



Complaints and Discipline

Section: 2.900
Effective Date: December 7, 2010
Amended: January 20, 2021

2.900 Complaints and Discipline

2.902 Disciplinary System

- A. The agency will exercise disciplinary action fairly and equitably, regardless of rank or assignment and will promote uniformity in the imposition of disciplinary actions.
- B. The disciplinary system of the agency contains components that include, but are not limited to:
 - 1. Rewarding and recognizing employees for their actions;
 - 2. Ensure employees receive training as a means of improving productivity and effectiveness through positive and constructive methods;
 - 3. Procedures and criteria for using counseling as a function of discipline; and
 - 4. Procedures and criteria for taking punitive actions in the interest of discipline.
- C. Section **1.442 Awards and Commendations** contains procedures and criteria for rewarding and recognizing exemplary employee performance.
- D. Section **1.508.06 Remedial Training** contains procedures and criteria for using training as a function of discipline.
- E. Section **1.440 Goal Setting and Evaluation** contains procedures and criteria for using counseling as a function of discipline.
- F. Agency employees will not maliciously or negligently interfere with, hinder, or delay the initiation, documentation, or investigation of complaints.
- G. Employees who become aware of unethical or unlawful conduct, or violation of directives, are to report them to the offenders' shift supervisor/OIC. These reports can be submitted on a 95 form or an email and made directly to the Captain if involving confidential matters.

2.904 Authority to Take Disciplinary Action

- A. Where not in conflict with LEOBR, other applicable state laws, executive orders, the Fraternal Order of Police Memorandum of Understanding (MOU), or the University of Baltimore's Manual of Rules and Policies is applicable to agency employees with respect to taking punitive actions in the interest of discipline. The agency and its employees are bound by LEOBR and the MOU's provisions in disciplinary matters regarding sworn personnel.
- B. The Captain is authorized to initiate and administer discipline within the agency and to authorize certain subordinates to initiate, administer, or recommend disciplinary action against employees.
 - 1. Employees ranked sergeant or higher may recommend, initiate, or administer discipline for sworn and non-sworn personnel under their command.
- C. All complaints, including anonymous complaints, against the agency or employees will be investigated. On occasion, malicious and deliberate false accusations are made against the agency or its employees. These accusations are to be investigated to protect the integrity of the agency or the employees, thereby instilling public confidence in the agency. In some cases, the extent of the investigation may be limited to substantiating the falsity of the accusation.

2.906 Processing Complaints

- A. Citizens verbally reporting what they perceive as improper police conduct will be referred to the shift's supervisors/OIC. The supervisors will attempt to resolve the matters if complaints are relative to differences of opinion between officers and citizens over the issuance of traffic, criminal, or parking citations unless the complaint falls within the meaning of the term "complaint."
- B. If complaints are not filed the supervisor will prepare memorandums or email messages to the Captain containing the synopses of the allegation.
- C. In the event that matters cannot be resolved, citizens should be advised to submit a written complaint to the Captain of Police.

2.906.02 Receiving Complaints

- A. Complaints must be treated as confidential information by agency personnel who receive them and will not be discussed with personnel against whom complaints are made or anyone not authorized to have such information.
- B. Complaint forms (last pages of this directive) and available in the officer's room and on the R-Drive. Complaint forms are to be utilized for use of force complaints.
- C. Complaint forms may be submitted personally or by mail. Complaints may be typed or handwritten. Handwritten forms are to be legible and written in ink. Additional sheets of paper may be used should complaints require more space than is on complaint forms.
- D. Complainants should prepare the complaint form. However, in situations where complainants cannot or will not complete complaint forms, officers will record complaint details on complaint forms and submit them.
- E. Complaints may be received by telephone, email, or by mail without the complainant's signature. Agency personnel receiving telephone complaints should make every effort to identify complainants and obtain a phone number/e-mail address in order to be re-contacted.
- F. Complaints received from anonymous sources may be the only information that could reveal serious misconduct. Employees receiving anonymous complaints are to advise complainants of the formal complaint procedures and attempt to obtain their identities. If unsuccessful, employees should obtain as much information as possible in order to provide sufficient information to determine courses of action.
- G. When complaint forms are submitted in person, receiving officers will:
 - 1. Sign for complaint receipt;
 - 2. Provide a copy to the complainant; and
 - 3. Place originals in sealed envelopes and forward to the Captain where they will be logged and forwarded to be investigated.
- H. All complaints will be forwarded directly to the Captain of Police via the chain of command.
- I. Nothing precludes the agency from investigating allegations against employees received from any source consistent with law, when it is determined that such investigations are in the best interests of the agency.

