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*NOTE:* This directive contains direct quotes from the Annotated Code of Maryland, Public Safety, Title 3, regarding the Law Enforcement Officers' Bill of Rights (LEOBR). Officers are informed that, while every effort will be made to keep this information current, the latest version of the law should be checked to determine the current language. This directive is not intended to fully capture every section or subsection of the LEOBR.

I. Purpose

To ensure that the integrity of the Division is maintained through an internal system that is objective, fair, and timely.

II. Policy

It is the policy of this Division to thoroughly and expeditiously investigate all complaints concerning agency practices, thereby instilling public confidence in the Division. The Chief will assign Internal Affairs or 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 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A. Administratively Closed: A disposition used when the complaint has been withdrawn by the complainant, the complainant could not be contacted, the respondent officer is no longer employed by the Division.

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. A complaint against a law enforcement officer that alleges brutality...may not be investigated unless the complaint is signed and sworn to, under penalty of perjury..." §3-104(c)(1), Although the Maryland LEOBR generally requires that "allegations of brutality must be filed within 366 days after the alleged brutality. §3-

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1049(c)(2)” it does not definitely “...prevent the agency from deciding, in its discretion, to investigate the circumstance and to take further action if that seems warranted...” (Baltimore City vs. Andrew)

- 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; or 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. Formal Investigation – (previously entitled serious) - Allegations of misconduct, which if sustained, may result in discipline through the imposition of punishment. Formal complaints include, among other acts, brutality, racial prejudice, misappropriation of monies, untruthful statements, etc.
- K. The Internal Investigation Review Panel: A group convened by the Chief of Police to review completed Formal Investigations for sufficiency. This group will consist of the Chief of Police, Branch Chief of the involved employee, Internal Affairs Commander, and General Counsel.
- L. 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.
- M. Inquiry: (previously entitled minor) Allegations of misconduct, which if sustained, would be resolved through non-disciplinary measures such as counseling, remedial training, etc.
- N. Non-Punitive Transfer: A non-punitive reassignment, where the Chief determines that action to be in the best interests of the internal management/operational efficiency of the law enforcement agency. This is a non-disciplinary personnel action.
- O. Non-Sustained: There was insufficient evidence to confirm or disprove the alleged violation.

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- P. Respondent: The officer accused of misconduct and under investigation as a result of a complaint.
- Q. Section or Unit Commander: The highest-ranking officer assigned to a Section or Unit of officers in the Division.
- R. 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.
- S. Sustained: The investigation disclosed sufficient evidence to prove allegations of improper conduct by a preponderance of the evidence.
- T. Unfounded: The investigation of the complaint indicates that the alleged acts did not occur or failed to involve officers of this command.
- U. 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. Internal Affairs - Central Repository
1. All complaints that come to the attention of any employee, will be forwarded to Internal Affairs, without unnecessary delay, for review, assignment of a tracking number, and a determination of who will be assigned the investigation depending on the nature of the allegation. (This does not preclude an on-duty supervisor/executive from speaking with a complainant who initially calls into the police facility, or the like, to gain pertinent information.) Complaints will be accepted in any form/manner to include by phone, email, U.S. mail, verbally in-person, etc. The complainant will not be required to complete a formal written document as a condition of the initial notice. Although the employee is encouraged to seek follow-up contact information from the complainant, the complainant is not required to provide that information and may remain anonymous if they desire. The receiving employee will document the complaint utilizing the Complaint Intake Form (appendix R) and forward it to Internal Affairs.

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2. Within two (2) business days of receiving notice of a complaint, Internal Affairs will contact the complainant to inform them on the next steps expected towards resolution of the allegation(s) to include: whom the case will be assigned to for follow-up, evidence collection assistance needed, identification of witnesses, etc.
  3. At the conclusion of any formal investigation, the Internal Affairs Section will send a closure letter to the complainant.
  4. The procedures for filling complaints will be posted in the public area of this agency and on the agency's website in both English and Spanish.
  5. An employee who files a complaint against another will follow the same procedures outlined previously for community members.
- B. 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.
- C. A law enforcement officer 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)
- D. 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 officers of the rank of sergeant or above, when the action is in the best interest of the public and the agency.
- A. Those 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 will be notified immediately and a copy of the "Emergency Suspension Notice" will be forwarded to the Internal Affairs Section.
  - 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 weapons, to include firearms, patrol rifle, shotguns, issued TASER, ASP baton, OC Spray, 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 in the Internal Affairs Section.
- B. The Chief or designee will designate the investigating officer.

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

1. Nature of the offense.
  2. Technical knowledge or unique experience needed to address the allegations.
  3. Complaints should be investigated at the lowest appropriate level for the offense and consistent with the totality of circumstances.
- C. Investigations
1. Inquiries
    - a. Will generally be investigated at the lowest possible level by unit/squad supervisor or lieutenant if the supervisor is considered an involved employee.
    - b. Complete Intake Form (see Appendix R) in the course of the investigation to include closure contact with the complainant.
    - c. Inquiries will be completed within 30-days unless there are extenuating circumstances beyond the investigator's control which may require additional time, i.e. complainant has left the country for a period of time and unable to participate, etc.

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- d. Forward the completed document through the chain of command to the respective Branch Chief for review and signature.
  - e. Branch Chief will then forward the Intake Form to Internal Affairs for filing.
  - f. A hardcopy of the Intake Form will also remain with the employee's immediate supervisor for one year.
2. Formal Investigations
- a. Will be handled by Internal Affairs.
  - b. Confer with the Office of General Counsel when necessary.
  - c. 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.
  - d. The Internal Affairs Commander will send a letter of acknowledgement to the complainant confirming receipt of the complaint within 2-business days of receipt. (Appendix D)
  - e. Internal Affairs investigators will list potential policy violations, conduct interrogations and interviews, document facts, and gather evidence. Internal Affairs investigators will not make conclusions on any potential findings (i.e. sustained, exonerated, etc.).
  - f. Formal Investigations will be completed within 90 days, unless an extension of time is granted by the Chief due to extenuating circumstances.
  - g. *Internal Affairs will forward a completed Report of Investigation (Appendix E) and the investigative file(s) to the employee's Branch Chief for review. The Branch Chief will review the investigation. The Branch Chief will not make any recommendations on outcomes/discipline.*
  - h. *After their review, the Branch Chief will forward the packet to the Chief of Police.*
- D. Interrogation of Officers Under Investigation:
1. Investigation and Interrogation Notice:  
  
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. (Title 3, Section 104(d)(2))

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2. Interrogation Rights & Waiver:

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))

3. Time, Place, and Manner of Interrogations:

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. 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))

d. 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))

e. "The law enforcement officer under interrogation may not be threatened with transfer, dismissal or disciplinary action." (Title 3, Section 104 (i))

4. Right to Counsel:

a. 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))

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

c. The interrogation shall be suspended for a period not exceeding 5 business days until representation is obtained." (Title 3, Section 104(j)(2)(i)), "Within that 5-business day period, the chief for good cause shown may extend the period for obtaining representation." (Title 3, Section 104(j)(2)(ii))

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

5. Record of Interrogation:
  - a. 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))
  - b. The record may be written, taped or transcribed. (Title 3, Section 104(k)(2))
  - c. 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)
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))
  - 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).

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
- B. Internal Investigation Review Panel
  - 1 Will be convened for any sustained allegations or any in dispute.
  - 2 Will review all allegations to determine recommended disposition(s). The review panel’s recommendations are not binding on the Chief.



- C. In all cases where the recommendation of finding is unfounded, administratively closed, exonerated or non-sustained, the Chief or designee will forward to the respondent notice of the disposition within 10-days. If it has been determined that a policy failure has occurred, the Chief will direct appropriate staff to review and modify policy as necessary.

