



FILING AND INVESTIGATION OF MINOR INTERNAL INVESTIGATION DIVISION COMPLAINTS

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I. Purpose

The purpose of this Written Directive is to set forth the policies and procedures concerning complaint reception and investigation.

II. Policy

It shall be the policy of the University of Maryland, Baltimore Police Force (UMBPF) that agency members are to deal with members of the general public and faculty, staff, and students of the UMB with courtesy and respect. Disagreements between members and citizens are to be handled politely, professional, and with dignity. The UMBPF will fully record and investigate each verbal or written complaint or allegation of misconduct against members of the agency, to include anonymous complaints.

III. Background

A. Respect of the Community

1. A well-disciplined and efficient police organization will have the confidence and respect of the public it serves. Confidence and respect can only be accomplished when all members realize their actions, whether a part of their official role or private life, reflects on the UMBPF.
2. Members of the UMBPF will be held responsible and accountable for any act or omission that tends to undermine the good order, efficiency, and/or discipline of the agency.
3. The public image of the organization is determined by its professional response to allegations of improper performance of duty, misconduct, and the failure to act. Therefore, the response to all complaints from within or outside of the UMBPF must be in a uniform manner, swift, and professional.

B. Compliance

1. All UMBPF members shall comply with the rules of conduct as found in **WD 3.1, General Conduct, WD 3.2, General Duties and Responsibilities**, and with all the additions and amendments that may, from time to time, be promulgated.
2. Compliance is also required with all other orders and directives (verbal or written) that may be issued at any time by a competent authority.
3. The violation of any rule of conduct, procedure, or lawful order (verbal or written), shall make the violator subject to investigation and possible disciplinary action.
4. Ignorance of the rules, regulations, and/or procedures of the UMBPF shall not be considered justification for a violation. All members shall be responsible for their own actions and may not shift to others the burden of responsibility for executing or failing to execute any lawful order, police duty, or work responsibility.
5. It shall be the responsibility of all members to be informed of the rules, regulations, and policies of the UMBPF.
6. UMBPF sworn members shall also be familiar with the Maryland Digest of Criminal Laws and the Maryland Transportation Code, and shall be able to navigate the contents of each.

IV. Definitions

A. Complaint

The term "complaint" shall mean any allegation that indicates a violation of UMBPF policy, procedures, rules, and/or regulations. Complaints by private citizens, faculty, students, staff, or other members may be made at any time. Complaints may be received by mail, email, in person, or by telephone.

B. Brutality

The term "brutality" is considered to include any situation wherein a sworn member, while acting in his/her official capacity, resorts to the use of physical force, which was unnecessary in its origin and application, or when force is deemed necessary, the force used was excessive in its application. Further information is found in **WD 5.2 Investigation of Major IID Complaints**.

C. Command Discipline Log

A form (UMBPF Form 17-010) used to record minor violations. The form is maintained by the Professional Standards Commander. The form is shown in **Annex B** and is found in **Appendix 5.1.2, Command Discipline Log** and the Forms file of the X drive.

D. Findings

Findings for investigations are defined as follows:

1. Sustained – the allegation is supported by sufficient evidence;

2. Not sustained – Insufficient evidence to either prove or disprove the allegation;
3. Exonerated – Incident complained about occurred, but was lawful and proper; or
4. Unfounded – Allegation is false or not factual.

E. Minor Complaint

Infractions of policy whose penalties do not exceed a letter of reprimand, more than three (3) days suspension, loss of leave, or fines up to \$150.00. A list of minor infractions is shown in **Annex A** and is found in the **Appendix 5.1.1, Included Violations** and the Forms file in the X drive.

V. Filing Complaints

A. Receiving Complaints

1. Complaints will be received and treated as confidential information. Members receiving complaints shall not discuss the nature of the complaint with the member against whom the complaint is made or any other person not authorized to have such information. Accused sworn members will be notified in accordance with the provisions of the Law Enforcement Officers Bill of Rights (LEOBR), which is located in the Public Safety Article, Annotated Code of Maryland. Non-sworn members shall be notified in writing of the complaint and the alleged violation(s) in accordance with UMB policy and the current MOU.
2. Complaint forms are available on the agency's web site, at the Pine Street Annex, and at the Pine Street Police Station. It is shown in **Annex D** and is found in **Appendix 5.1.4, Complaint/Witness Form, UMB 78-303 (Rev. 2017)** and the Forms file of the X drive. When complaint forms are submitted in person at the Pine Street Police Station or the Pine Street Annex, the receiving member will:
 - a. Sign for receipt of the complaint;
 - b. Provide a signed copy to the complainant;
 - c. Ascertain pertinent information; and
 - d. Place the original complaint documents in a sealed envelope and forward them to the Professional Standards Commander.
3. Complaints, regardless of the nature, may be made in person, on line, by mail, or by phone at any time.
4. A record of all complaints against the UMBPF or its members will be maintained by the Professional Standards Commander or designee.

