcement Officer Would Use			C		
Excessive Force – Force That Is Excessive In Scope, Duration, Or Severity In Light Of The Circumstances				D	
Brutal Force – Force That Is Without Justification Or Mitigation In The Light Of The Circumstances And Is Severe Or Cruel In Scope Or Duration					E
ALCOHOL / DRUG RELATED OFFENSES	CATEGORY				
DUI Conviction					E
Operating A BAPD Vehicle With Measurable Amount Of Alcohol Present In The Employee’s Blood				D	
Intoxicated / Unauthorized Consumption Of Alcohol On – Duty					E
Unauthorized Bringing Of Alcoholic Beverages Into Buildings Owned / Controlled / Occupied By BAPD	A				
Unlawful Use Of CDS, Narcotic, Hallucinogen					E
Consuming Alcohol While Assigned “On-Call” Status				D	
NEGLECT	CATEGORY				
Failure To Assist/Back-Up Other Officer While On Duty				D	
Failure To Take Necessary Police/Administrative Action While On Duty				D	
Failure To Report Criminal Activity				D	

DISCIPLINE MATRIX

Incompetence					E
Failure To Respond To Request For Assistance From Public		B			
INVESTIGATIONS VIOLATIONS	CATEGORY				
Violations Of Procedures For Preliminary And Follow-Up Investigations	A				
Failure To Submit Or File Required Reports	A				
Failure To Submit Reports In A Timely Manner	A				
Accuracy Of Reports / Incomplete Reports			C		
Arrests (Lack Of Probable Cause, Failure To Make Required Arrest)			C		
Accuracy Of Charging Document, Warrant Application Or Testimony (Not Including Perjury)			C		
Improper Procedures For An Interview Or Interrogation		B			
Improper Searches, Seizures Or Entries			C		
SUPERVISORY VIOLATIONS	CATEGORY				
Failure To Perform Assigned Administrative Duties		B			
Failure To Respond To Scene When Required Or Provide Appropriate Incident Scene Supervision			C		
Failure To Adequately Staff Or Maintain Adequate Coverage (I.E. Scheduling, Assignments)		B			
Failure To Notify Superior		B			

DISCIPLINE MATRIX

Failure To Make Required Notifications		B			
Failure To Properly Screen/Interview/Check Prisoners			C		
Failure To Monitor And Maintain Property Prisoner Safeguards And Handling			C		
Failure To Review And Properly Administer Processing Of Search Or Arrest Warrants, Statement Of Charges, And Misc. Court Documents And Orders		B			
Improper Or Excessive Delegation Of Assigned Duties			C		
MISCELLANEOUS VIOLATIONS	CATEGORY				
Unauthorized Access Criminal History			C		
Unauthorized Access MVA History			C		
Criminal History Dissemination				D	
MVA History Dissemination				D	
Improper Or Unauthorized Dissemination Of Investigation Information				D	
Improper Or Unauthorized Dissemination Of Departmental Information			C		
Unauthorized Revealing Of The Identity Of Covert/Plainclothes Officer			C		
Leaving Assignment W/O Permission		B			
Cheating On Tests Or Assignments					E
Obstructing Or Hindering A Criminal Investigation (Including Other Jurisdiction)					E

DISCIPLINE MATRIX

Obstructing Or Hindering An Internal Or Administrative Investigation (Including Other Jurisdiction)					E
A.W.O.L. Violations		B			
Abuse Of Sick Leave			C		
Feigning Illness Or Injury		B			
Failure To Appear At Court		B			
Out Of Uniform/Improper Dress	A				
Unauthorized Ride-A-Long		B			
Sleeping On Duty		B			
Criticism Of Departmental Policies, Guidelines, Directives, Impending Directives, Initiatives, Or Personnel That Could Serve To Undermine / Erode Public Confidence.			C		
Criticism Of Departmental Policies, Guidelines, Directives, Impending Directives, Initiatives, Or Personnel That Could Serve To Undermine Or Erode Inter / Intra-Agency Confidence.			C		
Fail To Follow Chain Of Command/Obtain Supervisor's Approval	A				
Failure To Advise Of Address/Telephone Change	A				
Failure To Answer Radio		B			
Knowingly Associating With Criminal Element				D	
Recommending Product/Professional Service To The Public			C		

DISCIPLINE MATRIX

All Other Miscellaneous Allegations (Not Otherwise Specified)	A				
Violation of the BAPD Social Media Policy		B			
CRIMINAL VIOLATIONS	CATEGORY				
All Criminal Violations Including Arrestable Traffic Violations					E
All Other Non-Arrestable Violations	A				