D. Summary Punishment

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 "Disciplinary Action Notice" 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.

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. The counseling is not punitive.

E. Disciplinary Action.

1. 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.
2. The Internal Affairs Section Commander will present the respondent with the "Administrative Disciplinary Charges" notice containing a waiver to a hearing.
3. 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.

F. Hearing Board Request

1. 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.
2. The Hearing Board will be selected pursuant to Maryland Annotated Code, Public Safety, Title 3, Section 107(c) The Chief will appoint a Chairman of the Hearing Board.
3. A finding of not guilty by the hearing board terminates any further action.

4. When the hearing board renders a guilty finding(s), the chief shall: review the findings, conclusions, and recommendations of the hearing board; and issue a final order within 30-days after receipt of the recommendations of the hearing board.
- G. Completed internal investigation reports are confidential and considered "personnel or employment matters" and will be kept secured in the office of Internal Affairs. Authorization for access can only be granted by the Chief.

IX. 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 is expected to correct the deficient behavior and is in the best interest of the officer and public trust.

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

The disciplinary process pertaining to non-sworn 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 non-sworn 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. (General Counsel may determine if the LEOBR exception for brutality applies on a case-by-case basis depending on the totality of circumstances.)

Park Police Officers who are in their initial entry probationary status are not entitled to rights as afforded in this directive or the Law Enforcement Officers' Bill of Rights (except for complaints of brutality).

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.

XI. 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.

XII. 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 - Complaint Intake Form
- S - Administrative Hearing Board Manual
- T - Delegation of Authority

**Issuing Authority:**



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**Chief Darryl W. McSwain**  
**Maryland-National Capital Park Police**  
**Montgomery County Division**

**End of Directive**

APPENDIX A – POLICE PRACTICES FORM  
**MARYLAND-NATIONAL CAPITAL PARK POLICE**  
**MONTGOMERY COUNTY DIVISION**  
 12751 Layhill Road  
 Silver Spring, Maryland 20906  
 Tel: (301) 949-8010

**POLICE PRACTICES FORM**

Purpose:	<input type="checkbox"/> Commendation of Employee Service	<input type="checkbox"/> Complaint of Agency Action
	<input type="checkbox"/> Commendation or suggestion regarding Agency Service	<input type="checkbox"/> Complaint of Employee Performance

PS Case # \_\_\_\_\_ Date: \_\_\_\_\_

Your name \_\_\_\_\_  
 (Last) (First) (Middle)

Your address \_\_\_\_\_  
 (Street) (City or Town)

\_\_\_\_\_  
 (State) (Zip Code) (Home Phone)

Work address \_\_\_\_\_  
 (Street) (City of Town)

\_\_\_\_\_  
 (State) (Zip Code) (Home Phone)

Best Location/Way to Contact You: \_\_\_\_\_

Incident Occurred: \_\_\_\_\_  
 (Date) (Time) (Location)

Employee(s)/Officer(s) involved (if known):

	Officer/Employee Name	ID#
1.		
2.		
3.		

Witness(es) to Incident:

	Name	Address	Phone #
1.			
2.			
3.			

APPENDIX A – POLICE PRACTICES FORM

Best way to locate witness(es): \_\_\_\_\_

Please provide us with detailed information regarding this matter in your own words: (use extra paper if necessary and attach to this form).

\_\_\_\_\_  
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Your Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

Received by: \_\_\_\_\_  
Name/I.D. No./Date

How? In Person \_\_\_\_\_ Phone \_\_\_\_\_ Other \_\_\_\_\_

THIS SECTION ONLY APPLIES TO COMPLAINTS OF POLICE BRUTALITY

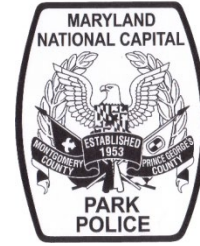
STATE OF MARYLAND  
COUNTY OF \_\_\_\_\_

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a DISTRICT COMMISSIONER/NOTARY PUBLIC of said state and county aforesaid, personally appeared \_\_\_\_\_ And made oath in due form of law that the matters and facts as related above are true.

My commission expires \_\_\_\_\_  
DISTRICT COMMISSIONER/NOTARY PUBLIC



APPENDIX B – EMERGENCY SUSPENSION NOTICE  
**MARYLAND-NATIONAL CAPITAL  
PARK POLICE**



MONTGOMERY COUNTY DIVISION  
12751 LAYHILL ROAD  
SILVER SPRING, MD 20906

**EMERGENCY SUSPENSION NOTICE**

**DATE:**

**TO:**

**FROM:**

**SUBJECT:**

You are hereby notified that you have been suspended with pay as of \_\_\_\_\_ hours on \_\_\_\_\_, pending the outcome of an investigation presently being conducted with regard to an allegation of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The order of suspension is by the authority of \_\_\_\_\_, the Chief, Park Police Division as delegated. This action is being taken in accordance with Division Directive \_\_\_\_\_.

Received By: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Witnessed By: \_\_\_\_\_

Distribution: Chief of Police  
Chief, Park Police Division  
Section/Branch Commander

APPENDIX C – EMERGENCY SUSPENSION CHECKLIST  
**MARYLAND-NATIONAL CAPITAL PARK POLICE**  
**MONTGOMERY COUNTY DIVISION**  
**EMERGENCY SUSPENSION CHECKLIST**

Case Number:	
Officer Name:	ID:
Branch/Section	
Supervisor:	Squad:
Suspension Date:	
<b>Equipment</b>	
MPCTC Card: <input type="checkbox"/> YES <input type="checkbox"/> NO	Badges:
Division ID Card: <input type="checkbox"/> YES <input type="checkbox"/> NO	2 Breast: <input type="checkbox"/> YES <input type="checkbox"/> NO
ID Card For MCP: <input type="checkbox"/> YES <input type="checkbox"/> NO	1 Flat: <input type="checkbox"/> YES <input type="checkbox"/> NO
Building Key Fob: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Car: <input type="checkbox"/> YES <input type="checkbox"/> NO	Computer: <input type="checkbox"/> YES <input type="checkbox"/> NO
Vehicle Stock#:	Serial #:
Car Key Remote/Fob: <input type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO	Radio: <input type="checkbox"/> YES <input type="checkbox"/> NO
	Serial #:
Weapons:	Keys:
Firearm: <input type="checkbox"/> YES <input type="checkbox"/> NO	Building: <input type="checkbox"/> YES <input type="checkbox"/> NO
Serial #:	
OC Spray: <input type="checkbox"/> YES <input type="checkbox"/> NO	Car: <input type="checkbox"/> YES <input type="checkbox"/> NO
ASP: <input type="checkbox"/> YES <input type="checkbox"/> NO	

M&T Commander Notification: <input type="checkbox"/> YES <input type="checkbox"/> NO    Date/Time	
Voicemail Updated: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Proximity Access Archived: <input type="checkbox"/> YES <input type="checkbox"/> NO	
E-mail Suspended: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Property Received by:	ID Number:
Signature:	Date/Time:



**MONTGOMERY COUNTY DEPARTMENT OF PARKS**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date:

Dear:

The complaint you filed on \_\_\_\_\_, against employee \_\_\_\_\_, has been received in my office. The complaint has been assigned for investigation to \_\_\_\_\_, who may be reached at \_\_\_\_\_ if you have any questions. \_\_\_\_\_ should be contacting you within the next two (2) business days to gather additional information concerning your complaint.

The investigation into allegation of misconduct is taken very seriously by the Commission. Objective, timely, and thorough investigations into all complaints are vital to the integrity of the process and public trust.

Should you have any additional questions, you may contact my office at \_\_\_\_\_.

