



Ocean City Police Department

General Order

Subject: Disciplinary Process		No. G.O. 200 D-1	
Rescinds:		Amends: G.O. 200 D-1 (Dated: 05/06/16)	Related Directive: S.O.P. – ADM-005
Approval Date: 01/31/2017	Effective Date: 02/01/2017	Distribution Date: 02/01/2017	Distribution Type: A
References: C.A.L.E.A. 26.1.2, 26.1.4, 26.1.5, 26.1.6, 26.1.8, Maryland L.E.O.B.R. Town of Ocean City Employee Handbook			

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I. Purpose

The accurate and unbiased investigation of complaints and allegations against employees of the Department is one of the basic requirements of efficient law enforcement and effective public relations. The Department will assure the concerns of the citizens are addressed while protecting the interests of the Department and its employees.

The purpose of this Policy is to establish a means to handle internal and external complaints in a professional manner, consistent with current law and Department and Town of Ocean City policies.

This policy provides information and instruction to personnel regarding the Department's disciplinary system and establishes authority for employment and disciplinary actions. The forms referred to in this Policy are all shown in the appendices.

II. Definitions

- A. **Aggravating Factors:** Facts and/or circumstances that cause the severity of a disciplinary action to be greater than the specified range for the category as defined in the Department's matrix of discipline.
- B. **Complaint:** Allegation(s) of misconduct made against any employee of the Department.
- C. **Counseling:** A non-punitive written or verbal communication between a subordinate and a supervisor, which involves performance-related issues and is recorded in supervisory notes and/or the member's performance evaluation.
- D. **Finding:** The decision of the Chief of Police, after review of a hearing board's findings, conclusions, and recommendations. In cases where the hearing board is waived, this decision will be rendered after review of the investigation.
- E. **Inquiry:** A question by a citizen regarding law, police tactics, Department policies and procedures, or dissatisfaction at an enforcement action that does not allege misconduct. Inquiries do not constitute a "complaint" and do not normally require documentation.
- F. **L.E.O.B.R.:** The Maryland Law Enforcement Officer's Bill of Rights found in Maryland Code, Public Law, Title 3, Law Enforcement Subtitle 1.
- G. **C.B.A.:** The Collective Bargaining Agreement between the Town of Ocean City and the Fraternal Order of Police, Maryland Lodge 10, Inc.
- H. **Misconduct:** Any violation of law, Department policy, procedure, practice, or other inappropriate performance that violates clearly established rules or expectations of the Department.

- I. **Mitigating Factors:** Facts and/or circumstances that cause the severity of a disciplinary action to be less than the specified range for the category as defined in the Department's matrix of discipline.
- J. **Remedial Actions:** Non-punitive measures taken by supervision to improve an employee's performance, i.e., counseling, training, referral to professional services, transfer to other assignments.
- K. **Summary Punishment:** Punishment imposed by the Chief of Police after an investigation when the facts constituting the offense are not in dispute. Summary punishment may not exceed three (3) days suspension without pay or a fine of \$150.00.
- L. **Written Reprimand:** A memorandum documenting a violation and a corrective action taken. The written reprimand will be placed in an employee's personnel file. This is the lowest form of summary punishment issued by the Department.

III. Policy

The Department will accept and investigate all complaints against its personnel by a process that is professional and thorough, and will strive to ensure the highest level of integrity. Based upon the findings of such investigations, it is the Department's responsibility to exonerate the innocent, establish the guilt of violators and determine disciplinary action in a timely and effective manner. Guidelines for disciplinary recommendations shall reflect the current values of the Department as identified through policy and officially acceptable practices.

IV. Disciplinary Process – General

- A. Administrative charges may be lodged against employees (sworn or non-sworn) for any violation of:
 - 1. The Department's rules, regulations, policies, practices, procedures, or for any conduct detrimental to the good order, efficiency, or discipline of the Department.
 - 2. Federal, state or local law.
 - 3. Town policy as outlined in the Town of Ocean City's Employee Handbook.
- B. Applicability of L.E.O.B.R. and the Town's Employee Handbook.
 - 1. Disciplinary matters involving sworn, non-probationary employees will be conducted in compliance with the L.E.O.B.R.
 - 2. Disciplinary matters involving any sworn employee in matters alleging brutality/excessive force will be conducted in compliance with the L.E.O.B.R.