2.906.04 Whistleblower Protections / Allegations of Criminal Misconduct by Employees

- A. Employees are strongly encouraged to disclose any gross mismanagement, waste of resources, or willful or deliberate, expression, omission or concealment, of any act that poses a substantial danger to public safety.
- B. This policy strictly prohibits retaliating against any employee for exercising LEOBR or constitutional rights.
- C. Employees receiving complaints alleging criminal misconduct by other employees will immediately arrange for complainants to speak with an on duty supervisor.
- D. Interviewing officers will document the information and contact the shift supervisor, Lieutenant or the

Captain, as deemed necessary and prudent, for guidance. Original reports will be forwarded to the Captain prior to the end of the interviewing officers' shift.

2.906.06 Internal Complaint Assignment and Report Flow

- A. Complaints will be forwarded to the Lieutenant for assignment to a shift supervisor, OIC or another. The assignment level is based, in part, on the seriousness of the alleged conduct.
 - 1. Shift level investigations usually involve allegations of minor violations against officers.
 - 2. Command level investigations usually involve allegations of minor violations against supervisory ranked employees.
 - 3. Departmental level investigations usually involve allegations of violations against administrative ranked officers or major violations against any agency personnel.
- B. Complaints assigned at the unit level will usually be forwarded to the supervisor of the respondent officer. Completed reports will be returned via the Lieutenant to the Captain for final disposition.
- C. Complaints assigned to the command level will usually be forwarded to the Captain or Lieutenant to investigate. Completed reports will be returned to the Captain for final disposition.
- D. Complaints assigned to the departmental level will be coordinated or handled as directed by the Captain or Lieutenant. Completed cases will be forwarded to the Captain for final disposition.
- E. Liaison may also be maintained with Office of the Attorney General and/or the Assistant States Attorney during criminal investigations involving employees.

2.906.08 Complaint Notifications

- A. When complaints are received, the Office of the Captain is responsible for notifying complainants that their complaints have been received for processing.
 - 1. Notifications will be in the form of dated letters or emails of receipt that contain a description of the investigative process.
 - 2. Notification receipt letters or emails are not sent out for anonymous complaints.
- B. Employees named in complaints will be notified in writing of complaints consistent with LEOBR.
- C. Officers will be issued written statements of allegations as well as their rights and responsibilities when they are notified that they have become subjects of investigations.

2.908 Violations Classifications

- A. Summary punishment may be imposed for minor violations of law enforcement rules and regulations if:
 - 1. The facts that constitute minor violation are not in dispute;
 - 2. The law enforcement officer waives the hearing;
 - 3. The law enforcement officer accepts punishment imposed by the highest ranking officer, or individual acting in that capacity of the unit to which the officer is attached;
 - 4. Summary punishment imposed may not exceed suspension of 3 days without pay or a fine of \$150.
- B. Major violations are those violations for which maximum sanctions exceed summary punishment or when cumulative minor violations would indicate the need for exceeding summary punishment maximums.
- C. With the agreement of respondent officers, the agency may impose sanctions beyond summary punishment in lieu of convening hearing boards to review charges.
- D. Respondent officers may waive any or all of their LEOBR rights.
 - 1. Respondent officers waiving their LEOBR rights may do so to accept sanctions imposed by the agency or to request allegations be processed, investigated, and disposed of in accordance with applicable university employee disciplinary systems.
 - 2. Respondent officers waiving their LEOBR rights and electing to have complaints processed, investigated, and disposed of in accordance with applicable university employee disciplinary systems

do so irrevocably for those complaints.