Sincerely,

Lieutenant  
Commander Internal Affairs





**MARYLAND-NATIONAL CAPITAL  
PARK POLICE**

MONTGOMERY COUNTY DIVISION  
12751 LAYHILL ROAD  
SILVER SPRING, MD 20906

**GUIDELINES FOR USE OF ATTACHED INTERNAL INVESTIGATION REPORT  
FORM**

<b>Date of Report (DATE SUBMITTED)</b>	<b>REPORT OF INVESTIGATION</b>	<b>DCN: (IF APPLICABLE) ICN: (INTERNAL CASE NO.)</b>
<b>Initial or Supplement (SPECIFY)</b>	<b>Report Made By (TITLE, RANK, NAME, ID #)</b>	<b>Status of Investigation (SUSTAINED; UNFOUNDED; NOT SUSTAINED FOR EACH CHARGE; EXONERATED )</b>
<b>Subject of Investigation (SPECIFIC CHARGES)</b>		

Date, Time, & Place: **(WHEN AND WHERE ALLEGED MISCONDUCT OCCURRED.)**

Complainant: **(FULL NAME (Last, First, Middle) RACE, SEX, DOB)**  
**(ADDRESS HOME PHONE)**  
**(WORK PHONE)**

Witness(es): **(SAME FORMAT AS COMPLAINANT)**

Respondent(s): **[RANK, NAME & ID NUMBER OF ACCUSED OFFICER(S)]**

Investigator: **(TITLE, NAME & ID NUMBER OF INVESTIGATING OFFICER)**

Allegation(s): **(EXAMPLE)**  
Conduct Unbecoming an Officer - Harassment.

To wit: Complainant alleges that on December 3, 4, 5, and 6, 1987, the respondent harassed him by making repeated and unnecessary traffic stops while he was operating his motorcycle at Fletcher=s Field.)

APPENDIX E – REPORT OF INVESTIGATION GUIDELINES AND FORM

Findings: (Allegation #1 - Unfounded, sustained, not sustained.)

Summary of Complaint: (GIVE SPECIFICS OF ALLEGATION(S) MADE.)

Summary of Witness Statement(s): (SUMMARIZE THE STATEMENT GIVEN BY EACH WITNESS, EVEN IF A WRITTEN STATEMENT IS ATTACHED.)

**GUIDELINES FOR USE OF ATTACHED INTERNAL INVESTIGATION REPORT FORM**

Report of Investigation: (DESCRIBE, CHRONOLOGICALLY, AND IN FULL DETAIL, WHAT YOU DID AND WHAT HAPPENED SUBSEQUENT TO YOUR TAKING OVER THE INVESTIGATION. TRY NOT TO LEAVE ANY QUESTION UNANSWERED.)

Investigative Findings: (EXAMPLE)  
Allegation #1 - Conduct Unbecoming an Officer - Harassment

Bi-County Directive 404.0 - Conduct: A Officer shall at all times maintain decorum, command of temper, and exercise patience and discretion. They shall not use harsh, violent, profane or insolent language, and shall conduct themselves in a professional manner.@

Unfounded

Investigation reveals . . . STATE WHY ALLEGATION IS UNFOUNDED.)

(Signature)

(Signature)

\_\_\_\_\_  
Submitted by

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by

\_\_\_\_\_  
Date

**MARYLAND-NATIONAL CAPITAL**

APPENDIX E – REPORT OF INVESTIGATION GUIDELINES AND FORM  
**PARK POLICE**

MONTGOMERY COUNTY DIVISION  
12751 LAYHILL ROAD  
SILVER SPRING, MD 20906

Date of Report	REPORT OF INVESTIGATION	DCN: ICN:
Initial or Supplement		Status of Investigation
Subject of Investigation		

Date, Time, & Place:

Complainant:

Witness(es):

Respondent(s):

Investigator:

Allegation(s):

Findings:

Summary of Complaint:

Summary of Witness Statement(s):

Report of Investigation:

Investigative Findings:

\_\_\_\_\_  
Submitted by

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by

\_\_\_\_\_  
Date

**MARYLAND-NATIONAL CAPITAL  
PARK POLICE**

MONTGOMERY COUNTY DIVISION  
12751 LAYHILL ROAD  
SILVER SPRING, MD 20906

**INVESTIGATION AND INTERROGATION NOTICE**

Date:

TO:

FROM:

SUBJECT: Interrogation Notice ICN -

You are hereby ordered to submit to a statement and answer all questions which relate specifically, directly and narrowly to your performance, conduct or fitness for office.

This statement may not be used against you in any criminal proceeding. It is for the purpose of investigation pursuant to a complaint and may be used against you only in the administrative proceedings set forth in Divisional Directive \_\_\_\_\_.

It is alleged that on \_\_\_\_\_ at \_\_\_\_\_ hours, while at \_\_\_\_\_, you \_\_\_\_\_.

You are hereby advised that \_\_\_\_\_, Chief, Park Police Division by virtue of delegated staff supervision, is the Officer in charge of the investigation. I, \_\_\_\_\_ will be conducting the investigation and interrogation.

Further, you are advised of the following additional rights afforded to you by Maryland Annotated Code, Public Safety, Title 3-104.

1. The interrogation will be conducted at a reasonable hour, preferably while on duty unless the seriousness of the investigation is of such a degree that an immediate interrogation is required. The session shall be for a reasonable period and will allow for personal necessities and rest periods as are reasonably necessary.
2. The interrogation shall take place at the office of the investigator or at another reasonable and appropriate place, at \_\_\_\_\_ on \_\_\_\_\_ at hours.
3. All questions asked during this session shall be through one interrogator.
4. You have the right to be represented by legal counsel or another person of your choosing at this interrogation. You may upon request, have this interrogation suspended for up to five (5) business days to obtain representation.

APPENDIX F – INVESTIGATION AND INTERROGATION NOTICE

5. You have a right to a copy of the entire transcript of this interrogation upon payment of reasonable fees for copying and transcription, and to have the list of all witnesses not less than ten days prior to any scheduled hearing.
6. Upon your request a copy of the Law Enforcement Officers' Bill of Rights and Division Directive \_\_\_\_\_ will be provided to you for review prior to commencement of this interrogation.

Do you understand your rights? \_\_\_\_\_

Are you willing to make a statement without the presence of counsel or other representative at this time? \_\_\_\_\_

Do you agree that this interrogation is at a reasonable hour and reasonable and appropriate place? \_\_\_\_\_

Name/signature of representative: \_\_\_\_\_  
(if present)

Alternate interrogation date(s): 1. \_\_\_\_\_ Time: \_\_\_\_\_

2. \_\_\_\_\_ Time: \_\_\_\_\_

Received By: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**MARYLAND-NATIONAL CAPITAL  
PARK POLICE**

MONTGOMERY COUNTY DIVISION  
12751 LAYHILL ROAD  
SILVER SPRING, MD 20906

**RESPONDENTS STATEMENT FORM**

ICN -

**DATE:** \_\_\_\_\_, **TIME COMMENCED:** \_\_\_\_\_ **TIME CONCLUDED:** \_\_\_\_\_

**Name and address of all persons present during this interrogation:**

- 1. **Name:**  
**Address:**
- 2. **Name:**  
**Address:**
- 3. **Name:**  
**Address:**

**Name of complainant:**

**Address of complainant:**

**Names of witnesses (if any):**

- 1. **Name:**
- 2. **Name:**

Q= question, A= answer

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Interviewer: \_\_\_\_\_

Interviewee: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



APPENDIX G – STATEMENT FORMAT (WRITTEN AND TRANSCRIBED)  
RESPONDENTS STATEMENT FORM – CONTINUATION

Statement Of: \_\_\_\_\_

Page: \_\_\_\_\_

Q. Is there anything that you would like to add or change in this statement?

A.