3. Disciplinary matters involving sworn probationary employees, not related to allegations of brutality/excessive force, or disciplinary matters involving civilian employees, will be conducted in compliance with policies set forth in the Town of Ocean City's Employee Handbook.

NOTE: Seasonal police officers are considered sworn probationary employees.

- C. Supervisors shall assume the obligations of their rank and properly perform their duties in the investigation of complaints alleging misconduct against an employee.
- D. Employees shall fully cooperate with supervisors and commanders conducting investigations. An employee's failure to cooperate with supervisors and commanders will subject the employee to disciplinary action.
- E. Commanders and supervisors shall initiate investigations when the alleged violation reported or observed is within the scope of their authority. Violations outside an individual's authority shall be reported promptly to higher authority consistent with procedures herein.
- F. Disciplinary Flow Charts in Appendices "A" and "B" illustrate these processes:
 1. Appendix "A": Non-probationary sworn employees plus brutality/excessive force
 2. Appendix "B": Non-sworn employees and probationary sworn employees except brutality/excessive force.

V. Citizen Complaints

- A. The police response to a citizen complaint and how we attempt to resolve the complaint are extremely important. How the initial supervisor handles the complaint is the first step in assuring or restoring public confidence in the Police Department.
- B. The duty of a supervisor when confronted with a citizen complaint is to listen carefully to the complaint, even if it may appear petty, trivial or unlikely to have occurred. Minor infractions many times lead to more serious misconduct and early intervention in minor misconduct can save a career.
- C. Citizen complaints are generally received by the Department in the following manners:
 1. Verbal Complaint: Verbal allegations of employee misconduct. Employees shall direct a verbal complaint to an appropriate supervisor.

2. Written Complaint
 - a. A written correspondence directed to the Department about the conduct of its personnel, or
 - b. A complaint submitted to the Department on the General Complaint Form (OCPD-IA Form 101A and OCPD-IA Form 101B), or submitted via electronic and/or digital delivery

- D. Supervisors are sometimes faced with verbal "complaints" (inquiries as defined herein) from the public that actually involve misunderstandings by a citizen of the law, department policy or procedure, or simply dissatisfaction with the fact that they were the subject of an enforcement action – but do not involve allegations of employee misconduct. When faced with a citizen inquiry, supervisors shall screen the citizen's concerns and make efforts to resolve them. If the citizen is persistent it may be appropriate that a higher ranking supervisor or a commander speaks to the citizen.

- E. Consistency in handling a complaint is imperative whether the involved employee is under the direct supervision of the supervisor made aware of the complaint or not. The fact that the involved employee is not under his/her direct supervision does not alleviate the supervisor's responsibility to assure the matter is addressed.

- F. If a citizen wishes to make a complaint against a Department employee, supervisors shall:
 1. Listen to the whole story from the citizen without interruption.
 2. Advise the citizen you will look into the matter.
 3. Ask the citizen for 3-5 days to investigate the situation.
 4. Give the citizen your name and office telephone number.
 5. Accurately document the information given by the citizen and:
 - a. Forward the information to the Office of Professional Standards for review and/or investigative assignment, and;
 - b. Notify the appropriate Commander of:
 - i. The nature of the complaint;
 - ii. The involved employee;
 - iii. The supervisor's actions taken to facilitate an investigation into the allegation(s).

