



## DISCIPLINARY PROCEDURES

<b>WRITTEN DIRECTIVE:</b>	<b>5.8</b>
<b>EFFECTIVE DATE:</b>	<b>02-15-1995</b>
<b>REVISION DATE:</b>	<b>02-01-2018</b>
<b>SUPERSEDES EDITION DATED:</b>	<b>08-08-2016</b>

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#### **I. Purpose**

The purpose of this Written Directive is to establish a basic outline of disciplinary concepts and procedures to ensure fairness, to stimulate the morale, and motivation of all member.

#### **II. Policy**

It shall be the policy of the University of Maryland, Baltimore Police Force (UMBPF) for all members to be afforded a fair and structured process for discipline as represented in this Written Directive.

#### **III. Regulations and Investigations**

##### **A. Probationary Members**

Procedures as contained in this Written Directive do not apply to allegations of unsatisfactory performance or misconduct on the part of probationary members. Allegations involving probationary members shall be handled in accordance with the applicable provisions of **Article 3 Section 103 (e) of the Public Safety Article, Annotated Code of Maryland** and **USM Policy VII-1.21 - Policy on Probation for Regular Nonexempt and Exempt Staff Employees**.

##### **B. Legal Entitlements**

Members of the UMBPF are entitled to know what is expected of them and know the consequences of failing to fulfill the Agency's expectations. They can also expect a consistent and predictable Agency response to violations, a fair discipline based on facts, the ability to question the facts, to present a response or defense, and that they may appeal the disciplinary decision.

##### **C. Progressive Discipline**

1. Discipline is administered in a progressive manner. Decisions on discipline shall include the seriousness of the incident, the circumstances surrounding the incident, the member's past disciplinary record, past work performance, the overall impact on the Agency, and the likelihood of similar problems.
2. The UMBPF may waive the level of discipline and/or the progressive sanction imposed if the seriousness of the violation warrants this change. Discipline shall be administered in

accordance with the rules and regulations of the UMBPF and the laws of the State of Maryland.

D. Complying with Regulations

Upon employment, every member shall have access to the UMBPF Written Directives. It shall be the duty of every member to thoroughly familiarize themselves with all policies, laws, ordinances, regulations, rules, and orders governing the UMBPF. Additionally, all personnel will be held responsible for complying with all Written Directives.

E. Investigating Misconduct

1. The UMBPF shall thoroughly and objectively investigate all allegations of misconduct. If the investigation establishes proof of guilt of the allegation, disciplinary action shall be taken in a manner and at a level appropriate with the member's past record and the seriousness of the offense. Further information is found in **WD 5.1, Filing and Investigation of Minor IID Complaints** and **WD 5.2, Investigation of Major IID Complaints**.
2. Although an immediate supervisor is often the key to effective discipline in the UMBPF, it is imperative that all officials, regardless of rank, are always on the alert for any evidence of misconduct.
3. Upon observing or becoming aware of a violation of UMBPF regulations, supervisors shall initiate an immediate preliminary investigation and thereafter shall perform the duties and assume the obligation of their rank during the continuation of such investigation.

**IV. Supervisor Responsibilities**

A. Counseling

1. Supervisors are responsible for counseling members concerning job-related matters. Job-related counseling is performed for several reasons, including:
  - a. The identification of unacceptable behaviors or actions;
  - b. Determining desired or acceptable performance;
  - c. Determining the reason for a particular behavior;
  - d. Making recommendations to correct or improve performance or to solve a problem; and
  - e. To commend the improvement in the member's performance, behavior and/or problem solving skills.

2. Records of counseling will be maintained for not less than one year and should be used as references by the supervisor when completing the member's annual performance evaluation.