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This statement consisting of \_\_\_\_ pages was given after I was ordered to do so and was advised of my rights. The investigator, \_\_\_\_\_, who has taken this statement from me has conducted this interrogation during a reasonable time period, and in no way threatened me with transfer, dismissal or other disciplinary measures.

The contents of this statement are true and correct.

Respondent: \_\_\_\_\_  
Signature Printed Name

Witness: \_\_\_\_\_  
Signature Printed Name

Witness: \_\_\_\_\_  
Signature Printed Name

Witness: \_\_\_\_\_  
Signature Printed Name



APPENDIX H – MEDICAL EXAMINATION NOTICE

**MARYLAND-NATIONAL CAPITAL  
PARK POLICE**

MONTGOMERY COUNTY DIVISION  
12751 LAYHILL ROAD  
SILVER SPRING, MD 20906

Date:

TO:

FROM:

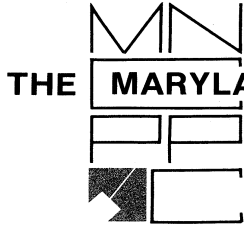
SUBJECT: Medical Examination Notice - ICN #

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In connection with the on going investigation concerning case \_\_\_\_\_ you are hereby ordered to appear at \_\_\_\_\_. The type of examination that will be conducted is \_\_\_\_\_ (if drug screen, fill out the Drug Screen Notice Form and attach to this notice).

If the appointment has not been scheduled you are responsible for scheduling it and must notify the investigator of the appointment date and time. If for some reason you cannot make the scheduled appointment you must contact the investigator. Failure to attend the scheduled appointment will be viewed as insubordination and will subject you to disciplinary or administrative action.

APPENDIX I – MEDICAL RELEASE



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

**MARYLAND-NATIONAL CAPITAL PARK POLICE  
MONTGOMERY COUNTY DIVISION  
12751 LAYHILL ROAD  
SILVER SPRING, MARYLAND 20906**

**(301) 949-8010**



**MEDICAL RELEASE  
(COMPLAINANT)**

To Whom It May Concern:

Ref: ICN # \_\_\_\_\_

Please provide to \_\_\_\_\_ any and all information desired, including copies of records relevant to my accident and/or injury, my physical condition in general, past and present.

It is my understanding that this information will be used to assist in the current and on going investigation.

SIGNED: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Date: \_\_\_\_\_

APPENDIX J – DRUG SCREEN NOTICE

**MARYLAND-NATIONAL CAPITAL  
PARK POLICE**

MONTGOMERY COUNTY DIVISION  
12751 LAYHILL ROAD  
SILVER SPRING, MD 20906

ICN#

**DRUG SCREEN NOTICE FORM**

If you have taken any medications and/or drugs within the past five(5) days, indicate below by checking the appropriate space(s).

\_\_\_ Over the counter medications (e.g. cough syrup, cold tablets, sinus medications, etc.) List below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_ Prescription medication (authorized by physician). List:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other substances: \_\_\_ Marijuana    \_\_\_ Amphetamines    \_\_\_ PCP    \_\_\_ Barbiturates  
\_\_\_ Methaqualone    \_\_\_ Propoxyphene    \_\_\_ Cocaine    \_\_\_ Heroin  
\_\_\_ Oxycodone    \_\_\_ Benzodiazepine    \_\_\_ Poppy seeds

\_\_\_ Other (specify):  
\_\_\_\_\_  
\_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Time: \_\_\_\_\_

**ADMINISTRATIVE DISCIPLINARY CHARGES:**

**IMPOSITION OF DISCIPLINARY ACTION & STATEMENT OF CHARGES**

**MARYLAND-NATIONAL CAPITAL PARK POLICE**

PRINCE GEORGE'S CO. DIVISION  
6700 RIVERDALE ROAD  
RIVERDALE, MD 20737

MONTGOMERY CO. DIVISION  
12751 LAYHILL ROAD  
SILVER SPRING, MARYLAND 20906

Date: [Click here to enter text.](#)

TO: [Click here to enter text.](#)

FROM: [Click here to enter text.](#)

AI#/ICN # [Click here to enter text.](#)

UPON THE FACTS CONTAINED in the investigative report dated [Click here to enter text.](#), one or more charges brought against you have been sustained. Upon my review of the same, you [Click here to enter text.](#), is hereby formally charged as follows:

**Charge One:** [Click here to enter text.](#)

Description of the Charge: [Click here to enter text.](#)

**Charge Two:** [Click here to enter text.](#)

Description of the Charge: [Click here to enter text.](#)

**Charge Three:** [Click here to enter text.](#)

Description of the Charge: [Click here to enter text.](#)

**Charge Four:** [Click here to enter text.](#)

Description of the Charge: [Click here to enter text.](#)

**Charge Five:** [Click here to enter text.](#)

Description of the Charge: [Click here to enter text.](#)

**Charge Six:** [Click here to enter text.](#)

Description of the Charge: [Click here to enter text.](#)

In light of the aforementioned, I intend to take the following disciplinary measures;

**Charge One:** Click here to enter text.

**Charge Two:** Click here to enter text.

**Charge Three:** Click here to enter text.

**Charge Four:** Click here to enter text.

**Charge Five:** Click here to enter text.

**Charge Six:** Click here to enter text.

**WAIVER OR ACCEPTANCE OF PUNISHMENT**

\_\_\_\_\_ I do not dispute the facts as stated in the descriptions above, and I do accept the punishment as offered.

\_\_\_\_\_ I do waive my rights to a hearing board as provided for in the Law Enforcement Officers' Bill of Rights.

\_\_\_\_\_ If summary punishment is a letter of reprimand, I understand and accept this document as the official letter of reprimand.

\_\_\_\_\_ I do dispute the facts as stated and do not accept the punishment offered. I request a hearing board as provided in the Law Enforcement Officers' Bill of Rights.

\_\_\_\_\_ I do not accept the punishment, but I do agree with facts, and I request hearing.

CHIEF'S SIGNATURE: \_\_\_\_\_

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

RESPONDENT'S SIGNATURE: \_\_\_\_\_

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

APPENDIX K – ADMINISTRATIVE DISCIPLINARY CHARGES

SERVED BY: \_\_\_\_\_

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

**NOTICE TO RESPONDENT:** You must sign this form and indicate one or more of the above options. This form must be returned to the issuing division of the Office of the Chief, Park Police, within seventy-two (72) hours of receipt. If this form is a letter of reprimand, and you accept it, the form will be placed in your personnel file.

Should you request a hearing, you are hereby advised that you have the right to legal representation or representation by someone of your choosing, and a hearing on the disputed issue(s) before an administrative hearing board in accordance with Md. Code, Public Safety, Title 3.

Return Received By: \_\_\_\_\_

Date Received: \_\_\_\_\_

## APPENDIX L – DISCIPLINARY RECOMMENDATION GUIDE

### **DISCIPLINARY RECOMMENDATION GUIDE**

The guide generally promotes uniformity in the administration of certain disciplinary actions. Deviations from the recommended disciplinary actions or proposed disciplinary actions for cases for which the violation is not listed, must receive approval up the chain of command, with the concurrence of the Branch/Section Commander. The Branch/Section Commander shall forward the recommended disciplinary action to the office of the Chief, Park Police Division where the recommendation will be reviewed to ensure consistency between sections or units. This guide is not intended to prohibit summary punishment or disciplinary action for violations not listed in the guide. Two violations of a similar offense within a one year period will be cause for the recommended action to advance to the next highest category. Punishment may be advanced from one category to the next higher category should the totality of the circumstances warrant more severe action.