6. If the involved employee is under your direct supervision:
 - a. Thoroughly investigate the matter, unless the investigation is to be conducted by the Office of Professional Standards, or another assigned supervisor.
 - b. At the conclusion of the investigation, re-contact the citizen and advise the citizen of the findings.
 - c. If an infraction was uncovered, tell the citizen you found a problem, explain how you handled it and how you will attempt to prevent future occurrences.
 - d. If there was no infraction, clarify any misunderstandings that the citizen may have with policy, procedures or law and how you intend to prevent similar misunderstandings in the future.
 - e. In either of the previous cases, thank the citizen for bringing the matter to your and the department's attention.
 - f. Ask the citizen to re-contact you if the citizen has any further questions.
7. If the employee is not under your direct supervision:
 - a. Advise the citizen you will notify the officer's supervisor and that the matter will be investigated.
 - b. Ask the citizen to contact you in 5 days if he or she has not been contacted by the officer's supervisor.
 - c. Notify the appropriate supervisor and provide written documentation of the conversation you had with the citizen to the involved officer's supervisor.
- G. Supervisors shall provide citizens with the Department's General Complaint Form (OCPD-IA Forms 101A and 101B when requested and shall instruct the citizen to complete and submit the form to the Department for investigation.
- H. A Supervisor who receives a citizen complaint against a sworn employee that alleges brutality/excessive force while the sworn employee was performing his/her duties as a police officer shall:
 1. Accurately document the information given by the citizen;
 2. Record any sign of injury (photograph or digital image) noted on the citizen or complained of by the citizen;
 3. Provide medical assistance if required or requested by the citizen;

4. Assure the complaint meets the criteria outlined by the L.E.O.B.R., Title 3, Subtitle 104 (C);
5. If the L.E.O.B.R. criteria are met, provide the citizen with a General Complaint Form (OCPD Form 101A and 101B);
6. Inform the citizen that the complaint must be signed and sworn to under penalty of perjury prior to submission to the Department for investigative purposes;
7. Submit all documentation obtained from the initial contact with the citizen regarding the complaint to the Office of Professional Standards;
8. Notify the appropriate Division Commander via official channels of the allegations and the involved officer(s).

VI. Duties and Responsibilities

- A. Investigative responsibility shall be assigned based on the following criteria:
 1. The Office of Professional Standards will investigate complaints of corruption, brutality, inappropriate level of force, breach of civil rights, untruthful statements, criminal misconduct, workplace harassment, workplace violence, other violations of a serious nature, and other complaints as directed by the Chief of Police.
 2. Complaints of a relatively minor nature (i.e., minor traffic collisions, allegations of rudeness, tardiness, work performance, etc.) will be investigated by the appropriate Shift/Section Unit commander
 3. The Office of Professional Standards may in its discretion at any time assume case responsibility for any complaint or investigation.
- B. All citizen complaints, including those received anonymously, alleging improper or inappropriate acts by employees shall be documented per the guidelines of Standard Operating Procedure ADM-005.
- C. Inquiries may be documented appropriately at the shift/section/unit level by supervisors and placed in the involved employee's shift file for evaluation purposes. While each inquiry is unique, supervisors should understand that a pattern of inquiries regarding a particular employee may reveal the need for additional action/intervention.
- D. The Office of Professional Standards will notify the Chief of Police of:
 1. Serious complaints by the next business day. Notification will be made via telephone or in person.

2. Minor complaints requiring investigative input, within 72 hours of the event.
- E. The Office of Professional Standards may investigate complaints it directly receives or may assign the investigation to an appropriate shift/section/unit supervisor via the Division Commander.

VII. Internal Investigations: General Procedures

- A. Employees shall participate in eyewitness identification processes when necessary to aid an investigation of alleged misconduct.
- B. Consistent with the Department's policy regarding "Substance Abuse", a chemical test may be ordered for an employee when a supervisor has reasonable suspicion that an employee:
1. Has consumed alcoholic beverages while on-duty (except for authorized training and undercover operations).
 2. Has reported for duty under the influence of alcohol.
 3. Whose duties authorize the on-duty consumption of alcoholic beverages, has reached or exceeded a level considered "under the influence of alcohol, per se" according to Maryland law.
 4. Is involved in a collision while operating a Department vehicle, after being suspected of consuming alcoholic beverages.
 5. Has unlawfully used a controlled dangerous substance or abused prescription or over the counter medication.
 6. Has consumed alcoholic beverages while in an off-duty capacity and is the subject of a complaint regarding alleged misconduct.
- C. Consistent with the Department's Policy on "Substance Abuse", the elapsed time between the first notice or report of the employee's condition and the time of a chemical test will be recorded by the supervisor ordering the test; the 2 hour time limit set forth in the Maryland motor vehicle laws does not apply in such situations.
- D. The Chief of Police may require personnel to submit to a polygraph examination when it specifically relates to the subject matter of an investigation. The results are not admissible in a legal proceeding unless agreed upon by the employee and the Department.
- E. Employees may be required to submit to any laboratory examination pursuant to the same rules of procedure in any criminal case.