3. Respondent officers will not be pressured, coerced, threatened, or intimidated into waiving any or all of their LEOBR rights.

2.910 Disciplinary Action

- A. Disciplinary Action (**2.990**), as identified in the MOU between the Fraternal Order of Police and the University of Baltimore (Sworn Police Officer Unit), is used to promote uniformity in the implementation of disciplinary actions. Disciplinary recommendations do not abrogate the disciplinary authority of the Captain as granted by LEOBR.

2.910.02 Penalty Selection

- A. Investigators will consult the MOU's Disciplinary Action section **2.990** when complaints have been sustained in order to make recommendations to the Captain.
- B. Once the Captain has reviewed investigation files, written notifications of decisions and recommendations will be presented to accused officers.
- C. Disciplinary actions will be imposed consistent with the MOU and LEOBR.

2.912 Supervisor's Role in Discipline

- A. Supervisors will participate in the development of rules, policies, and procedures defining misconduct and unacceptable performance.
- B. Supervisors will train subordinates in proper conduct and acceptable performance.
- C. The role of immediate supervisors is crucial in the disciplinary process. They have the best opportunity to observe the conduct and appearance of subordinates and detect those instances where disciplinary actions are warranted. Immediate supervisors also have the opportunity to understand the personality traits of their subordinates and to determine the most effective methods of discipline.
- D. Supervisors will perform investigations and recommend disciplinary action to the Captain.
- E. A supervisor's primary responsibility is to observe, investigate, and, when necessary, recommend disciplinary action.

2.914 Special Action Appeals For Classified Employees

- A. Employees may appeal adverse personnel actions in accordance with the MOU. These personnel actions include charges for removal, disciplinary suspensions, involuntary demotions, and rejection on probation.
- B. After consultation with their union representatives, officers may elect to waive their LEOBR rights and appeal adverse personnel actions consistent with the MOU.
- C. If the Captain orders termination of respondent personnel and with consultation and direction from HR final written orders will contain:
 1. Statements citing reasons for termination;
 2. Effective dates of terminations;
- D. Human Resources will provide the employee with information pertaining to their retirement and fringe benefits.

2.916 Suspension From Duty - LEOBR

Suspensions will be imposed consistent with LEOBR and MOU.

2.916.02 Authority to Suspend

- A. Officers holding the rank of sergeant or above are authorized to suspend sworn and non-sworn subordinates when circumstances warrant such action.

2.916.04 Suspension Situations

- A. The need for suspensions will be determined by weighing the gravity of alleged offenses against the effects of officers' continued duty status pending internal investigations.
- B. Officers may be suspended for:
 - 1. The best interest of the public, the officer, or the agency;
 - 2. Reporting for work under the influence of alcohol or consuming alcohol on the job without authorization;
 - 3. Reporting for duty unfit or unprepared for work;
 - 4. On-duty or off-duty conduct determined to be detrimental to the performance of police duties;
 - 5. Unsatisfactory performance;
 - 6. Being convicted of crimes;
 - 7. Being AWOL;
 - 8. Mishandling, abusing, or theft of university or state property;
 - 9. Knowingly being untruthful when answering questions relating to their employment which are asked of them except in the furtherance of a bona fide police duty;
 - 10. Any immoral or unethical conduct reflecting unfavorably on the university as an employer;
 - 11. Membership in any organization advocating the overthrow of the U.S. Government by force or violence;
 - 12. Failure to maintain any mandated license or certification.
 - 13. Alleged to have engaged in conduct of such nature the Captain determines suspension is an appropriate course; or
 - 14. Charged via statement of charges, criminal charging document, indictment or information from any competent judicial authority with:
 - a. Crimes classified as felonies within this state or within jurisdictions placing charges; or
 - b. Crimes of moral turpitude.

