

Laurel Police Department – General Order  
Chapter I, Section 100, Order 147 – Disciplinary System  
April 5, 2015

**1 / 147.05 POLICY**

It is the policy of the Department to maintain a Disciplinary System that is consistent and fair.

**1 / 147.10 PURPOSE**

The purpose of this General Order is to establish a disciplinary system based on fairness to the employee and the agency, to provide commanders and supervisors with the authority to take disciplinary action against subordinates and to set forth uniform and consistent procedures for handling disciplinary proceedings.

**1 / 147.15 DEFINITIONS**

City	City of Laurel, Maryland
Department	City of Laurel Police Department
Law Enforcement Bill of Rights	Maryland Code, Public Safety, Title 3. Law Enforcement, Subtitle 1. Law Enforcement Bill of Rights
Member	Sworn Officer of the Laurel Police Department

**1 / 147.20 PROCEDURES**

A. GENERAL

1. The Department Disciplinary System is a combination of Law Enforcement Bill of Rights, City of Laurel Human Resource Policy 5.003, Department Awards Program, Counseling, Department Training Program, and all Department General Orders, Rules and Regulations related to the taking or recommending discipline up to and including termination of employment.
2. The Disciplinary System will be used to stimulate employee morale and motivation and reward employees for exceptional performance.
  - a. Training will be used as a function of discipline to improve employee performance.

B. AUTHORITY

1. The Chief of Police holds authority to take disciplinary actions against members from the Department.
2. The Chief of Police holds the authority to delegate subordinates from City of Laurel Code, Article 1, Section 12-4, Ranks; Chain of Command.
3. The authority to initiate/administer disciplinary action is delegated by the Chief of Police to commanders and supervisors, or those members acting in the capacity of commander or supervisor, and in accordance with procedure set forth in this order.
4. The authority to suspend in emergency situations is delegated to the rank of Sergeant or above.

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5. All supervisory officers shall have the authority to make recommendations of disciplinary actions to a commander or Sergeant, however, any member who observes unethical conduct or a violation committed by another member/employee regardless of the rank shall report the violation to the offending member/employee's supervisor.
6. Only the Chief of Police or his designee may suspend a member of the rank of Sergeant or above.
7. The Chief of Police (or his/her designee) has the authority to dismiss from the Department any sworn member, subject to the provisions of the Law Enforcement Bill of Rights, Sections 3-101 through 3-113.

C. LIMITATIONS

1. Those enumerated persons/positions who are authorized to suspend, recommend, and administer discipline will be limited to taking disciplinary action in the following cases.
2. The Chief of Police or his designee will handle discipline in other cases.
  - a. Unsatisfactory Performance.
  - b. Insubordination (Disobedience).
  - c. Being Absent Without Leave.
  - d. Excessive Tardiness.
  - e. Abuse or Theft of City Property.
  - f. Knowingly Giving False Statements to Supervisors or the Public.
  - g. Violations of City Ordinances, Administrative Regulations or Department Rules.
  - h. Drinking of Alcoholic Beverages on Duty or Being Intoxicated on the Job.
  - i. Any Immoral or Unethical Conduct which Reflects Unfavorable on the City as an employer.
  - j. Acceptance of gratuities.
  - k. Loss of job requirements, such as loss of necessary license, that prevents any employee from doing his job adequately.

D. SUSPENSIONS

1. A member who reports for work intoxicated or otherwise unfit or unprepared for work or whose conduct on the job is detrimental to the service may be suspended immediately with pay for a period not to exceed three (3) days.
  - a. A written statement specifically setting forth reasons for such suspension shall be furnished to the affected member within three (3) days. A copy will be forwarded to the member's supervisor.

E. SEVERITY OF PUNISHMENT

1. Those persons so delegated with authority to recommend discipline or administer discipline are limited as follows:
  - a. Minor Infractions
    - 1) The recommended or imposed punitive action for minor infractions cannot exceed the loss of more than three (3) days' time or \$150.00 monetary fine.
    - 2) Punitive actions for minor infractions can be administered by a Sergeant / Commander.
    - 3) The subject officer may accept punitive action from Sergeant / Commander or is entitled to have the case hear by the Administrative Hearing Board.

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- b. Major Infractions
  - 1) The recommended or imposed punitive action for major infractions can involve the loss of more than three (3) days' time or \$150.00 monetary fine.
  - 2) All cases for major infractions will be sent to the Administrative Hearing Board unless the officer chooses to waive his/her "Law Enforcement Bill of Rights" and an agreement can be reached by both parties.
    - a) Attendance of the hearing is optional to the subject officer.
  - 3) The Chief of Police or his designee will handle punitive action for major infractions.