#### **CATEGORY I**

Recommended summary punishment shall range from *a written reprimand up to a \$100.00 fine or the loss of 1 to 8 hours of annual leave.*

- \* Beat; leaving without supervisory or dispatch approval
- \* Court; failure to appear
- \* Equipment; failure to control, failure to maintain or use of unauthorized
- \* Grooming regulations; violation of
- \* Medical; failure to make/keep appointment for physical or duty fitness evaluation
- \* Mishandling or improper preparation of criminal or traffic case resulting in a decline to prosecute, dismissal or nolle prosequi
- \* Patrol; failure to patrol beat as assigned
- \* Parking; illegal parking of police vehicle
- \* Police Vehicle; failure to maintain
- \* Prisoners; failure to properly secure, search, seat belt or handcuff
- \* Radio; failure to acknowledge/using improperly
- \* Reports; failure to submit as required
- \* Response; unauthorized use of status; Code 3/Priority
- \* Ride-along; unauthorized passengers or violation of policy
- \* Secondary Employment; failure to notify or prohibited employment
- \* Sick leave; abuse of
- \* Sleeping on duty
- \* Tardiness
- \* Telephone procedures; violations of
- \* Traffic laws; violation(s) of minor laws
- \* Uniform regulations; violations of
- \* Unsatisfactory or marginal performance
- \* Vehicles; unauthorized use of

APPENDIX L – DISCIPLINARY RECOMMENDATION GUIDE

**CATEGORY II**

Recommended summary punishment shall range from a fine of \$101.00 to \$150.00 or the loss of 8 to 24 hours of annual leave or suspension.

- \* Abusive or demeaning language
- \* Absent Without Leave (AWOL)
- \* Calls for service; failure to respond to or properly clear
- \* Conduct unbecoming
- \* Discourtesy
- \* Firearms; unattended, unsecured or careless handling of
- \* Leaving district without supervisory dispatch approval
- \* Misconduct; to other officers or civilians/public
- \* Police Vehicle; unauthorized use while at secondary employment or in violation of policy
- \* Police Vehicle Operation; flagrant violations that discredit the Division (eg., excessive speed, running red lights)
- \* Prisoners; failure to search or secure resulting in the discovery of a weapon or escape

**CATEGORY III**

These violations constitute major infractions which may result in a recommendation to the Chief of Police for punishment that *exceeds summary punishment up to and including termination.*

- \* Alcohol related offenses
- \* Criminal law violations
- \* Breach of Confidentiality
- \* Discrimination
- \* Drinking on duty
- \* Drug related offenses
- \* Firearms violations; careless handling resulting in injury or death
- \* Firearms; unreported discharges
- \* Force; excessive use of
- \* Harassment
- \* Hot pursuit; unauthorized
- \* Insubordination
- \* Loss of job requirements
- \* Medical disclosure; failure to notify of condition or medication that renders inability to perform assigned duties
- \* Operating a motor vehicle while suspended or revoked
- \* Police vehicle; operation of after consuming alcoholic beverages or drugs
- \* Reports; falsifying
- \* Statements; falsifying



APPEALS TO SUMMARY PUNISHMENT  
(ONE MEMBER BOARDS)  
ADMINISTRATIVE HEARING BOARD PROCEDURE

(Recording System Activated)

This Administrative Hearing Board is hereby convened and called to order. For the purposes of identification on the recording system, will the following parties identify themselves when called upon to do so:

- A. I am Captain, Chairman of the Administrative Hearing Board.
- B. Will the respondent's representative/attorney identify himself/herself. ( )
- C. Will the respondent identify himself/herself.( )
- D. Will the prosecutor identify himself/herself. ( )
- E. Will counsel to the Board identify himself/herself.( )

I. INTRODUCTORY STATEMENT BY CHAIRMAN OF THE ADMINISTRATIVE HEARING BOARD:

Officer \_\_\_\_\_, on the \_\_\_ day of \_\_\_\_\_, \_\_\_, you received a Disciplinary Action Recommendation which advised you that in accordance with Annotated Code of Maryland, Public Safety, Title 3, you have a right to a hearing before the Administrative Hearing Board on the charges which have been placed against you. That Imposition of Disciplinary Measures also stated that you could elect to accept the recommended disciplinary action and waive your right to a hearing before this Board, provided that your written acceptance and waiver was submitted to the Office of the Chief, Park Police Division within three (3) working days of your receipt of the Imposition of Disciplinary Measures.

Timely written acceptance and waiver not having been submitted by you, this Administrative Hearing Board is authorized by the authority of the Chief of Police and is convened this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_, at 1000 hours to consider the charges that have been placed against you as a result of your conduct on \_\_\_\_\_.

The purpose of this Administrative Hearing Board is to hear evidence and arguments concerning the charges that have been placed against you, to make a determination of facts, to recommend a course of disciplinary action and to submit a written report, including findings of fact and recommendation, to the Chief of Police who shall then determine the final action to be taken in this matter.

Under the authority granted to the Chief of Police and in accordance with the provisions of the Law Enforcement Officers' Bill of Rights, Annotated Code of Maryland, Public Safety, Title 3, you have been charged under (Merit System Rules & Regulations, Maryland Annotated Code, Maryland National Capital Park Police Division Directive),

APPENDIX M – BOARD PROCEDURE SUMMARY APPEAL  
CHARGES

Officer \_\_\_\_\_, you may elect to waive the reading of the charges. Do you waive the reading of the charges?

**(INSERT CHARGES HERE)**

Officer \_\_\_\_\_, do you understand the nature of the charges that have been placed against you?

Officer \_\_\_\_\_, are you aware of your rights as stated in the Law Enforcement Officers' Bill of Rights?

Mr/Mrs. \_\_\_\_\_, are you satisfied that your client understands the charges against him and his rights?

Officer \_\_\_\_\_, you will be asked to either admit or deny the charges against you. If you admit those charges, you have the right to present any evidence and argument to this Board that you wish to be considered prior to my recommendation of disciplinary action.

If you deny the charges against you, this Board will hear evidence and arguments and determine whether or not the Commission has proven the charges against you. If I find that the charges have not been sustained, I shall so advise the Chief of Police. However, if I find that the charges are sustained, I will so advise the Chief of Police and make a recommendation of disciplinary action to be taken.

You may also waive your right to be present at this hearing or to present evidence and arguments in your own behalf, however, whether you choose to be present or not, or whether you choose to offer any evidence and arguments or not, the Board will consider the charges against you as presented by the Commission and will recommend a course of action to the Chief of Police.

Do you understand what has just been explained to you?

Do you admit or deny the charges against you?

NOTE: If the person charged stands mute, he or she shall be advised that silence will be considered a denial of the charges.

II. PRELIMINARY MATTERS:

APPENDIX M – BOARD PROCEDURE SUMMARY APPEAL

Does either the officer or the Commission desire that witnesses be excluded until called to testify?

Does either the officer or the Commission wish to raise any other matter of a preliminary nature prior to presentation of this case?

III. PRESENTATION OF EVIDENCE AND ARGUMENTS:

1. Opening Statement of Commission Prosecutor
2. Opening Statement of Defense
3. Commission presents its case, subject to cross-examination of officer and Board.
4. Officer presents his or her case, subject to cross-examination by Commission or Board.
5. Rebuttal by Commission, which may only address those matters raised by the officer or the Board.
6. Surrebuttal by officer, which may only address those matters raised by the Commission or the Board during rebuttal.
7. Summation by Commission
8. Summation by officer
9. Final comment and/or rebuttal by Commission.

Board adjourned at \_\_\_\_\_ hours for purpose of deliberation.

IV. OATH TO WITNESS

DO YOU SOLEMNLY DECLARE AND AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT THE TESTIMONY YOU SHALL GIVE, SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH.