2.916.06 Emergency Suspension & Hearing Procedures

- A. Suspending officers will:
 - 1. Contact and inform the Captain of suspensions;
 - 2. Suspend officers by taking possession of their issued firearms, badges, ID cards, and MPSTC certification cards;
 - 3. Complete an administrative report to include all relevant facts and supplementary documents supporting the suspensions; and
 - 4. Provide the suspended officers and their shift supervisors with letters containing:
 - a. Reasons for suspensions;
 - b. Dates and times of suspension hearings; and
 - c. Notification that suspension hearings will be held on the first working day following suspension.
- B. Suspension hearings will be conducted consistent with LEOBR and MOU.
- C. Only matters dealing directly with the determination of suspensions will be heard at suspension hearings.
- D. Emergency suspension hearing officers will be appointed by the Captain and should hold the rank of Sergeant or above.
- E. Suspended officers may choose their own representative.
- F. Suspending officers and suspended officers' shift supervisors may be required to attend the hearings. Suspended officers need not be present, but may attend and present testimony on their behalf.
- G. Hearing officer may request university legal staff or via the Office of the Attorney General.

- H. The public and news media are excluded from hearings unless called to testify. Evidence presented at suspension hearings is confidential.
- I. Hearing officer will determine whether officers' alleged conduct was serious enough to order continued suspension.
- J. Hearing officer must determine and order if continued suspensions will be with or without pay.
 - 1. Suspensions without pay may be imposed only when allegations constitute felonies.
 - 2. Allegations that constitute administrative or misdemeanor criminal charges may result in suspensions continuing with pay.
- K. Hearing officer will inform respondent officers of their decisions and promptly submit written reports of same to the Captain with copies to:
 - 1. Respondent officers;
 - 3. Respondent officers' shift supervisors; and
 - 4. Payroll with information as to the suspension being with or without pay.
 - 5. HR

2.916.08 Restoration to Duty

When proximal reasons for officers' emergency suspension no longer exist, the Captain will return respondent officers to full duty and inform the shift supervisors, in writing, of the decisions.

2.918 Suspension from Duty

- A. When charges for removal are filed against an employee, the agency may suspend the employee without pay; suspend the employee with pay; or allow the employee to remain on duty pending the outcome of the charges.
- B Offenses which can result in suspension include, but are not limited to, incidents involving:
 - 1. Misconduct;
 - 2. Negligence;
 - 3. Inefficiency;
 - 4. Insubordination;
 - 5. Disloyalty; or
 - 6. A reason satisfactory to the Director of University Human Resources.
- C. Employees shall have the right to union representation during any meeting, hearing, formal or informal discussion pertaining to the investigation or imposition of discipline relating to conduct that may lead to disciplinary action against the employee.
- D. When the Captain recommends charges be filed for removal of an employee, the Captain will consult with the Director of Human Resources or designee who will review the case. If the Director determines that charges for removal are warranted, he/she shall present in person or mail a copy of the charges by registered or certified mail to the last known address of the employee against whom the charges are brought. Such notice shall advise the employee that he/she may, within five (5) working days of the date of delivery as indicated by the return receipt or other evidence of delivery, request an opportunity to be heard in his/her defense.
- E. Suspension actions will be consistent with the MOU.
- F. Suspension appeals through the Captain will be held consistent with **1.444 Grievances**.

2.920 Officer Status During Investigations

- A. Any employee, whose action/s or use of force in an official capacity results in the death or serious physical injuries, the Captain will remove the officers from line-duty assignments pending administrative reviews to determine if an officer is to be placed on suspension, paid administrative leave, in non-contact

assignments, or returned to full-duty status.