B. Corrective Action and Training

1. Corrective action may be initiated by supervisory personnel for minor infractions of UMB policies or UMBPF written directives. Supervisory personnel will familiarize themselves with and use the Law Enforcement Officers' Bill of Rights (LEOBOR) and the University of Maryland, Baltimore's Human Resource Services (HRS) applicable rules and regulations and the current Memorandum of Understanding between UMB and American Federation of State, County, and Municipal Employees (AFSCME) before initiating corrective action.
2. Members who violate rules, regulations, and/or policies of the UMBPF are subject to either corrective action or disciplinary action depending on the seriousness of the infraction.
3. Training can be a positive and constructive method to improve a member's ability to properly perform a task and as such should be used when a member performs in an unacceptable manner or displays a lack of understanding of a process or procedure. The supervisor will determine the member's actual state of training or knowledge in the problem area and provide remedial training to overcome the weakness.
4. The Education and Training Lieutenant will provide additional information relative to specialized training and development, and will respond directly to any member or supervisor's request.

C. Disciplinary Authority

1. The role of supervisor is crucial in the disciplinary process. Supervisors have the best opportunity to observe the conduct, attitudes, demeanor, and appearance of members; detecting instances when disciplinary actions are warranted will be their responsibility. Because supervisors also have the opportunity to work closely with personnel under their command, they can also determine the most effective methods of corrective action.
2. Supervisors may impose corrective action without the approval of higher authority in the following instances:
  - a. Counseling for minor infractions, and
  - b. Emergency Suspensions when it appears that the action is in the best interest of the public and/or the UMBPF. For additional information, see **WD 5.3, Emergency Suspensions**. While this process may take time, it is important that each member be dealt with justly as an individual and in a manner that clearly indicates positive and constructive measures designed to change behavior or performance preceded the imposition of more negative sanctions.

3. Information pertaining to situations involving more serious breaches of discipline must be forwarded through the chain of command to be acted upon or investigated as an internal investigations matter by the Internal Investigations Division (IID), under the management of the Professional Standards Commander.

## V. Penalties and Recordkeeping

### A. Disciplinary Penalties

1. Any disciplinary penalties imposed against a member shall be in accordance with the Law Enforcement Officers Bill of Rights (LEOBR), current Memorandums of Understanding and with rules as established by the UMB Human Resources Services. Disciplinary penalties may be in the form of one or more of the following:
  - a. Letter of Reprimand – A Letter of Reprimand is recommended by the member’s supervisor or command staff when the member’s behavior and/or performance become detrimental to the UMBPF. Letters of Reprimand are authorized by the Chief of Police or designee. Letters of Reprimand will be placed in the member’s personnel file and may become a permanent document in that file. The Letter of Reprimand shall include a notice outlining the need for additional supervision, counseling, training or professional assistance as appropriate. Further information regarding the permanency of Letters or Reprimand records is found in **WD 5.1, Filing and Investigation of Minor IID Complaints.**
  - b. Disciplinary Suspension - The Chief of Police or designee may impose a Disciplinary Suspension based on a sustained internal investigations finding. Further information regarding the permanency of Disciplinary Suspensions records is found in **WD 5.1, Filing and Investigation of Minor IID Complaints.**
  - c. Dismissal - In the event of dismissal, the affected member will be given a written statement informing the member of the reason for the dismissal. In the written statement, the affected member will also be advised of the effective date of the dismissal. The status of fringe and retirement benefits and a statement as to the information in the member’s personnel file relating to the dismissal will be provided by Human Resource Services in a separate document, mailed to the terminated member.
2. All punitive actions taken will be recorded in writing and the member involved will be provided a copy. The written document will specify or include:
  - a. A statement citing the reason for the action;
  - b. A conclusion of fact for each allegation of misconduct that includes a statement of what the appropriate conduct should have been, the improper conduct, and the specific directive violated. It will also deal with insufficient evidence and unfounded complaints;