**F. RECOMMENDING AND ADMINISTERING DISCIPLINE**

- 1. Procedural steps for recommending, administering and appealing discipline
  - a. An incident or alleged violation is thoroughly investigated by a supervisor prior to any action being taken.
  - b. Complaints should be handled at the lowest possible level of supervision.
  - c. At completion of the investigation, all facts, both pro and con shall be documented in letter or report form.
  - d. The facts are evaluated and a decision is made to recommend discipline or dismiss the incident/violation by the Sergeant / Commander authorized to recommend disciplinary action. If the Sergeant / Commander recommend that disciplinary action is necessary, they must determine whether the infraction is minor or major in nature.
  - e. Procedure for Minor Infractions
    - 1) Cases will only be sent to the Administrative Hearing Board at affected member's request.
    - 2) The Sergeant / Commander will inform the affected member with a letter advising them of the specific charge / violation, the action to be taken, that they may:
      - a) Accept the Sergeant / Commander's disciplinary action.
        - i. The affected member shall notify the Sergeant / Commander within three working days whether he accepts the Commanders disciplinary action or wants the case to go to the Administrative Hearing Board.
        - ii. The member shall advise in writing whether or not they want to appear at the hearing.
      - b) Have the case heard by the Administrative Hearing Board and be advised of the time and place of the hearing
    - 3) The Administrative Hearing Board shall:
      - a) Record any decision, order or action taken as a result of the hearing shall be in writing and shall be accompanied by findings of fact.
        - i. The findings shall consist of a concise statement upon each issue in the case.
        - ii. A copy of the decision or order and accompanying findings and conclusions, along with written recommendations for action, shall be delivered or mailed promptly to the law enforcement officer or to his attorney or representative of record.
      - b) Document in writing and send the findings and recommendations to the Chief for his review, who shall review the recommendations and make a final decision within thirty (30) days of the receipt of the Board's recommendation.



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- e. At the termination of the investigation, the Office of Professional Standards will forward the original report of the completed investigation and conclusions and recommended action to the Chief of Police.
- 3. Internal Complaints
  - a. Upon completion of the investigation, the appropriate commander will send a complete report to the Chief of Police.
- 4. The above procedures will be followed to insure:
  - a. Complaints are investigated properly within a reasonable time limit by the proper person.
  - b. Investigations are consistent in quality, discipline, and objectivity.

H. ROLE OF INTERNAL AFFAIRS IN THE DISCIPLINE PROCESS

- 1. The Office of Professional Standards will maintain staff supervision over all internal personnel investigations, and will maintain records of all investigations.
- 2. The Office of Professional Standards will conduct investigations concerning the integrity of the Department.
  - a. The Chief of Police will request these investigations.
- 1. The Office of Professional Standards will provide assistance to all units of the Department in the handling of complaint investigations and discipline.

I. GUIDELINES FOR INVESTIGATING AND REPORTING ALLEGED ACTS OF MISCONDUCT

- 1. Investigations of Alleged Misconduct
  - a. The supervisor assigned the investigation of an alleged act of misconduct on the part of a member of this Department shall conduct a thorough and objective investigation.
  - b. The investigator, prior to any interrogation, shall allow the affected member an opportunity to review their rights under the Law Enforcement Bill of Rights, Section 3-103 and 3-104.
  - c. Such investigation shall include formal statements from all parties concerned when necessary and pertinent; the gathering and preservation of any evidence pertaining to the case; and all other information bearing on the matter.
  - d. All formal statements taken from the affected members will be taken on the specified investigative form.
  - e. In the event that an officer refuses to give such statements, it shall be the duty of the investigating supervisor to give him a direct order to do so.
    - 1) If the member refuses, he can then be charged with insubordination.
- 2. Findings
  - a. Unfounded - The investigation indicates that the act or acts complained of did not occur or failed to involve police personnel.
  - b. Exonerated - Acts did occur but were justified, lawful, and proper.
  - c. Not Sustained - Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
  - d. Sustained - The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.
  - e. Unreported Misconduct - The investigation indicates the discovery of sustained acts of misconduct that were not alleged in the original complaint.