1. The purposes of these actions and reviews are:
 - a. To protect the community's interest when officers may have exceeded the scope of their authority in the use of deadly force; and
 - b. To shield officers who have not exceeded the scope of their authority from possible confrontations with the community.
 2. Reviews will be structured and conducted according to the ***Emergency Suspension & Hearing Procedures*** identified in 2.916.06.
- B. The member may be placed on paid, administrative leave by the Captain when:
1. Involved in shootings involving injury or death;
 2. Involved in actions which results in the death of individuals or the hospitalization of individuals who are expected to die;
 3. Involved in incidents where preliminary investigations reveal significant possibilities of serious misconduct by an employee; or
 4. It is in the best interest of the public, officers, or the agency.
- C. Non-contact assignments may be employed as alternatives to administrative leave to enable employees to continue working while awaiting dispositions of internal or criminal investigations or disciplinary action recommendations sent to the Captain. Officers working in non-contact assignments may retain police powers and will:
1. Attend job related training;
 2. Attend court;
 3. Perform administrative functions not requiring personal contact with the public; and
 4. Take police actions in emergency circumstances if still retaining police powers.

2.922 Investigation of Serious Injury or Death Inflicted by Officers

- A. Whenever persons are hospitalized because of injuries inflicted by employees acting in their official capacities, the on-duty shift supervisor or OIC will obtain reports on the severity of injuries. If probabilities exists that injured persons will not survive, the shift supervisor/OIC will notify the Lieutenant who will notify the Baltimore Police Department.
- B. Baltimore Police Department Investigators will assume initial responsibilities for investigating the circumstances and determining the likelihood of patient death. Cases will be handled as investigations involving the use of deadly force. Investigators will maintain a working relationship with the Lieutenant throughout investigations.
- C. Employees will be placed on administrative leave with pay pending investigations to determine:
 1. If violations of law were committed;
 2. Compliance or non-compliance with agency directives;
 3. Compliance with equipment regulations regarding both equipment type and its proper use.

2.924 Investigator's Responsibility

- A. The agency employee assigned to investigate an internal complaint alleging misconduct will have responsibilities that include, but are not limited to:
 1. Ensuring confidentiality of all interviews, photographs and other evidence regarding the investigation and records involved in the complaint against the agency or employee;
 2. Determining a plan of action to begin, follow up and conclude the inquiry;
 3. Regularly brief the Captain assigning the investigation on the progress of the inquiry; and
 4. Preparing and filing a report of the findings of complaints filed against sworn and full-time civilian employees.

- B. The employee conducting the internal investigation/s will hold in strict confidence all information which may have any bearing whatsoever on the conduct and results of any investigation.
- C. Yearly statistical summaries of all complaints will be maintained in a confidential and secure file in the command administrative office of the Captain.

2.926 Investigative Procedures

2.926.02 General Provisions

- A. Investigators will conduct thorough investigations and submit completed reports.
- B. Investigations will be conducted consistent with applicable provisions of the LEOBR and the UBPD's Manual of Rules and Procedures.
- C. If reasonable suspicions are developed during the course of investigations that complaints are false or that complainants have lied under oath, parallel investigations will be conducted to determine what, if any, actions will be contemplated against complainants. This information will be included in the final report.
- D. Ordinarily, investigations will be completed within 60 days of assignment, although factors could necessitate longer periods.
 - 1. Officers conducting internal investigations will provide the Captain at least biweekly status reports when investigations extend beyond 45 days. Status reports must also include justifications for delays when investigations extend beyond 60 days. Justifications must be reasonable, prudent, and objective based.
 - 2. Investigating officers will provide complainants with periodic status reports, providing that such notifications do not compromise the integrity of investigations. The degree of update specificity is left to investigator's discretion, subject to approval by the Captain.
- E. Internal Investigation Reports will include:
 - 1. Pertinent statements or summaries of statements from all concerned parties;
 - 2. Summaries of incidents being investigated;
 - 3. Accountings of related evidence;
 - 4. Findings as to the legitimacy of allegations; and
 - 5. Investigative findings and recommendations.
- F. The agency will report to the ASA or Attorney General's Office, as appropriate, any attempts by complainants or their counsel to use the complaint or complaint process as items of discussion and consideration for plea bargaining or the filing of civil action against the agency, the university, or the State.