5. All complaints received by members, regardless of the method in which the complaint was received, will be submitted through the chain of command to the Professional Standards Commander.
 6. Upon receipt of complaints, the Professional Standards Commander or designee will send a written acknowledgment of the receipt of the complaint to the complainant **by the end of the next business day.**
 7. The Chief of Police will be notified by the Professional Standards Commander of any complaint that will likely require an internal investigation (brutality, corruption, misuse of force, criminal misconduct, etc.)
 8. Complaints received by telephone in the Communications Center will be courteously and promptly referred to a supervisor or shift lieutenant, who will record and report the complaint as previously described.
 9. When it is determined the complainant appears to be under the influence of intoxicants or drugs, may be a person who appears to have mental health issues, or displays any other trait or condition bearing on credibility, the member receiving the complaint will note these conditions and any other pertinent information in the complaint summary.
 10. Comments will also be made relative to the physical condition of the complainant, specifically noting any visible marks or injuries relative to the alleged complaint. Photographs of injuries will be included with the complaint.
 11. Complaints will not normally be accepted more than three hundred sixty-six (366) days after the alleged incident, except:
 - a. When the alleged complaint is a criminal violation wherein the statute of limitations will apply, and
 - b. When the complainant can show good cause for not making the complaint earlier.
 12. Nothing precludes the UMBPF from investigating allegations against members received from any source consistent with law, when it is determined that such investigations are in the agency's best interest.
 13. If the complaint is received during non-business hours, the on-call lieutenant will be called for purposes of notifying the Professional Standards Commander. A written summary of all complaints will be provided to the Professional Standards Commander or designee by 0900 hours the next business day.
- B. Minor Complaints
1. Complaints relative to difference of opinion between police officers and citizens over the issuance of traffic citations do not fall under the purview of this order. However, where a traffic case also involves an allegation a police officer was in violation of law or a serious

transgression of rules, an investigation restricted to the allegation of misconduct will be conducted in conformity with the procedures established in **WD 5.2, Investigation of Major IID Complaints.**

2. When an alleged or observed infraction does not involve persons outside the UMBPF and is of a minor nature, respective Supervisors need not look to higher authority to initiate action. Such cases are the responsibility of the respective Supervisors to resolve. They will be expected to take the necessary action, to include notification to the next level supervisor, without delay. Examples of such cases include:
 - a. Lateness;
 - b. Uniform and equipment violations;
 - c. Personal appearance infractions;
 - d. Minor omissions in assigned duties; and
 - e. Minor infractions of regulations concerned with efficiency or safety.
3. When an alleged or observed infraction is those found in **Annex A**, the investigation of the minor complaint shall be conducted by the Internal Investigations Division (IID). The complaint shall be processed and resolved as Command Discipline or shall be forwarded for further investigation as described in **WD 5. 2, Investigation of Major IID Complaints .**

C. Major IID Complaints

1. The process for investigations of major complaints is found in **WD 5.2, Investigation of Major IID Complaints.**
2. Complaints such as alleged brutality, corruption, misuse of force, breach of civil rights, and criminal misconduct, or cases involving several personnel or spanning more than one shift will be handled by the IID under the management of the Professional Standards Commander as major complaints.