APPENDIX N – BOARD PROCEDURE DISCIPLINARY ACTION

THREE MEMBER  
ADMINISTRATIVE HEARING BOARD PROCEDURE

(Recording System Activated)

This Administrative Hearing Board is hereby convened for case \_\_\_\_\_ and called to order. For the purposes of identification on the recording system, will the following parties identify themselves when called upon to do so:

- A. I am \_\_\_\_\_, Chairman of the Administrative Hearing Board.
- B. Will the Lieutenant serving as an Administrative Hearing Board member identify himself/herself.
- C. Will the officer of equal rank serving as an Administrative Hearing Board member identify himself/herself.
- D. Will the respondent's representative/attorney identify himself/herself (if applicable)
- E. Will the respondent identify himself/herself.
- F. Will the prosecutor identify himself/herself.
- G. Will the attorney to the Board identify himself/herself.

I. INTRODUCTORY STATEMENT BY CHAIRMAN OF THE ADMINISTRATIVE HEARING BOARD:

Officer \_\_\_\_\_, on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, you received a Disciplinary Action Recommendation which advised you that in accordance with the Annotated Code of Maryland, Public Safety Title 3, you have a right to a hearing before the Administrative Hearing Board on the charges which have been placed against you. In light thereof, this Administrative Hearing Board is authorized by the authority of the Chief of Police and is convened this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 1000 hours to consider the charges that have been placed against you as a result of your conduct on \_\_\_\_\_.

The purpose of this Administrative Hearing Board is to hear evidence and arguments concerning the charges that have been placed against you, to make a determination of facts, to recommend a course of disciplinary action and to submit a written report, including findings of fact and recommendation, to the Chief of Police who shall then determine the final action to be taken in this matter.

Under the authority granted to the Chief of Police in accordance with the provisions of the Law Enforcement Officers' Bill of Rights, the Annotated Code of Maryland, Public Safety Title 3, you have been charged under (Merit System Rules & Regulations, Annotated Code of Maryland, Maryland National Capital Park Division Directive).

CHARGES

Officer \_\_\_\_\_, you may elect to waive the reading of the charges. Do you waive the reading of the charges?

**(INSERT CHARGES HERE)**

Officer \_\_\_\_\_, do you understand the nature of the charges that have been placed against you?

Officer \_\_\_\_\_, are you aware of your rights as stated in the Law Enforcement Officers' Bill of Rights?

Mr. \_\_\_\_\_, are you satisfied that your client understands the charges against him and his rights?

Officer \_\_\_\_\_, you will be asked to either admit or deny the charges against you. If you admit those charges, you have the right to present any evidence and argument to this Board that you wish to be considered prior to my recommendation of disciplinary action.

If you deny the charges against you, this Board will hear evidence and arguments and determine whether or not the Commission has proven the charges against you. If I find that the charges have not been sustained, I shall so advise the Chief of Police. However, if I find that the charges are sustained, I will so advise the Chief of Police and make a recommendation of disciplinary action to be taken.

You may also waive your right to be present at this hearing or to present evidence and arguments in your own behalf, however, whether you choose to be present or not, or whether you choose to offer any evidence and arguments or not, the Board will consider the charges against you as presented by the Commission and will recommend a course of action to the Chief of Police.

Do you understand what has just been explained to you?

Do you admit or deny the charges against you?

NOTE: If the person charged stands mute, he or she shall be advised that silence will be considered a denial of the charges.

II. PRELIMINARY MATTERS:

Does either the officer or the Commission desire that witnesses be excluded until called to testify?

Does either the officer or the Commission wish to raise any other matter of a preliminary nature prior to presentation of this case?

III. PRESENTATION OF EVIDENCE AND ARGUMENTS:

1. Opening Statement of Commission Prosecutor
2. Opening Statement of Defense
3. Commission presents its case, subject to cross-examination of officer and Board.
4. Officer presents his or her case, subject to cross-examination by Commission or Board.
5. Rebuttal by Commission, which may only address those matters raised by the officer or the Board.
6. Surrebuttal by officer, which may only address those matters raised by the Commission or the Board during rebuttal.
7. Summation by Commission
8. Summation by officer
9. Final comment and/or rebuttal by Commission.

Board adjourned at \_\_\_\_\_ hours for purpose of deliberation.

IV. OATH TO WITNESS

DO YOU SOLEMNLY DECLARE AND AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT THE TESTIMONY YOU SHALL GIVE, SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

APPENDIX O – Witness Summons  
**LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS – MC 300.0**

Date \_\_\_\_\_

TO:

FROM:

Chairperson, Administrative Hearing Board

SUBJECT: Witness Summons – (for Commission or Accused Officer)

ICN # \_\_\_\_\_.

---

You are hereby compelled to appear, testify and bring any books, papers, record, and documents as may be relevant before the Administrative Hearing Board on \_\_\_\_\_, that will be hearing the complaint against \_\_\_\_\_. The hearing will commence at 10:00 a.m. in the Executive Office Building, Merit Board Hearing Room, located at 6611 Kenilworth Avenue, Riverdale, Maryland 20737.

This summons is being issued at the request of the prosecution for the Maryland National Capital Park and Planning Commission. If you need assistance or have any questions contact, Sgt./Lt. \_\_\_\_\_, the Sergeant at Arms in this matter, on 301-\_\_\_\_\_.

The Administrative Hearing Board has been established under the Annotated Code of Maryland, Public Safety Title 3. Should you disobey or refuse to obey this summons, the Chief, or Hearing Board, may apply to the circuit court for an order requiring your attendance and testimony and the production of books, papers, records and documents.

Please sign and date the original copy of this subpoena and return it to the Sergeant at Arms.

\_\_\_\_\_  
Signature Date

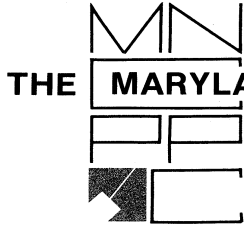
\_\_\_\_\_  
Witness Date

By order of,

\_\_\_\_\_  
Hearing Board Chairman

cc: Chief, Park Police Division  
Legal Office  
Respondent

APPENDIX P – CONFIDENTIALITY AGREEMENT



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

**MARYLAND-NATIONAL CAPITAL PARK POLICE  
MONTGOMERY COUNTY DIVISION  
12751 LAYHILL ROAD  
SILVER SPRING, MARYLAND 20906**

**(301) 949-8010**



**CONFIDENTIALITY AGREEMENT**

ICN #:

Pursuant to the Annotated Code of Maryland, Public Safety Title 3-104, I have received the below listed documents at least ten days prior to the Administrative Hearing Board.

As a condition of receiving said documents, I/we agree to keep confidential all said documents and all material contained therein. I/we further agree not to disclose any of these documents or material contained therein other than to defend

**Document list**

Received By: \_\_\_\_\_ Date:

Released By: \_\_\_\_\_ Date:

Witnessed By: \_\_\_\_\_ Date



**Counseling or Disciplinary Action  
Short Form**

**Concept:** These forms are to be used for witnessed violations of Division policy as it relates to discipline and performance. When used as a counseling, supervisors will be able to document and track officers performance through the year. This information will assist supervisors with developing and reviewing evaluations and performance of the officers.

When used as a disciplinary notice for summary punishment only, disciplinary action should be issued in a timely manner. A hearing board will convene once a month when needed to hear charges against officers whom have requested a hearing.

The hearing officer appointed by the Chief, Park Police Division will hold the rank of Lieutenant or Captain. The hearing officers will be rotated throughout the year. Upon rendering a guilty verdict the hearing officer will refer to the "Disciplinary Recommendation Guide" to determine punishment. The hearing officer may review the officers personnel file and any previously disciplinary actions prior to issuing punishment. In those situations where an officer has been disciplined for similar actions, the hearing officer may advance the disciplinary action to the appropriate fine in the "Disciplinary Recommendation Guide."