- F. Employees may be required to submit a financial disclosure statement consistent with L.E.O.B.R. if probable cause exists to believe the employee has a possible conflict of interest with respect to the performance of his/her official duties, or State or Federal law requires such disclosure.
- G. An employee shall be prohibited from wearing or possessing any weapons during the interview.
- H. The Office of Professional Standards shall maintain and issue all control numbers associated with complaints and departmental collisions.
- I. Auto Vehicle Locator (A.V.L.) and Mobile Data Terminal (M.C.T.) data may be used to investigate violations of rules and policies and/or suspected criminal activity.

VIII. Internal Investigations: Sworn Employees

- A. Administrative charges may not be brought against a sworn employee unless filed within 1 year after the act that gives rise to the charges comes to the attention of the appropriate law enforcement official. The 1 year limitation does not apply to charges related to criminal activity or excessive force.
- B. A complaint against a sworn employee, alleging brutality in the execution of his duties, may not be investigated unless the complaint is filed within 366 days after the alleged brutality and is signed and sworn to, under penalty of perjury, by:
 - 1. The aggrieved individual;
 - 2. A member of the aggrieved individual's immediate family;
 - 3. An individual with firsthand knowledge obtained because the individual
 - a. Was present at and observed the alleged incident; or
 - b. Has a video recording of the incident that, to the best of the individual's knowledge, is unaltered; or
 - 4. The parent or guardian of the minor child, if the alleged incident involves a minor child.

The above does not apply to complaints initiated by the Department.

- C. Prior to any interrogation as defined by the L.E.O.B.R., any officer under investigation shall be informed in writing of the nature of the investigation. At this time the Explanation of Police Officer's Rights Form will be provided to the accused officer by the investigating officer. This will be documented on the record and made part of the investigative case file. All interviews shall be audio recorded and those tapes or transcriptions thereof made part of the file.

- D. Whenever an employee is under investigation or subjected to interrogation for any reason, which could lead to disciplinary action, demotion or dismissal, the employee will be advised in writing of the charges or the allegations and the employee's rights and responsibilities relative to the investigation.
- E. In addition to those outlined in this section, all provisions identified in Section VII of this policy shall apply to all sworn personnel.

IX. Internal Investigations: Non-sworn Employees

- A. All internal investigations of non-sworn employees or volunteers will be conducted in compliance with the Town of Ocean City Employee Manual and all applicable Department Policies and Procedures. Prior to initiating an investigation of non-sworn employees and/or volunteers, the primary investigator must identify the appropriate procedures applicable to the case.
- B. Whenever non-sworn employees are notified that they are under investigation or subjected to interrogation for any reason which could lead to disciplinary action, demotion or dismissal, that employee will be advised in writing of the charges or the allegations and the employee's rights and responsibilities relative to the investigation.
- C. In addition to those outlined in this section, all provisions identified in Section VII of this policy shall also apply to non-sworn employees.

X. Internal Investigations - Criminal Misconduct

- A. The Criminal Investigation Division shall investigate all allegations of criminal misconduct occurring in the Town of Ocean City by Department personnel. The Office of Professional Standards will conduct a concurrent administrative investigation independent of the criminal inquiry.
- B. The Office of Professional Standards shall conduct an administrative investigation of all reported criminal misconduct by Department personnel occurring outside the jurisdiction of the Ocean City Police Department whether or not the outside jurisdiction intends to conduct an investigation.
- C. In the event that a supervisor becomes aware of the possibility that employees may be involved in any type of criminal activity, he/she shall immediately notify his/her Division Commander of the activity in question. The Division Commander shall notify the Office of Professional Standards immediately.
- D. In the event an on-scene criminal investigation is in progress at the time of notification, i.e. domestic violence, assault, etc., the Office of Professional Standards shall respond to the scene of the event to assess the activity from an administrative perspective.