2.926.04 Interview and Interrogation Procedures

- A. Officers alleged to have committed acts of misconduct will be interrogated or interviewed if necessary to establish a thorough understanding of the incident.
- B. Sworn officers will be interrogated under the provisions of LEOBR.
- C. Interrogation of an officer shall be suspended for a period not exceeding five business days until representation is obtained. Within that five business day period, the Captain may extend the time.
- D. Officers may be required to submit to various investigative techniques that may include, but are not limited to, polygraphs, breath test instruments, medical or laboratory examinations, photographs, tape recordings, financial disclosures, participation in line-ups and/or any other investigative technique as consistent with LEOBR and other applicable statutes and regulations.

- E. Except upon refusal to answer questions pursued in a valid investigation, no officer shall be threatened with transfer, dismissal or other disciplinary action. Officers *refusing to answer* questions can be charged with insubordination. In these situations, the shift supervisor will be contacted.

2.926.06 Police Officer Witnesses

- A. Officers who are deemed witnesses to alleged acts of misconduct by other officers will be interviewed as necessary by the case investigator.
- B. Interviews may be documented by electronic recordings. Duress statements are not necessary for witnesses, but investigators will order witnesses, if necessary, to provide statements.

2.926.08 Investigative Findings

- A. All investigative conclusions will be reported upon, and each alleged violation will be classified as:
 - 1. Not Sustained;
 - 2. Sustained;
 - 3. Exonerated;
 - 4. Unfounded.
- B. **Not Sustained** dispositions conclude that investigations failed to discover sufficient evidence to clearly prove or disprove a violation of directives.
- C. **Sustained** dispositions conclude that sufficient evidence exists to clearly prove violations of directives.
- D. **Exonerated** exists when the alleged actions taken are true but were lawful and in keeping with policy, protocol, or directives.
- E. **Unfounded** the investigation reveals the allegation is false or not factual.

2.926.10 Uncooperative Complainants

- A. Personal contacts will be made with, or certified-return receipt request letters will be sent to, uncooperative complainants by the assigned investigator.
- B. Contacts or letters will set deadlines for cooperating with investigations and include notices that failure to do so may result in administrative closure of investigations.
- C. Letters notifying uncooperative complainants will be signed by investigating officers. If there are no responses and if cases cannot be adequately investigated without an interview, investigating officers may recommend in their Internal Investigation Report that the cases be closed administratively.
- D. Internal Investigation Reports which recommend administrative closure of cases will detail the investigative steps that were taken to justify administrative closure. The report may also include other appropriate recommendations.

2.926.12 Recommendations

- A. Investigating officers will, as necessary and prudent, make:
 - 1. Recommendations to modify policy or procedures when policy, procedure, or directives are discovered to be inappropriate or insufficient; and
 - 2. Recommendations to improve the efficiency or effectiveness of the agency and its relationship with the community.
- B. Shift supervisors of respondent officers will recommend disciplinary action based on sustained complaint findings.

2.926.14 False Reports

When investigators develop probable cause to believe false reports have been filed, they will bring that information to the attention of the Lieutenant for consideration of filing criminal charges.

2.928 Legal Actions Against Employees

- A. Employees will immediately, or as soon as reasonable and prudently practical, notify their immediate supervisor on being:
 - 1. Arrested or charged with crimes or any traffic violations mandating court appearances;
 - 2. Served with warrants, criminal summonses, statement of charges, criminal information or indictments naming them as defendants;
 - 3. Made aware that legal actions are pending or on file, but have yet to be served;
 - 4. Made aware of driver's license suspensions or revocations; or
 - 5. Made aware of the loss or pending loss of any critical job certifications.
- B. Shift supervisors so notified will immediately, or as soon as reasonably and prudently practical, notify the Lieutenant who will, in turn, notify the Captain.
- C. Internal investigations will be conducted to determine if alleged incidents constitute violations of agency directives.