**Counseling Form**

**Procedure:** When used by the supervisor, the original will be forwarded to the officer's personnel file. The counseling form will remain in the officer's file for *two* years. This form may be used in the place of the Commission Counseling Form. After review, should the Section or Unit Commander determine the counseling warrants summary punishment, the commander will forward the form with a cover memorandum stating the charges and punishment to the Internal Affairs Office for preparation of a "Disciplinary Action Notice." Nothing precludes the Unit or Section Commander from issuing the counseling and imposing summary punishment if necessary.

**Distribution:** Original forwarded to Internal Affairs, after the Section or Unit Commander's action has been taken. Internal Affairs will forward to the officer's personnel file.

**Copy 1:** Retained by supervisor for monitoring the employees performance for evaluation purposes. The supervisor may retain this copy for one year. After one year the copy will be forwarded to officers personnel file. Copies are confidential and are not accessible to other officers other than supervisory and management personnel.

**Copy 2:** Section or Unit Commander, for the purpose of monitoring the employees performance and for reviewing the employees annual performance evaluation. Destroy copy after one year.

**Copy 3:** Employee's copy.

**Copy 4:** Retained by the submitting person and *may be destroyed upon a written request after two (2) years.*

## (Summary Punishment)

**Procedure:** The submitting supervisor will forward the original and all copies to the officers Section or Unit Commander. The Section or Unit Commander will review the document and determine if the action warrants counseling or summary punishment. Should the Commander concur with the recommendation, the Commander will check the appropriate section of the document and sign it. *Prior to issuing disciplinary action the Commander will review the officer's personnel file and consult the Commander of Professional Standards to determine proper progressive discipline. The Commander will refer to the "Disciplinary Recommendation Guide" and the Commander of Professional Standards to set the appropriate discipline (fine or Suspension without pay).*

The Unit or Section Commander will meet with the officer to serve the notice of disciplinary action. The respondent will have seventy-two (72) hours from the time the action is served to pay the fine or request a hearing. If the officer fails to return the notice within the seventy-two (72) hour time period, a hearing will be scheduled. Furthermore, the Commander may elect to file additional charges against the officer for failing to follow a lawful order; eg. not complying with the seventy-two hour rule (72 hours or 3 days; calendar days unless the due date falls on a weekend, then the next business day is the due date).

Upon receipt of the officer's request for a hearing or expiration of the seventy-two hours, the Unit or Section Commander will forward the document and all copies to Internal Affairs. Internal Affairs will schedule an Administrative Hearing date and notify the parties involved of the date, time and location of the hearing. Internal Affairs will notify the Hearing Board Officer seven days in advance of their assigned duties, and provide copies of the charges to be heard at least 24 hours in advance. The hearing board proceedings will be conducted in compliance with Division policy and procedures.

The hearing officer will place the findings on the back of the white copies and forward to designated officer for processing.

Should the Unit or Section Commander elect to resolve the issue as a counseling, the document is routed to the officers supervisor for issuance.

**Maryland-National Capital Park Police  
New Direction Counseling/Deficiency Counseling Report**

**Employee's Name:** \_\_\_\_\_ **ID#:** \_\_\_\_\_ **Duty Assignment:** \_\_\_\_\_

**Date of Incident:** \_\_\_\_\_ **Time of Incident:** \_\_\_\_\_ **Location of Incident:** \_\_\_\_\_

**Narrative:**

**Submitting Officer:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Section/Unit Commander:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Employee's Name	ID #	Signature	Date

Original Forward to Professional Services after action has been taken by the Section/Unit Commander for the Personnel file; 1<sup>st</sup> Copy to Employee; 2<sup>nd</sup> Copy to Internal file.

**Employee may attach comments. Received By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Maryland-National Capital Park Police Deficiency Report/Summary Punishment Recommendation

**Employee's Name:** \_\_\_\_\_ **ID#:** \_\_\_\_\_ **Duty Assignment:** \_\_\_\_\_

**Date of Incident:** \_\_\_\_\_ **Time of Incident:** \_\_\_\_\_ **Location of Incident:** \_\_\_\_\_

**Narrative:**

Based on my observation, I recommend summary punishment.

**Submitting Officer:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

This section is to be completed by the section/unit commander and reviewed by the affected employee.

I have reviewed this document and impose summary punishment. The fine is set at \_\_\_\_\_  
Category \_\_\_\_\_ (If applicable).

I have reviewed this document and have forwarded to the employee's supervisor for formal counseling.

**Section/Unit Commander:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

\*The employee is required to sign this document, FAILURE TO SIGN WILL RESULT IN ADDITIONAL DISCIPLINARY ACTION.

I have reviewed this document and accept the summary punishment that has been set by my Section/Unit Commander.

I have reviewed this document and agree with the facts as stated, however, I wish to appeal the summary punishment as set.

I refuse to accept summary punishment and request a hearing board pursuant to Sections 3-107 and 3-108 of the Public Safety Article of the Annotated Code of Maryland.

Employee's Name	ID #	Signature	Date

\*The employee shall return this form signed within 72 hours to the office it was received from.

Original Forward to Professional Services after action has been taken by the Section/Unit Commander for the Personnel file; 1<sup>st</sup> Copy to Employee; 2<sup>nd</sup> Copy to Internal file.

**Employee may attach comments. Received By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**COMPLAINT INTAKE FORM**

Complaint Received (Date):	
IA Case number:	
Employee(s) Involved:	
Complainant's Name:	
Complainant's Phone #:	
Complainant's Address:	
Complainant's Email:	
Investigating Supervisor:	
Allegation(s):	
Supervisor's initial contact date with complainant:	
Supervisor's closure contact date with complainant:	
Corrective Action Taken? (desc.):	
Referral back to Internal Affairs for investigation?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

APPENDIX S – ADMINISTRATIVE HEARING BOARD MANUAL  
**ADMINISTRATIVE HEARING BOARD  
MANUAL**

1. Purpose

This manual explains how the administrative hearing board process functions as it applies to sworn or appointed police officers.

2. Policy

The placing of administrative charges against a member of the Division evokes certain rights for the respondent officer as detailed in Annotated Code of Maryland, Public Safety, Title 3. At the Division's option or, at the request of the respondent officer, an Administrative Hearing Board shall be convened to hear administrative charges and recommend punishment to the Chief of Police. The Administrative Hearing Board may be comprised of as little as one (1) hearing officer or as many as three (3) hearing officers. The Administrative Hearing Board provides the opportunity for the respondent officer to present opposition to the charges or punishment and be heard in a fair and impartial manner.

3. One Member Hearing Board

The Law Enforcement Officers' Bill of Rights provides the Chief of Police the authority to convene a "one member or more" Administrative Hearing Board to conduct hearings on the appeals of summary punishment. Such a "board" shall be a one member hearing board and will be chaired by an officer of the permanent rank of "Lieutenant" or above unless the respondent officer is of the same rank. In those cases, the hearing will be chaired by a member holding at least one rank higher than that of the respondent. At no time will the chair be an officer who investigated the complaint, recommended charges, or was any way involved in the adjudication of the complaint.

4. Three Member Hearing Board

If an officer is charged with a serious violation by the Division, and summary punishment is not offered, the charges shall be heard by a three member Administrative Hearing Board. This Administrative Hearing Board shall be comprised of at least two (2) officers employed by either Park Police Division. The chairperson to the board, at the option of the Chief, Park Police Division for the respondent officer's Division, may be from another police agency. The chairperson shall hold the permanent rank of Captain or above.