- E. Any employee charged with a criminal violation (whether by arrest or other charging document) or significant motor vehicle violation as described in Section 26-202 of the Maryland Transportation Article, must notify their supervisor within 24 hours. If the first notification is verbal, written notification will be made to their supervisor on their first day back to work.
- F. Upon notification, the supervisor shall report the infraction to the Division Commander within 24 hours of the initial report. The report must then be documented while it moves up the chain of command. The Chief of Police and the Office of Professional Standards must be notified of any incidents involving criminal conduct or serious traffic offenses (including incidents occurring outside of the Town) immediately and may conduct an independent administrative investigation.
- G. Employees with knowledge of any violations of civil or criminal laws or Department regulations, orders or policies shall immediately report them to their supervisor, or in accordance with other policies (e.g. sexual harassment policy).
- H. The Office of Professional Standards will maintain liaison with the State's Attorney's Office as required by the nature of any criminal investigation.
- I. Employees involved in criminal activities will generally be subjected to the provisions of emergency suspensions as outlined in Section XI.

XI. Administrative Assignment, Relief and Suspension

- A. The purpose of this section is to establish a means for supervisors to conduct an emergency suspension when such action is in the best interest of the public, employee, and the Department. The mission of the Department is very sensitive and it is necessary its employees be of exemplary character and their reputations be beyond reproach. It is necessary, therefore, when an employee is charged or is to be charged with a crime or a violation of Department policy which would bring into question the discipline, the integrity, or the reputation of the Department; a supervisor may suspend the employee from duty.
- B. When infractions occur, a case by case determination must be made as to whether a suspension is appropriate and warranted. Suspension from duty would usually be appropriate in the following cases:
 - 1. Commission of a crime or a serious violation of Department policy.
 - 2. Use of alcohol and/or controlled substances (legal/illegal) while on duty or prior to reporting for duty.
 - 3. Assault on Department employees.
 - 4. Intentional filing of a false report.
 - 5. Refusal to obey a lawful order.

6 Deliberate destruction or misuse of Department equipment.

- C. Suspensions from duty are classified as follows:
1. Emergency Suspension with pay: Sworn employees involved or identified in a complaint or an internal investigation may be placed on emergency suspension from duty, with pay, by a supervisor, if it is in the best interest of the employee, the public, or the Department.
 2. Emergency Suspension without pay: Non-sworn employees, probationary sworn employees and sworn employees charged with the commission of a felony may be placed on emergency suspension from duty, without pay, by the Chief of Police or his/her designee.
 3. Suspension of Police Powers: The Chief of Police, or a member of the Command Staff, may suspend a sworn employee's police powers if it is determined to be in the best interest of the public, the officer, or the Department. The command staff officer suspending police powers must immediately notify the Chief of Police, through the chain of command. The command staff officer will also provide a written notification to the Chief of Police and the affected officer. Sworn employees may be placed in an appropriate administrative assignment.
- D. Whenever an employee is suspended or a sworn employee's police powers are suspended, immediate notification shall be made to the Office of Professional Standards by the person making the suspension. The Office of Professional Standards will ensure that the appropriate Personnel Order is promptly issued and confidentially distributed to only those individuals requiring the information.
- E. The Chief of Police, or his/her designee, will notify the Town's Department of Human Resources of the actions regarding the suspension.
- F. When a sworn employee's actions or use of force in an official capacity results in death or serious physical injury, he/she shall be placed into an administrative assignment, pending a Department evaluation, a review of the incident, and the employee's ability to resume his/her normal assignment (independent of the internal investigation).
- G. Any command staff officer may place an employee on administrative duties temporarily if it is determined to be in the best interest of the public, the officer, or the Department.