VI. Investigation Process in General

A. Notification of a Violation

1. Upon receiving notification of a violation or a supervisor's complaint, the IID shall initiate an investigation of the allegation and determine if the violation, if substantiated, is suitable for command discipline under the terms of this policy.
2. The IID shall forward cases for formal charges if:
 - a. The facts of the incident warrant sanction beyond that noted in **Section IV, E,** above;

- b. Documented disciplinary history warrants enhanced sanction beyond that described in **Section IV, E**, above; and
 - c. There is a conflict of interest.
 3. The IID shall consult with UMB Legal Counsel if necessary.
- B. Finding
 1. If the allegations are determined to be unfounded, not sustained or exonerated, the IID shall place the findings and justification of the unfounded, not sustained or exonerated charges in the member's Internal Investigation's Command Discipline Log (Annex B.)
 2. If the charges are suitable for disposal under this policy as Summary Punishment, the IID shall:
 - a. Confer with the Professional Standards Bureau Commander;
 - b. Inform the member of the alleged violation; and
 - c. Schedule a conference between the member and the Professional Standards Bureau Commander, at the convenience of the investigator, but as soon as practical.
 3. The Professional Standards Bureau Commander shall during the conference:
 - a. Advise the member of the non-binding nature of the conference;
 - b. Advise the member a representative may be present at the conference and if the right to a representative is waived, it must be done in writing;
 - c. Refrain from recording the minutes of the conference;
 - d. Conduct a conference that is informal and non-adversarial;
 - e. Inform the member that no statements made during the conference can or will be used against him/her in future proceedings;
 - f. Allow the member to make a statement in rebuttal/mitigation;
 - g. Render a decision immediately and offer the proposed summary punishment; and
 - h. Advise the member that (s)he is entitled to:
 - i. Accept the finding and proposed summary punishment, or
 - ii. Decline to accept the finding and proposed summary punishment.

C. Imposition of Penalty (Summary Punishment)

1. Prior to accepting any penalty, sworn members must waive in writing:
 - a. Rights under the Law Enforcement Officer's Bill of Rights (LEOBR) on UMBPF Form 17-011, and
 - b. Right to enter the formal discipline process, be charged formally, and appear before an administrative hearing board on UMBPF Form 17-010 (see Annex B.)
2. If the proposed penalty is accepted:
 - a. Enter the disposition in the Command Discipline Log;
 - b. Document the matter in the member's agency file, Complaint database and include the facts, finding, charge(s), mitigating factors considered, waiver of LEOBR and advisement of rights; and
 - c. Coordinate the disposition/completion of disciplinary action with the UMB Human Resources Section if the penalty includes a disciplinary suspension, loss of pay, loss of leave, or placement of letter of reprimand in member's official UMB personnel file.
3. If the proposed penalty is rejected:
 - a. Complete the investigation of the complaint;
 - b. Forward findings for sworn members to the Office of Administrative Hearings for appropriate handling in accordance with **WD 5.5 Disciplinary Hearing Boards** and schedule the member for day work on the hearing date; or
 - c. For non-sworn members, administer disciplinary actions as described in **WD 5.8, Disciplinary Procedures**, providing the non-sworn member with information as stated in **WD 4.10 Grievances and Appeals**.

D. Disposition of Complaints

1. When a final disposition is determined, the Professional Standards Commander or designee will notify the complainant.
2. All notifications to complainants, in person, by telephone, or written correspondence shall be documented and become part of the investigative file.
3. If the investigation takes longer than six (6) months, the complainant shall be provided with status reports every six (6) months until the final disposition is determined.

VII. Additional Information

A. LEOBR Exclusions

Members of the Agency who serve at the pleasure of the Chief of Police, civilian employees, Police Officer Trainees, and officers on probation (except for allegations of brutality) are not “law enforcement” as defined by Title 3, Subtitle 1, Public Safety Article, Maryland Annotated Code, Law Enforcement Officers’ Bill of Rights (LEOBR). They are not afforded the process outlined in this policy in compliance with LEOBR. The aforementioned employees should look to the UMB policies and/or their respective collective bargaining agreements for any processes and protections they may be afforded.

B. Lesser Included Charges

If a serious violation includes a lesser charge(s) that may qualify as Command Discipline (Annex A below and Appendix 5.1.1), the IID will investigate the case and reach a determination on all charges. After conclusion of the investigation, the entire case will be forwarded to the Professional Standards Commander for review. The Professional Standards Commander may, if appropriate, recommend penalties for those violations that fall under Command Discipline for resolution.

C. Disposition of Command Discipline Documents

1. One year from the date of disposition, internal (agency) documentation is eligible to be removed from the member’s agency file and from the Complaint database. Such actions shall take place annually, at the beginning of each calendar year. Paper copies of the record shall be destroyed and electronic copies shall be deleted.
2. Electronic records shall maintain only the following information:
 - a. The assigned complaint number;
 - b. The date the complaint was received;
 - c. The date the investigation was completed and the finding; and
 - d. The disciplinary action if applicable.