- c. The disciplinary action to be imposed;
  - d. The effective date of the punishment; and
  - e. Statement of impact on member salary, benefits, and retirement, except in the case of termination as described above.
3. Sworn members may appeal disciplinary action in accordance with **Article 3, Section 109 of the Public Safety Section of the Annotated Code of Maryland** (Law Enforcement Officers' Bill of Rights).
  4. Non-sworn members may appeal disciplinary action through the procedures as described **WD 4.10, Grievance and Appeals** and **UMS VII – 8.00 Policy on Grievances for Exempt and Non-Exempt Staff Employees**.
  5. Further information or the recording of information pertaining to minor and major complaints is found in **WD 5.1, Filing and Investigations of Minor IID Complaints** and **WD 5.2, Investigation of Major IID Complaints**.
- B. Agency Records
1. Written and electronic records will be maintained on all disciplinary and corrective actions.
  2. Information concerning disciplinary and corrective action will be maintained in one or more of the following UMBPF member files:
    - a. UMBPF Member Personnel File - This file is maintained by the offices of the Deputy Chief or Chief of Police. UMBPF member personnel files contain letters of commendation or appreciation, letters of counseling, results of any sustained punitive disciplinary action, copies of performance evaluations and other personnel information. Certain disciplinary actions shall be purged after one year in accordance with **WD 5.1, Filing and Investigation of Minor IID Complaints**.
    - b. A member, upon written request, may have any record of a formal complaint, not falling under the purview of **WD 5.1, Filing and Investigation of Minor IID Complaints**, made against them expunged from any file if the UMBPF has:
      - i. Investigated the complaint;
      - ii. Exonerated the member of all charges in the complaint;
      - iii. Determined that the charges were not sustained or were unfounded;
      - iv. For sworn members, if an administrative hearing board acquits, dismisses, or makes a finding of not guilty; and

- v. Three (3) years have passed since the final disposition by the UMBPF or the sworn member Administrative Hearing Board.
  - vi. See Maryland Public Safety Article §3-110, Expungement of Records of Formal Compliant for further information.
- c. Internal Investigations Division Files - IID files are maintained in the office of the Professional Standards Commander and contain all information relating to an internal investigation. IID files are maintained by the UMBPF for 75 years.
  - d. Electronic Data Files – IID data is maintained in an electronic database for statistical and reporting purposes. Scanned copies of certain documents related to disciplinary actions may be included in the electronic files. The electronic files shall be maintained consistent with paragraphs a and b, above.
3. Requests to expunge a record will be accomplished in the following way:
- a. Requests to expunge a record shall be in writing;
  - b. The request will be submitted through the chain of command to the Professional Standards Commander, who shall review the request and the records, and make a recommendation to the Chief of Police or designee;
  - c. Upon receipt, the Chief or designee will review the request based on the criteria stated in **Section V, B, 2, a, i-vi**, above;
  - d. The decision to expunge or the refusal to expunge will be communicated to the member in writing within thirty (30) days;
  - e. If the records are expunged, all documentation referencing the investigation will be destroyed including all logs, tapes, photographs, surveillance video and other associated materials; and
  - f. In the case where multiple parties are involved, a member's information shall be redacted or removed from all records described above upon approval of the Chief or Police or designee.

C. University of Maryland, Baltimore Official Records

- 1. The Chief of Police will forward copies of all disciplinary action (letters of reprimand, disciplinary suspension or dismissal) to the Associate Vice President of Human Resource Services. The Associate Vice President of HRS will include this information in the member's UMB official personnel file.
- 2. Requests to purge disciplinary actions from UMB HRS member files shall be communicated in writing. The approved request to purge the record shall be forwarded

from the Chief of Police or designee to the UMB HRS to accomplish this action. Unless purged, the disciplinary action is maintained in the member's official HRS personnel file, and in electronic format, indefinitely.

**Written Directive System Impact**

Upon approval and publication, this edition of WD 5.8 supersedes all previous editions, and shall incorporate and replace WD 5.8A, Disciplinary Procedures – Non-Sworn.

  
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CALEA Standard(s):26.1.1, 26.1.4, 26.1.5, 26.1.6; 26.1.7; 26.1.8, 26.2.2; 26.3.8