- H. To suspend an employee from their duty assignment, the suspending supervisor will:
1. Notify the employee verbally and in writing (OCPD-IA Form 102A) of his/her suspension and relieve him/her of:
 - i. Departmental Identification;
 - ii. Weapon and ammunition (including specialty weapons);
 - iii. Badge;
 - iv. Radio;
 - v. Building Access Card;
 - vi. Cell phone/pager (if applicable)
 - vii. Departmental keys (if applicable)
 - viii. Departmental vehicle (if applicable)
 2. Notify the Office of Professional Standards and the appropriate Division Commander and make a written preliminary report to the Chief of Police within 24 hours describing the circumstances of the suspension, and the action taken by the suspending supervisor.
 3. Submit the seized equipment to the Property Section (with the exception of the firearm and ammunition).
 4. Submit the seized firearm and ammunition to the Department armorer in accordance with standard operating procedures.
 5. Notify the Department armorer and the property custodian via e-mail of the equipment seized.

XII. Suspension Hearing

- A. Consistent with the L.E.O.B.R., any sworn employee placed on emergency suspension with or without pay shall be notified in writing by the suspending supervisor of that decision and informed that he/she is entitled to a prompt hearing.
- B. All suspension hearings shall be administered by a Division Commander not in the direct chain of command of the involved officer.
- C. The suspended employee will report to the administrative offices of the Department for a suspension hearing on the next regular working day at a time to be determined, but no sooner than 24 hours from the time of the suspension.

- D. The suspension hearing will be a recorded proceeding for the purpose of determining if the suspension was justified, whether it should remain in effect, and whether with or without pay. Suspension without pay may only be imposed if a non-probationary sworn employee is charged with a felony criminal offense.
- E. If the suspension hearing official determines the suspension was not justified or should be lifted, suspension will be terminated and the employee shall be restored to duty. If the suspension hearing official determines the suspension was justified, the suspended employee may be granted permission to engage in general secondary employment in accordance with Department policy until such time as the suspension is terminated.
- F. At the conclusion of the suspension hearing, the suspension hearing official will make a written report to the Chief of Police which will include his/her findings and what actions were taken (OCPD-IA Form 102B). The Chief of Police will review the report of the suspension hearing and can overrule any action. This report will be forwarded to the Office of Professional Standards for inclusion in the administrative investigation.
- G. Employees under suspension will not wear any portion of their uniform nor will they take any action exercising police powers.

XIII. Disciplinary Matrix

- A. The purpose of this section is to establish a disciplinary matrix (classification system) in order to address violations of Department regulations. The goal of the disciplinary matrix is to encourage appropriate behavior and to provide information concerning typical penalty ranges for violations of regulations.
- B. The matrix contained in this section serves as a guide for internal decisions regarding disciplinary actions. An Administrative Hearing Board (as defined under L.E.O.B.R.) recommendation is not bound by the Department's discipline matrix.
- C. General Description:
 - 1. Misconduct is categorized based on degrees of severity. The categories range from Category "A" through Category "E". Repeated violations in any category may move an infraction to the next category.
 - 2. Category "A" contains the lowest levels of infractions and involves non-punitive measures. A second and/or subsequent violation of similar nature in Category "A" within 12 month period may automatically increase the violation to a Category "B".

3. Category "B" violations or higher will normally result in punitive measures in accordance with the L.E.O.B.R. A second and/or subsequent violation in Categories "B" through "E" within a 36 month period will be treated as an aggravating factor and may increase the category of a current violation and/or its punishment to the next higher category.

D. General Violation Headings:

The disciplinary matrix contains generalized headings and sub-headings with presumptively prescribed dispositions.

E. General Penalty Range:

1. Category "A" Violations (Remedial Corrective Action)
 - a. Training and/or education;
 - b. Written counseling;
 - c. Mediation;
 - d. Restitution;
 - e. Psychological Services;
 - f. Other non-punitive action.
2. Category "B" Violations (Summary Punishment)
 - a. Written reprimand; or
 - b. A fine not to exceed \$150.00.
3. Category "C" Violations (Summary Punishment)
 - a. One to three days suspension (midpoint 2 days) from duty without pay; or
 - b. A fine not to exceed \$ 150.00.
4. Category "D" Violations (Non-Summary Punishment)
 - a. Four to fifteen days (midpoint 9 days) suspension from duty without pay; and/or
 - b. Involuntary transfer when the continued presence of the employee would affect performance and/or integrity of the Department.