D. Referral to Internal Investigations Division

Command may not offer and a member may not accept Command Discipline for offenses not enumerated in this policy.

E. Inspections and Auditing

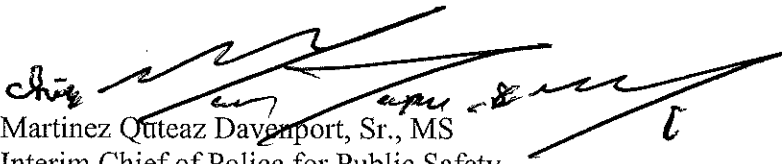
The Command Discipline Log will be audited annually each calendar year by the Inspections Unit to ensure compliance with the procedure and to ensure uniformity of discipline.

VIII. Annex List

- A. List of Included Charges
- B. UMBPF Form 17-010, Command Discipline Log
- C. UMBPF Form 17-011, Explanation of Police Officer's Rights
- D. UMB Form 78-30-(Rev. 2017), Complaint/Witness Form

Written Directive System Impact

Upon approval and publication, this edition of WD 5.1 supersedes all previous editions. Additionally, WD 5.1 incorporates and replaces certain sections of WD 5.4, Charging Procedures, which shall be deactivated.


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CALEA Standard (s): 26.2.1; 26.2.2; 26.2.3; 26.2.4; 26.3.1; 26.3.2; 26.3.4

Annex D (Appendix 5.1.4)
UMB Form 78-303 (Rev. 2017), Complaint/Witness Form

UNIVERSITY of MARYLAND, BALTIMORE

POLICE FORCE

Complaint/Witness Form

Nature of Complaint: _____

Location of Incident: _____

Date/Time of Incident: _____

Comp./Witness's Name: _____

Comp./Witness's Address: _____

Telephone: (Cell) _____ (W) _____

Age: _____ Date of Birth: _____

Q: Can you read and write English?

A: Yes No

Q: Are you presently under the influence of alcohol or any narcotic drugs?

A: Yes No

If the answer is yes, what substance are you currently under the influence of? _____

Q: Will you tell me in your own words what occurred during this incident?

A: _____

Comp./Witness's Initials: _____



Annex D (Appendix 5.1.4), Cont.

Q: After you have read this statement consisting of _____ pages and you find it to contain exactly what you have said, will you sign it as a true statement of facts?

A: Yes No

Q: Has what you have told us been free and voluntary on your part?

A: Yes No

Q: Has what you have told us been the truth to the best of your knowledge and recollection?

A: Yes No

Q: Would you be willing to testify concerning this matter?

A: Yes No

Statement terminated at (date/time) _____.

Complainant/Witness signature: _____

Date/Time: _____

Interviewed by: _____

Location of Interview: _____

Date/Time of Interview: _____

Witnessed By: _____



Annex A (Appendix 5.7.1)
Included Violations

1. Minor neglect of duty not involving the public.
2. Failure to take required action. (Not to include domestic violence and/or child abuse.)
3. Inadequate performance of duty.
4. Inaccurate or incomplete reports. (Not to include domestic violence and/or child abuse.)
5. Failure to submit appropriate reports and/or information, as required. (Not to include domestic violence and/or child abuse.)
6. Loss or damage of equipment. (Not to include firearms.)
7. Improper attire or appearance.
8. Allowing unauthorized persons to use departmental equipment. (Not to include firearms.)
9. Negligent handling of a firearm resulting in a discharge that causes no injury.
10. Improper maintenance of firearms.
11. Procedural arrest issues.
12. Procedural search issues.
13. Prisoner transport.
14. Mishandling prisoner property. (Not to include theft.)
15. Failure to properly guard a prisoner.
16. Failure to provide medical attention to a prisoner when requested, or when circumstances warrant.
17. Restraint violations not resulting in injury.
18. Negligent handling of evidentiary and/or non-evidentiary property.
19. Improper inspection of vehicle/contraband found in vehicle.
20. Off post or leaving assignment without permission.
21. Failure to appear in court (FTA).
22. Absent without leave or permission (AWOL).
23. Lateness for duty or assignment.
24. Sleeping on duty.
25. Failure to follow the chain of command.