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3. Reports of Disciplinary Action Taken or Recommended
  - a. Whenever disciplinary action is taken or recommended, a written report must be submitted immediately to the Chief of Police, and the affected member, containing the following information:
  - b. The full name and rank of the person being recommended for disciplinary action.
  - c. The name, rank, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation.
  - d. The date(s), time(s), location(s) of the misconduct.
  - e. The section number(s) of the violation or common description of the infraction covered in any rule, regulation, General Order, or any other written directives or policy.
  - f. A complete statement of the facts of the misconduct.
  - g. The punishment recommended or imposed.
  - h. The written signature of the investigating officer.
4. Dismissal Documentation Procedures.
  - a. When any employee is dismissed as a result of a sustained “misconduct allegation”, the employee shall be informed by the Chief of Police in writing.
    - 1) The written notification of dismissal will, at a minimum, include the following:
      - a) A statement citing the reason for dismissal;
      - b) The effective date of the dismissal;
      - c) A statement of the status of fringe and retirement benefits after dismissal; and
      - d) A statement as to the content of the employee’s employment record relating to the dismissal.

**K. DISCIPLINARY RECOMMENDATION GUIDE**

1. The purpose of this guide is to assist in assuring that all disciplinary action is consistent and fair. Supervisors imposing discipline are urged to adhere to these recommendations, but may deviate from these recommendations upon approval from the Chief of Police.
2. Two violations of the same offense within a one-year period will cause the disciplinary action recommendation to advance to the next higher category.
  - a. Category 1
    - 1) Recommended disciplinary action for violations in this category shall range from a written reprimand or a \$50.00 fine or the loss of 1-10 hours of annual leave.
      - a) Violations
        - i. Leaving Patrol area without supervisory approval.
        - ii. Failure to appear in court.
        - iii. Failure to control or maintain equipment.
        - iv. Violations of Uniform policy.
        - v. Mishandling or improper preparation of criminal or traffic case resulting in dismissal or nolle prosequi.
        - vi. Failure to properly maintain police vehicle.
        - vii. Improper use of radio.
        - viii. Improper reporting procedures.
        - ix. Improper response (priority) to calls.
        - x. Violation of Ride-Along procedures.
        - xi. Failure to make proper notifications of secondary employment.
        - xii. Sick Leave abuse.

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- xiii. Sleeping on duty.
- xiv. Tardiness.
- xv. Violation of telephone procedures.
- xvi. Violations of minor traffic laws.
- xvii. Unsatisfactory performance.
- xviii. Unauthorized use of vehicle.
- xix. Any other MINOR offense not listed in Category 2 or 3.

b. Category 2

1) Recommended disciplinary action for violations in this category shall range from a \$50.00 to \$150.00 fine or the loss of 10-30 hours of annual leave or suspension without pay.

a) Violations

- i. Abusive / Demeaning language.
- ii. Failure to respond for a call for service.
- iii. Discourtesy.
- iv. Careless handling of firearms.
- v. Harassment.
- vi. Unauthorized pursuit.
- vii. Leaving jurisdiction without supervisory approval.
- viii. Unauthorized use of police vehicle for secondary employment.
- ix. Flagrant police vehicle violations.
- x. Failure to properly search or secure a prisoner resulting in an escape or discovery of a weapon.

c. Category 3

1) Violations in this category are major infractions and will be sent to an Administrative Hearing Board for disposition and recommended disciplinary action. These actions may range from a written reprimand to termination unless the officer chooses to waive his/her "Law Enforcement Bill of Rights" and an agreement can be reached by both parties.

a) Violations

- i. Alcohol related offenses.
- ii. Careless handling of firearms resulting in injury.
- iii. Unreported firearm discharges.
- iv. Excessive force / Brutality.
- v. Insubordination.
- vi. Loss of job requirements.
- vii. Operating a motor vehicle while privilege is revoked or suspended.
- viii. Operating a police vehicle after consuming alcohol.
- ix. Operating a police vehicle while under the influence of drugs including prescription drugs that may affect the ability to operate a vehicle.
- x. False reports.
- xi. False statements.

**1 /147.25 GOVERNING LEGISLATION AND REFERENCES**

City of Laurel Code, Chapter 12, Article 1

Maryland Code, Public Safety, Title 3. Law Enforcement, Subtitle 1. Law Enforcement Bill of Rights

CALEA Standards 26.1.4, 26.1.5, 26.1.6, 26.1.7, 26.1.8, 52.2.7, 52.2.8

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**1 / 147.20 ANNEX**

None