5. Category "E" Violations (Non-Summary Punishment)
 - a. More than fifteen (15) days suspension from duty without pay; and/or
 - b. Demotion; or,
 - c. Dismissal.

6. Deviation from Presumptively Prescribed Dispositions:

A supervisor who recommends a disciplinary action outside of the presumptively prescribed matrix guidelines shall document the aggravating or mitigating factors that justify deviation.

7. Command Review Board

In cases where the recommended disciplinary action;

- a. Exceeds Summary Punishment, and
- b. Deviates from prescribed matrix guidelines;

A review board consisting of 3 Commanders, who are not involved in the investigation, shall review the investigation and report their findings and recommendation in writing to the Chief of Police. The Chief of Police shall determine the final disposition based on the information presented from all recommendation input.

XIV. Administrative Hearing Board

- A. Administrative hearing boards for sworn non-probationary employees and all sworn employees charged with excessive force will be conducted in accordance with the L.E.O.B.R.
- B. Administrative hearing boards will be impaneled in conformance with the current C.B.A.
- C. Administrative hearings for non-sworn employees and probationary sworn employees shall be in accordance with the Town of Ocean City's grievance process outlined in the Employee Handbook under Section 8: "Grievances". Probationary sworn employees who have successfully completed the entrance level police officer academy shall be regulated by the grievance process outlined in the C.B.A.

XV. Completed Internal Investigations

- A. At the conclusion of each internal investigation, a written conclusion of fact for each investigation will be prepared, including a "Finding" with one of the following classifications:
1. Sustained: Sufficient evidence to prove the allegations of misconduct
 2. Insufficient Evidence: There is insufficient evidence to either prove or disprove the allegation(s).
 3. Exonerated: The actions of the involved officers(s) were justified, lawful, proper and in compliance with policy.
 4. Unfounded: The allegation was false, not factual, did not involve police personnel, or did not occur.
 5. Policy/Training Failure: Omissions or insufficient/ineffective policy or training to address the employee's actions/conduct.
 6. Administrative Closure: The investigation could not be conducted because the complainant could not be contacted/located; the complainant was unwilling to provide testimony; or the complaint concerned matters of law or departmental procedure and not the actual member's actions.
- B. When cases are "Sustained", Commanders generally have 3 options: training, counseling and/or punitive measures. The goal in every disposition is to ensure future compliance with Department regulations. In determining the appropriateness of disposition in individual cases, Commanders shall usually apply the presumptive penalty as outlined in the Department's disciplinary matrix disposition as outlined in Section XIII and Appendices. Any deviation from presumptive penalties shall be documented and explained as required in Section XIII.
- C. All investigated cases will be forwarded to the Office of Professional Standards for review regarding accuracy, thoroughness and compliance with policy. Once policy compliances have been established, the case will be forwarded to the employee's Division Commander for review and comment.
- a. If the "Finding" is unfounded, administratively closed, exonerated, or insufficient evidence, the case will be forwarded to the Chief of Police for review and approval.
 - b. If it is determined that a policy/training failure has occurred, the Chief of Police shall assign a commander to review the policy/training and make necessary modifications. The above process shall be completed in a timely manner.

- c. If the "Finding" is sustained, the case will be forwarded as outlined in paragraph "C, a" above and then back to the appropriate Division Commander for administration of appropriate corrective action.

XVI. Sanctions

A. Non-Punitive Sanctions (Training / Counseling)

If these options are used, the complete case file will be forwarded to the Office of Professional Standards who will review the investigation for accuracy and completeness, and then forward the recommendation, with appropriate endorsements from the employee's Division Commander, to the Chief of Police.

B. Punitive Sanctions - Summary Punishment

1. Summary punishment may be imposed for minor violations of Department rules and regulations when the facts which constitute the minor violations are not in dispute, the sworn employee waives his/her right to a hearing, and the sworn employee accepts the punishment recommended by the Division Commander and endorsed by the Chief of Police.
2. Summary punishment is utilized only when both the accused employee and Department agree to its imposition.
3. If loss of leave time is noted as a summary punishment for a case, the leave time must be noted in hours.
4. The imposition of summary punishment requires that the sworn employee receive an offer outlined in the Disciplinary Action Report (DAR).
5. If the sworn employee accepts the summary punishment, the appropriate section of the Acceptance/Non-acceptance of Disciplinary Action Form (OCPD-IA Form 105A) shall be signed and included in the investigative case file.