Annex B (Appendix 5.1.2)
UMBPF Form 17-010, Command Discipline Log

UNIVERSITY of MARYLAND, BALTIMORE
POLICE FORCE

Command Discipline Log

Assignment _____ Control Number _____ IAD Number _____

Investigator's Name (Last, First, MI) _____ Violation Date _____

Accused Officer's Name (Last, First, MI) _____

Rank _____ Badge Number _____

Accused Member's Immediate Supervisor _____

Complainant's Name (Last, First, MI) _____

Allegation(s)	Finding(s)
(1) _____	(1) _____
(2) _____	(2) _____
(3) _____	(3) _____
(4) _____	(4) _____
(5) _____	(5) _____

Conference Date _____

Person(s) Present _____

Comments/Mitigation _____

Disciplinary Action Recommended _____

Date(s) Disciplinary Action Imposed _____



Annex B (Appendix 5.1.2), Cont.

TO BE COMPLETED BY THE ACCUSED MEMBER:

I have been advised of my rights under the Law Enforcement Officers Bill of Rights, (LEOBR) _____

I waive my rights outlined under the Law Enforcement Officers Bill of Rights, (LEOBR) _____

I waive my right to have a legal/lay advocate person present at conference. _____

I waive my right to enter the formal disciplinary process, be charged formally,
and appear before a Trial Board. _____

I ACCEPT the findings and the proposed disciplinary action. _____

I DECLINE to accept the disciplinary action and request a Trial Board. _____

Commanding Officer's Signature _____

Accused Officer's Signature _____

Date _____

Witnessed by _____
Name Rank Badge Number

Date Removed From File _____

Inspected by _____ Date _____



Annex C (Appendix 5.1.3)
UMBPF Form 17-011, Explanation of Police Officer's Rights

UNIVERSITY of MARYLAND, BALTIMORE

POLICE FORCE

Explanation of Police Officer's Rights

Pursuant to the Law Enforcement Officers' Bill of Rights, Maryland Annotated Code, Public Safety Article, § 3-104, et seq., you are being advised of the following:

1. Whenever a Law Enforcement Officer is under investigation or subjected to interrogation by a Law Enforcement Agency for any reason which could lead to disciplinary action, demotion, or dismissal the investigation or interrogation shall be conducted under the following conditions:
 - a. The interrogation shall be at a reasonable hour, preferably while you are on duty, unless the seriousness of the investigation is of such a degree that an immediate interrogation is required. _____
 - b. The interrogation shall take place either at the Internal Investigations Division or any other reasonable and appropriate place. _____
 - c. You shall be informed of the name, rank, and command of the officer in charge of the investigation, the interrogating officer, and all persons during the interrogation. All questions directed to you shall be asked by and through one interrogator during any one interrogating session consistent with the provisions of subsection (1) (d) of this notice. The command and officer in charge of the investigation is _____
 - d. Interrogating sessions shall be for reasonable periods and shall be timed to allow for any personal necessities and rest periods as are reasonably necessary. _____
 - e. You may not be threatened with transfer, dismissal, or disciplinary action. _____
 - f. You have the right to be represented by counsel or any other responsible representative of your choice during your interrogation unless waived by you. The interrogation shall be suspended for a period of time not to exceed five (5) days until representation is obtained. _____
 - g. A complaint against you, alleging brutality in the execution of your duties, may not be investigated unless the complaint is duly sworn by a qualified complainant. However, the Maryland Court of Appeals has ruled that a police agency is not prohibited from proceeding on its own with a brutality investigation if it so chooses. _____
 - h. You may be ordered to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the other subject matter of the investigation. Refusal to submit to such test or adherence to such an order may lead to disciplinary action taken against you. The result of such tests or interrogation is not admissible in any criminal proceeding against you. The results of a polygraph examination may not be used as evidence against you in an administrative hearing, unless both you and the Department agree to the admission of the results. _____



Annex C (Appendix 5.1.3) Cont.

- i. If at the time of the interrogation you are under arrest, or are likely to be placed under arrest as a result of the interrogation, you shall be informed of all your rights prior to the commencement of this interrogation. _____

Any Officer may waive in writing any or all rights provided in this subtitle.

Do you understand your rights? YES NO

Do you want a Lawyer or representative present at this time? YES NO

Officer's Signature: _____

Date: _____ Time: _____

Witness Signature: _____