2.930 Right to Hearing Boards

- A. For sustained disciplinary infractions, respondent officers will be informed in writing of the:
 - 1. General nature of the charges;
 - 2. Proposed disciplinary actions; and
 - 3. Right to hearing boards as afforded by LEOBR.
- B. Hearing boards will be conducted in accordance with LEOBR in those cases where disciplinary action is not accepted by respondent officers.

2.932 Administrative Hearing Boards

- A. Hearing boards will be conducted within the requirements of LEOBR.
- B. Summonses for employees to appear before hearing boards are orders. Unexcused failure to appear is insubordination.
- C. Employees who disobey orders to testify specifically, directly and narrowly to the facts at issue may be charged with insubordination and suspended.

2.932.02 Captain's Decision

- A. The Captain, in consultation with HR and the Office of the Attorney General (OAG), will render a final order consistent with LEOBR.
- B. If the Captain orders termination of respondent officers, final written orders will contain:
 - 1. Statements citing reasons for termination;
 - 2. Effective dates of terminations;
 - 3. Status of fringe and retirement benefits after terminations; and
 - 4. Content of the officers' employment records relating to terminations.

2.932.04 Appeals

Appeals from decisions in accordance with LEOBR may be taken by respondent officers to the circuit court for the City pursuant to Maryland Rule 7.202. Parties aggrieved by decisions of courts under LEOBR may appeal to the Court of Special Appeals.

2.934 Disposition of Findings

- A. Notification letters will be sent by the Captain to complainants and respondent officers if charges are not sustained or closed administratively.
- B. If charges are closed as sustained:
 - 1. Letters will be sent by the Captain to complainants;
 - 2. The final order of the Captain will be personally delivered by the Captain or designee or sent by certified mail, return receipt requested, to the respondent and, if applicable, to the representative of record;
 - 3. Complaint records will remain in the IA active files; and
 - 4. Any adverse materials placed in respondent officers' personnel files will be consistent with LEOBR.

2.936 Disciplinary Record Maintenance

- A. All records of Internal Investigations are considered confidential and are maintained by the Captain in separate, secure file cabinets and/or in secure computer applications.
 - 1. All such records are maintained until such time as they are expunged pursuant to LEOBR, & the MOU, or purged at least three years following the resignation, retirement, or termination of employees.
 - 2. Adverse materials pertaining to disciplinary actions will be permanently placed in respondent employees' personnel files consistent with LEOBR or the MOU.
- B. Internal investigation records will not be released or disclosed except to:
 - 1. Comply with court orders to produce such records;
 - 2. Assist background investigators who present properly executed releases of information;
 - 3. Attorneys representing client officers to whom specified records apply in accordance with LEOBR or the MOU;
 - 4. Attorneys representing the agency, the university, or the state in relevant cases.

2.936.02 Expungements

- A. Record expungements will be consistent with LEOBR or the MOU.
- B. Expungement requests will be forwarded to the Captain.
- C. If expungement requests are denied, the Captain will notify requesting officers in writing of the objective based reasons for that decision.
- D. Expungements will be conducted:
 - 1. By shredding all printed files, records, and documents that make reference to expunged cases;
 - 2. By demagnetizing magnetic media containing files, records, and documents that make reference to expunged cases; and
 - 3. In the case of multiple officers with multiple findings, obliterating references to respondent officers in case files, records, and documents.
- E. Records expungements will be certified by the Captain. Officers requesting expungements will be notified in writing of expungement completion.
 - 1. Copies of expungement notifications will be retained by the Captain, identifiable by case numbers only, and retained apart from other investigative files.
 - 2. Data records will be retained listing only:
 - a. Internal Investigation case numbers;
 - b. Dates complaints were filed;
 - c. Investigation findings;
 - d. Dates of findings; and
 - e. Dates of expungements.

- F. The Lieutenant may initiate expungement actions via letters to the Captain and respondent officers (if still employed by the agency) for cases that meet expungement criteria and five years have elapsed since the determination of the case classification. However, the agency may not initiate expungements for investigations involving officers who have been subject to numerous investigations involving misconduct or use of excessive force that could indicate a pattern.
- G. Employees not wanting cases expunged will notify the Captain in writing at least 30 days prior to the date of eligibility for automatic expungement.