5. Selection

The designation of any members or pool of members to serve on any Administrative Hearing Board shall be made by the Chief of Police delegated to the office of the Chief, Park Police Division. As noted above, the Chief has absolute authority to select the chairperson for either a one (1) or three (3) member hearing board. The remaining members for a three (3) member hearing board shall be selected in accordance with the Collective Bargaining Agreement if the respondent officer is covered by such agreement.

The agreement provides that the Chief of Police for the Division of the respondent officer, shall designate three (3) officers of equal or higher rank than that of the respondent for the respondent to choose one to sit as a board member. The Chief shall also designate three (3) officers of equal rank for the respondent officer to choose one to sit on the board. The list may be comprised of officers from either Park Police Division.

For non-bargaining unit officers, the Chief, Park Police Division may extend the same privilege as detailed in the Collective Bargaining Agreement. As required in the Law Enforcement Officers' Bill of Rights at least one (1) member of a three (3) member hearing board must be of equal rank of the respondent officer.

## APPENDIX S – ADMINISTRATIVE HEARING BOARD MANUAL

The Chief, Park Police Division may designate a "Lieutenant" for a one (1) member Administrative Hearing Board or "Captain" for a three (3) member Administrative Hearing Board as permanent chairperson for the boards to serve for a period of not more than one (1) year.

### 6. Duties and Responsibilities

The Administrative Hearing Board conducts hearings to hear charges against police officers and to recommend disciplinary action against the respondent. The Board shall ascertain guilt or innocence as it relates to the charges presented. The determination of the finding(s) shall be based on information contained in the investigation or reports, documents, the testimony of witnesses and other such evidence that the Board deems appropriate.

- a. The hearing is strictly an Administrative proceeding. It need not follow the strict rules of criminal evidence or the common law rules of evidence. The Board is quasi-judicial. It does not jeopardize life or property interests. Therefore the board, at its option, may allow hearsay evidence but must weigh its probative value. The proceeding as such should be conducted in adherence to appropriate guidelines and atmosphere. The hearing shall be conducted with a certain amount of "informality," however, a strict agenda shall be followed.
- b. The degree of proof to guide Board member(s) is the preponderance of evidence only. "Preponderance" used in connection with the weight of evidence refers to something more than the number of witnesses who furnish it. It relates to the character of the witnesses, intrinsic characteristics of the evidence itself and the probability of truth as tested by the ordinary experiences of average persons in their daily affairs.
- c. If a "rule on witnesses" is requested, the chair shall instruct the witnesses to not discuss their potential or actual testimony with anyone during the hearing and remove them to a secure room to wait until called. The chair may post a guard at the secure room to ensure the "rule on witnesses" is followed.
- d. If the Board renders a finding of guilty, it shall reconvene to conduct a punishment hearing within fourteen (14) days to consider the respondent officer's past performance and any other relevant material submitted on the respondent's behalf. The respondent may call "character" witnesses to testify.

### 7. Chairperson Responsibility

- a. The Chair will preside over the Administrative Hearing Board proceeding and decide any questions of procedure, the acceptability and relevancy of evidence, rule on objections and other related matters.
- b. It shall be the responsibility of the Chair to describe the reason(s) that the Administrative Hearing Board was convened, the name of the respondent and the charges presented.
- c. The Chair shall be responsible for notifying the Chief of Police of the Board's findings, recommendations and the actual vote in writing as soon as practical after the punishment hearing.

### 8. Findings of the Board - Degree of Proof

- a. When deliberating the Board must remember that the hearing was conducted as an "employment or personnel" matter and not as a criminal trial even though some of the charges may have been violations of criminal law. Because police officers deal with criminal law in their everyday course of duties where there is a requirement of proof beyond a reasonable doubt, there is a tendency to

APPENDIX S – ADMINISTRATIVE HEARING BOARD MANUAL

confuse violations of employment rules with violations of criminal law. The administrative hearing process does not involve a loss of life or liberty. Therefore, the degree of proof that determines guilt lies with the preponderance of evidence, not guilt beyond a reasonable doubt.

- b. In rendering decisions, the Administrative Hearing Board will utilize the findings of fact rather than merely giving a guilty or exonerated resolution. Findings are made as a matter of principal. This is important since the case is subject to judicial review. Findings appraise the parties of the basis for the decision and fosters the belief that the matters were carefully considered. The members have the obligation during deliberations to consider all the evidence related to them and come to the conclusion based upon the preponderance of the evidence.
- c. Any decision, order, or other action taken, as the result of a hearing shall be in writing and be accompanied by findings of fact. The findings are a concise statement upon each issue in the case. The decision, order, or other action shall be mailed or delivered to the respondent officer and the officer's counsel or representative of record.

9. Support

- a. At the option of the chairperson, legal counsel may be retained to provide advice, guidance and other assistance as necessary to the Board.
- b. All proceedings of the Board will be tape recorded or transcribed.
- c. The Chief, Park Police Division shall assign staff to assist the hearing board. This includes, but is not limited to, the preparation and completion of the Board's pre-hearing documents and notifications.

10. Privileges of the Respondent Officer

- a. The respondent officer shall be notified in writing of the scheduling of an Administrative Hearing Board not less than thirty (30) days prior to the hearing. This notice will include a list of witnesses and evidence to be presented at the hearing within ten (10) days of the hearing date.
- b. The respondent officer shall have the right to present evidence, witnesses, and cross examine prosecution witnesses.
- c. The officer has the right to be represented by anyone the officer chooses provided that, if the representative is a member of the agency, that person has the right to refuse.
- d. The respondent officer may waive the rights to a hearing by pleading guilty to the charges. If this is done, the officer still maintains the right to a punishment hearing.
- e. The officer may leave the hearing and be tried in "absentia."
- f. Should the Administrative Hearing Board dismiss certain charges or render a "not guilty" finding the action as it pertains to those charges shall be terminated.
- g. Any final disciplinary action issued by the Chief of Police may be appealed to the Circuit Court for either Montgomery or Prince George's County, pursuant to Maryland Rule 7-202 and 203 within thirty (30) days of issuance to the respondent.
- h. Any party aggrieved by the court may appeal the decision to the Court of Special Appeals for the



APPENDIX S – ADMINISTRATIVE HEARING BOARD MANUAL  
State of Maryland.

11. Options of the Chief of Police
  - a. The Chief of Police may accept, reject, or modify the recommendations presented by the Board, in accordance with the Annotate Code of Maryland, Public Safety, Title 3. The respondent officer will be informed in writing of the decision of the Chief of Police.
  - b. Should the Chief of Police intend to increase the recommendations of the Administrative Hearing Board, the Chief shall:
    1. Notify the officer of the intent;
    2. Personally review the entire proceedings, and;
    3. Provide the respondent officer the opportunity to be heard.
  - c. The Chief of Police will render the final decision of punishment within thirty (30) days of receipt of the Administrative Hearing Board's recommendations.
  
12. Administrative Hearing Board Procedures
  - a. Call to Order; reading of opening statement by the chairperson.
  - b. Opening Remarks
    1. Prosecution
    2. Defense
  - c. Prosecution Presentation
    1. Presentation of the case.
    2. Cross-examination of witnesses by defense.
    3. Examination of witnesses by the Board.
    4. Redirect of witnesses by the defense.
  - d. Defense Presentations
    1. Presentation of the case.
    2. Cross-examination of witnesses by the prosecution.
    3. Examination of witnesses by the Board.
    4. Redirect of witnesses by prosecution.
  - e. Conclusion
    1. Summation by prosecution
    2. Summation by defense.
    3. Final rebuttal by prosecution
  - f. Deliberation in closed session by the Board.

**End of Document**