The Office of Professional Standards will ensure that the appropriate Personnel Order is promptly issued specifying the involved employee, the violation(s) of policy and the corrective action/sanction imposed. This personnel order shall be confidentially distributed to only those employees required the information.

6. If the sworn employee disputes the facts in an offer of summary punishment, the sworn employee shall sign the appropriate section of the Acceptance/Non-acceptance of Disciplinary Action Form (OCPD-IA Form 105A) and the Office of Professional Standards shall coordinate the empanelment of an administrative hearing board.

7. If the sworn employee accepts the facts but rejects the punishment offered, the sworn employee shall sign the appropriate section of the Acceptance/Non-acceptance of Disciplinary Action Form (OCPD-IA Form 105A) and the Office of Professional Standards shall coordinate the empanelment of a one person administrative hearing board. This board shall only recommend a corrective action for the accepted facts and policy violation.

C. Punitive Sanctions - Non-Summary Punishment

1. A completed internal investigation with a recommendation that exceeds summary punishment shall be forward to the Town of Ocean City Solicitor's Office for review.
2. The Office of Professional Standards will present the accused sworn employee with the recommended punitive sanction(s) on a Disciplinary Action Report (D.A.R.). The sworn personnel can either accept the recommended punitive sanction(s) or decline the offer, electing to be tried by an administrative hearing board.
3. If the sworn employee accepts the recommended sanctions, the appropriate section of the Acceptance/Non-acceptance of Disciplinary Action Form (OCPD-IA Form 105A) shall be signed and a The Office of Professional Standards will ensure that the appropriate Personnel Order is promptly issued specifying the involved employee, the violation(s) of policy and the corrective action/sanction imposed. This personnel order shall be confidentially distributed to only those employees required the information.
4. If the sworn employee does not accept the recommended punitive sanctions, the Acceptance/Non-acceptance of Disciplinary Action Form (OCPD-IA Form 105A) shall be signed and the Office of Professional Standards shall coordinate the empanelment of a three (3) member administrative hearing board in compliance with the L.E.O.B.R. and the C.B.A.

XVII. Appendices

- A. Appendix "A": Investigative Flow Chart - Non-probationary sworn personnel plus brutality/excessive force
- B. Appendix "B": Investigative Flow Chart - Non-sworn personnel, probationary sworn personnel except brutality/excessive force.
- C. Appendix "C": OCPD-I.A. Form 101A & 101B – General Complaint Instructions, General Complaint Form
- D. Appendix "D": OCPD-I.A. Form 102A – Emergency Suspension – Sworn Police

- E. Appendix "E": OCPD-I.A. Form 102C – Emergency Suspension – Civilian and Probationary Sworn Police.
- F. Appendix "F": OCPD-I.A. Form 102B – Suspension Hearing Report
- G. Appendix "G": Disciplinary Matrix
- H. Appendix "H": OCPD-I.A. Form 103A – Notification of Interrogation
- I. Appendix "I": OCPD-I.A. Form 103B – Notification of Rights
- J. Appendix "J": OCPD-I.A. Form 104 – Confidentiality Agreement
- K. Appendix "K": OCPD-I.A. Form 105A – Acceptance/Non Acceptance of Disciplinary Action – Non probationary Police
- L. Appendix "L": OCPD-I.A. Form 105B – Acceptance/Non Acceptance of Disciplinary Action – Probationary Police & Civilian Personnel
- M. Appendix "M": OCPD-IA Form 107 – Completion of Disciplinary Action
- N. Appendix "N": OCPD-IA Form 108 – Written Reprimand
- O. Appendix "O": OCPD-I.A. Form 109 – Disciplinary Action Report
- P. Appendix "P": OCPD-IA Form 110 – IA Case Review
- Q. Appendix "Q": OCPD-IA Form 112 – Medical Release Form