2.990 Disciplinary Action – Memorandum of Understanding between Fraternal Order of Police and The University of Baltimore’s Sworn Police Officer Unit

ART. 23 – Counseling and Disciplinary Actions

Section 1 - - Progressive Discipline

The University subscribes to the tenets of progressive discipline, where appropriate. However, the University reserves the right to administer any discipline deemed necessary and appropriate by the University. No employee shall be disciplined without cause.

Whenever a bargaining unit employee is under investigation or subjected to interrogation by the University for any reason which could lead to disciplinary action, demotion or dismissal, the investigation or interrogation shall be conducted in accordance with Public Safety Article Title 3 (LEOBR) of the Annotated Code of Maryland.

The University shall provide at no cost to an employee, and the Union, if requested by the employee, a LEOBR investigation file at least twenty (20) days prior to any hearing.

Section 2. Disciplinary Actions

Progressive disciplinary actions may include but are not limited to the following actions: informal counseling, formal counseling, and official reprimand, suspension without pay, involuntary demotion, and charges for removal from University services. The university is not required to utilize all of the above-listed actions when administering progressive discipline.

Section 3. Charges for Removal

- A. A bargaining unit employee, who has completed his/her probationary period, may be removed from University service only for cause, only upon written charges for removal and after his/her appeal has been heard
- B. Any of the following shall be sufficient cause for removal of an employee, although dismissal may be for causes other than those enumerated:
 - 1. That the employee is incompetent or inefficient in the performance of his/her duties.
 - 2. That the employee has been wantonly careless or negligent in the performance of his/her duties or has used unwarranted or excessive force in his/her treatment of the public, fellow employees or other persons.
 - 3. That the employee has violated any lawful official regulation or order; or failed to obey any lawful and reasonable direction given by his/her superior officer.
 - 4. That the employee has been wantonly offensive in his/her conduct toward fellow employees or the general public.

5. That the employee has taken for personal gain a fee, gift or other valuable item in the course or in connection with his/her work, when such fee, gift, or other valuable item is given to him/her by a person seeking a favor or better official treatment than that accorded other persons.
 6. That the employee is engaged in a secondary business or in a trade or occupation despite prior warning and without the prior written consent of the Captain of Police
 7. That the employee has been convicted of a criminal offense or of a misdemeanor involving moral turpitude or of domestic violence.
 8. That the employee, through negligence or willful conduct, has caused damage to public property or waste of public supplies.
 9. That the employee has willfully made a false official statement or report.
 10. That the employee has been guilty of conduct such as to bring the Department and/or the University into public disrepute.
- C. When the Captain of Police recommends that charges be filed for removal of an employee, the Captain will consult with the Director of Human Resources or designee who will review the case. If the Director determines that charges for removal are warranted, he/she shall present in person or mail a copy of the charges by registered or certified mail to the last known address of the employee against whom the charges are brought. Such notice shall advise the employee that he/she may, within five (5) working days of the date of delivery as indicated by the return receipt or other evidence of delivery, request an opportunity to be heard in his/her defense.
- D. When charges for removal are filed against an employee, the Department may: suspend the employee without pay; suspend the employee with pay; or allow the employee to remain on duty pending the outcome of the charges.
- E. If an employee is suspended without pay pending the charges for removal, the Director of HR – **of what department** will inform the employee, in writing, of the reasons for the suspension. The employee will be provided with the grievance regulations and forms to appeal the decision.
- F. In the event an employee is suspended without pay pending the filing of charges for removal, and the charges are not received by the Director within five (5) working days, the Department must place the employee on leave with pay until such charges are received by the Office.
- G. Refer to the current Memorandum of Understanding between Fraternal Order of Police and the University of Baltimore sworn police officer unit and non-exempt unit for current policy.

